

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Waverly David Crenshaw, Jr.

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

United States District Judge for the Middle District of Tennessee

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.

Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
Nashville, Tennessee 37219

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

1956; Nashville, Tennessee

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.

1978 – 1981, Vanderbilt University School of Law; J.D., 1981
1974 – 1978, Vanderbilt University College of Arts and Sciences; B.A., 1978

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.

1990 – present
Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
Nashville, Tennessee 37219
Partner (1994 – present)
Board of Directors (2010 – 2013)
Compensation Committee (2010 – 2013)
Associate (1990 – 1994)

1987 – 1990

Passino and Hildebrand (formerly Passino, Delaney & Hildebrand)
(dissolved)
Nashville, Tennessee
Associate

1984 – 1987

Tennessee Attorney General
500 Charlotte Avenue
Nashville, Tennessee 37243
Assistant Attorney General

1982 – 1984

Honorable John T. Nixon
United States District Court for the Middle District of Tennessee
801 Broadway
Nashville, Tennessee 37203
Judicial Law Clerk

1981 – 1982

Honorable C. Allen High (deceased), Robert S. Brandt (retired) and Irvin H. Kilcrease,
Jr. (deceased)
Chancery Court for Davidson County, Tennessee
200 James Robertson Parkway
Nashville, Tennessee 37201
Judicial Law Clerk

1979 – 1981

Legal Services of Middle Tennessee, Inc.
300 Deaderick Street
Nashville, Tennessee 37201
Student Law Clerk

1978

Press Secretary, Office of the Governor
Tennessee State Capitol
600 Charlotte Avenue
Nashville, Tennessee 37243
Governor's Internship

Other Affiliations (uncompensated):

2015 – present

Nashville Unites, a component fund of the Community Foundation
of Middle Tennessee, Inc.
3833 Cleghorn Avenue #400
Nashville, Tennessee 37215

Advisory Board

2014 – present

Nashville Convention Center Authority

201 Fifth Avenue South

Nashville, Tennessee 37203

Board of Trustees

2013 – present

Nashville Convention & Visitors Corporation

150 Fourth Avenue North, Suite G250

Nashville, Tennessee 37219

Legal Counsel (2013 – present)

Board of Directors (2013 – present)

2013 – present

Tennessee Independent Colleges and Universities Association

1031 17th Avenue South

Nashville, Tennessee 37212

Legal Counsel (2013 – present)

Board of Directors (2013 – present)

2013 – present

YWCA

1608 Woodmont Boulevard

Nashville, Tennessee 37215

Board of Directors

2013 – present

Boy Scouts of America, Middle Tennessee Chapter

3414 Hillsboro Pike

Nashville, Tennessee 37215

Board of Directors

2012 – present

National Museum of African-American Music, Inc.

211 Seventh Avenue North

Nashville, Tennessee 37219

Legal Counsel (2012 – present)

Board of Directors (2012 – present)

2012 – present

Tennessee Supreme Court Historical Society, Inc.

No physical address

Nashville, Tennessee

Board of Directors

2005 – present

Middle Tennessee Workforce Investment Board
621 Mainstream Drive, Suite 210
Nashville, Tennessee 37228
Board of Directors

2002 – present
100 Black Men of Middle Tennessee, Inc.
301 Donelson Pike, Suite 200
Nashville, Tennessee 37214
Legal Counsel (2002 – present)
Board of Directors (2002 – present)

2003 – 2014
Middle Tennessee Diversity Forum
(reconstituted as the National Organization of
Workforce Diversity and the Council on Workforce Innovation)
No physical address
Nashville, Tennessee
Board of Directors

2010 – 2013
Tennessee Performing Arts Center
505 Deaderick Street
Nashville, Tennessee 37243
Board of Directors

2002 – 2013
Metropolitan Nashville Hospital Authority
1818 Albion Street
Nashville, Tennessee 37208
Chair (2009 – 2013)
Board of Directors (2002 – 2013)

2005 – 2012
Boys and Girls Clubs of Middle Tennessee, Inc.
1704 Charlotte Avenue, Suite 200
Nashville, Tennessee 37203
Legal Counsel (2005 – 2012)
Board of Directors (2005 – 2012)

2009 – 2010
You Have the Power, Inc.
2814 12th Avenue South
Nashville, Tennessee 37204
Board of Directors

2008 – 2010
Nashville Bar Pro Bono Program, Inc.

300 Deaderick Street
Nashville, Tennessee 37201
Board of Directors

2001 – 2008
Junior League of Nashville
2202 Crestmoor Road
Nashville, Tennessee 37215
Advisory Board

1991 – 1992, 1995 – 1997, 2007
Nashville Bar Association, Inc.
150 Fourth Avenue North #1050
Nashville, Tennessee 37219
Counsel (2007)
Board of Directors (1995 – 1997)
Treasurer (1992)
Secretary (1991)

2006
American Constitution Society, Nashville Lawyer Chapter
No physical address
Nashville, Tennessee
Board of Advisors

2006
Community Nashville, Inc.
1704 Charlotte Avenue, Suite 200
Nashville, Tennessee 37203
Board Member

2004 – 2005
Nashville Cares, Inc.
633 Thompson Lane
Nashville, Tennessee 37204
Board of Directors

2003
National Association of African-Americans in Human Resources
Tennessee Chapter
No physical address
Nashville, Tennessee
Legal Counsel (2003)
Board Member (2003)

1998 – 2001
Vanderbilt Law School National Alumni
Office of Development & Alumni Relations

131 21st Avenue South
Nashville, Tennessee 37203
Board of Directors

1993 – 1997
Nashville Area Chamber of Commerce
211 Commerce Street, Suite 100
Nashville, Tennessee 37201
Legal Counsel (1993)
Board of Directors (1994 – 1997)

1993 – 1997
Salvation Army Advisory Board
631 Dickerson Road
Nashville, Tennessee 37207
Board of Directors

1988 – 1995
Capital Case Resource Center of Tennessee, Inc.
(dissolved and reconstituted as the
Tennessee Office of the Post-Conviction Defender)
530 Church Street, Suite 600
Nashville, Tennessee 37219
Board of Directors

1986 – 1995
Seay-Hubbard United Methodist Church
1116 First Avenue South
Nashville, Tennessee 37210
Board Chair

1987 – 1991
Nashville Urban League, Inc.
2214 Rosa L. Parks Boulevard, Suite 100
Nashville, Tennessee 37228
Board of Directors

1986 – 1987
Napier-Looby Bar Association
Chapter of the National Bar Association, Inc.
No physical address
Nashville, Tennessee
President

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 timely registered 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.

Best Lawyers in America (2013 – 2014)

Super Lawyers (2006 – 2014)

Chambers & Partners America's Leading Lawyers for Business (2004 – 2014)

Martindale Hubbell, AV-Rated (1999 – 2014)

Tennessee Human Rights Commission, Human Rights Advocate Award (2013)

Nashville Business Journal's Best of the Bar (2008 – 2012)

Nashville Women's Political Collaborative, Good Guy Award (2011)

Leadership Nashville (2009)

Napier-Looby Bar Foundation Fellow (2009)

Business Tennessee, Best 150 Lawyers (2007 – 2008)

National Black Law Students Association, Southern Region Award (2003)

Tennessee Bar Foundation Fellow (2003)

Nashville Urban League, Inc., Whitney M. Young, Jr. Legal Award (1996)

Nashville Bar Foundation Fellow (1993)

Nashville Bar Association, President's Award (1989)

Vanderbilt Journal of Transnational Law Editorial Board (1979 – 1981)

NAACP Legal Defense and Educational Fund, Herbert Lehman and Earl Warren Scholarships (1974 – 1981)

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

American Bar Association

Board of Professional Responsibility of the Tennessee Supreme Court

Hearing Committee Member (2013 – present)

Hearing Committee Member (1990 – 1996)

Civil Justice Reform Act Advisory Group, United States District Court for the Middle District of Tennessee (1992 – 1997)

Conference of the Sixth Judicial Circuit of the United States

Life Member (2003 – present)

Harry Phillips American Inn of Court

International Association of Defense Counsel

Merit Selection Panel for United States Magistrate Judge, United States District Court for the Middle District of Tennessee

Chair (1998)

Napier-Looby Bar Association, a chapter of the National Bar Association, Inc.

President (1986 – 1987)

Nashville Bar Association, Inc.

Legal Counsel (2007)

Young Lawyers Division Fellow (2000)

Board of Directors (1995 – 1997)

Treasurer (1992)

Secretary (1991)

Nashville Bar Pro Bono Program, Inc.

Board Member (2008 – 2010)

National Bar Association, Inc.

National Employment Law Council

Program Chair (2010)

Tennessee Access to Justice Commission

Resources Advisory Committee Member (2012)

Tennessee Association for Justice

Tennessee Bar Association

Corporate Counsel Pro Bono Initiative Working Group (2011)

Labor & Employment Law Section Executive Council Chair (2005)

Fee Dispute Study Committee (2005)

Tennessee Supreme Court Advisory Committee on the Board of Professional Responsibility

Chair (2003 – 2004)

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.

Tennessee, 1982

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, 2007

United States Court of Appeals for the Fifth Circuit, 1997

United States Court of Appeals for the Sixth Circuit, 1991

United States Court of Appeals for the Eighth Circuit, 2004

United States Court of Appeals for the Eleventh Circuit, 1995

United States District Court for the Eastern District of Arkansas, 1999

United States District Court for the Western District of Arkansas, 1999

United States District Court for the District of Kansas, 2007

United States District Court for the Northern District of Mississippi, 2006

United States District Court for the Eastern District of Tennessee, 2000

United States District Court for the Middle District of Tennessee, 1982

United States District Court for the Western District of Tennessee, 1986

United States District Court for the Eastern District of Texas, 2005

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.

100 Black Men of Middle Tennessee, Inc.

Legal Counsel (2002 – present)

Board Member (2002 – present)

American Constitution Society, Nashville Lawyer Chapter

Board of Advisors (2006)

American Heart Association Greater Nashville Chapter
Executive Leadership Team Heart Ball (2010)
Executive Leadership Team My Heart My Life (2013)

Belle Meade Country Club (2012 – present)

Boys and Girls Clubs of Middle Tennessee, Inc.
Legal Counsel (2005 – 2012)
Board of Directors (2005 – 2012)

Boy Scouts of America, Middle Tennessee Chapter
Board of Directors (2013 – present)

Capital Case Resource Center of Tennessee, Inc. (dissolved and reconstituted as
the Tennessee Office of the Post-Conviction Defender)
Board of Directors (1988 – 1995)

Community Advisory Group on General Hospital (2009)

Community Nashville, Inc.
Board Member (2006)

Defense Research Institute
Diversity Section (1999)
Employment and Labor Law Section (1999)
Retail and Hospitality Section (1999)
Trial Tactics Section (1999)

Economic Club of Nashville (2013 – present)

Governor's Advisory Committee on Equal and Fair Employment Opportunity for
the State of Tennessee (2006 – 2011)

Junior League of Nashville
Advisory Board (2001 – 2008)

Leadership Nashville, Class of 2009 (2009 – present)

Litigating Employment Discrimination Cases by Andrew Friedman
Advisory Board (2005 – present)

Metropolitan Nashville Hospital Authority (2002 – 2013)
Chair (2009 – 2013)
Board of Directors (2002 – 2013)

Metropolitan Nashville Public, Educational and Governmental Access (PEG)
Committee (2001 – 2002)

Middle Tennessee Diversity Forum (reconstituted as the National Organization of Workforce Diversity and the Council on Workforce Innovation)
Board of Directors (2003 – 2014)

Middle Tennessee Workforce Investment Board
Board of Directors (2005 – present)

NAACP Life Member (2004 – present)

Nashville Area Chamber of Commerce
Legal Counsel (1993)
Board of Directors (1994 – 1997)

Nashville Cares, Inc.
Board of Directors (2004 – 2005)

Nashville City Club (2004 – present)

Nashville Convention Center Authority
Board of Trustees (2014 – present)
Marketing & Operations Committee (2014 – present)

Nashville Convention & Visitors Corporation
Legal Counsel (2013 – present)
Board of Directors (2013 – present)

Nashville Unites, a component Fund of the Community Foundation of Middle Tennessee, Inc.
Advisory Board (2015 – present)

Nashville Urban League, Inc.
Board Member (1987 – 1991)
Chair Personnel Committee (1990)

National Association of African-Americans in Human Resources, Tennessee Chapter
Legal Counsel (2003)
Board Member (2003)

National Association of College & University Attorneys (2013 – present)

National Museum of African-American Music, Inc.
Legal Counsel (2012 – present)
Board of Directors (2012 – present)
Chair, Nominating Committee (2012 – 2013)

Salvation Army Advisory Board
Board of Directors (1993 – 1997)

Seay-Hubbard United Methodist Church
Board Chair (1986 – 1995)

Tennessee Independent Colleges and Universities Association
Legal Counsel (2013 – present)
Board of Directors (2013 – present)

Tennessee Performing Arts Center
Board of Directors (2010 – 2013)

Tennessee Supreme Court Historical Society, Inc.
Board of Directors (2012 – present)

You Have the Power, Inc.
Board of Directors (2009 – 2010)

YWCA
Board of Directors (2013 – present)

Vanderbilt Law School National Alumni
Board of Directors (1998 – 2001)

- 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 joined the Belle Meade Country Club in 2012. Although Belle Meade Country Club, which was founded in 1901, previously limited its membership, I became the first African-American resident member, and it does not restrict its membership on the basis of race, sex, religion or national origin.

The 100 Black Men is a fraternal organization whose direct membership is made up of men, but it is my understanding that an affiliated organization (National Coalition of 100 Black Women – Metropolitan Nashville Chapter) is open to women, which is also dedicated to community service and enhancing educational and economic opportunities for African-Americans.

The Nashville City Club is a social club that decades ago limited its membership. I joined in 2004, and at that time it did not restrict its membership on the basis of race, sex, religion or national origin.

To my knowledge, none of the other organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implications 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.

With James Weaver, Robb S. Harvey, Neil B. Krugman, Mark M. Bell, Michael A. Fant, Mark Peters, Christopher A. Driskill, *Waller Updates Ebola Legal Resource Website*, Mondaq Business Briefing (Nov. 10, 2014). Copy supplied.

With Jeb E. B. Gerth, Colbey B. Reagan, Fletcher Brown, Brian A. Pierce, Chen G. Ni, Michelle Marsh, J. Leigh Griffith and Mark Peters, *Waller Launches Comprehensive Ebola Legal Resource Website*, Mondaq Business Briefing (Nov. 3, 2014). Copy supplied.

FAQs on Employee Discipline, Mondaq Business Briefing (Nov. 2, 2014). Copy supplied.

With Brian A. Pierce, *Tennessee's Unique Religious Protections in Employment: Do They Mean What They Say?*, 1 Belmont Law Review 1 (2014). Copy supplied.

With Yendelela Neely Anderson, Celeste Bradley, and Sheldon W. Snipe, *Armed and Dangerous: Protecting Your Employees from Violence*, Mondaq Business Briefing (Apr. 8, 2013). Copy supplied.

Tennessee's "Guns in the Trunk" Law Creates a New Exception to the Employment-at-Will Rule, Mondaq Business Briefing (Apr. 5, 2013). Copy supplied.

Diversity Is Good for Business, Whole Community, Mondaq Business Briefing (Jan. 30, 2013). Copy supplied.

Nashville General's Model Must Improve, The Tennessean, October 2, 2012. Copy supplied.

Andrew Friedman, *Litigating Employment Discrimination Cases* (2010). I serve on the Editorial Advisory Board that consults with the author on ideas, issues and analysis without any drafting, editing, verification or any other substantive input in the book and its supplements. Copy of the 2010 edition supplied.

With Bahar Azhdari, *Bully Beware: The Hidden Costs of Workplace Bullying*, Employment Law Committee Newsletter, International Association of Defense Counsel (Apr. 2010). Copy supplied.

ADR Applications in Multi-Employee Disputes: Pre- and Post-Litigation, Aspatore (2010). Copy supplied.

With Jason Fisher, *When the EEOC Speaks, Prudent Employers Listen*, Tennessee Road Builder (2007). Copy supplied.

Letter from the Chair, Labor and Employment Law Today, Tennessee Bar Association Labor and Employment Section (Mar. 2005). 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.

Metropolitan Nashville Hospital Authority 2014 Compliance Plan (Revised August 2013). Although as a board member until 2013, my name appears in this document, to the best of my knowledge, I did not participate or consult in any way in its preparation. Copy supplied.

Nashville Convention Center Authority, Music City Center's Annual Report 2014 and Financial Statement (June 30, 2014 and 2013). Although as a board member my name appears in these documents, to the best of my knowledge, I did not participate or consult in any way in their preparation and the board was not asked to vote on or approve the contents. Copies supplied.

Tennessee Performing Arts Center Annual Reports (2012 – 2013 and 2011 – 2012). Although as a board member my name appears in these reports, to the best of my knowledge, I did not participate or consult in any way in their preparation and the board was not asked to vote on or approve the contents. Copies supplied.

Tennessee Corporate Counsel Pro Bono Initiative 2011 Annual Report. Although I served as a member of Corporate Counsel Pro Bono Initiative Working Group and my name appears in this document, to the best of my knowledge, I did not have any role in the drafting, editing or approval of the report. Copy supplied.

As a board member and chair of the Metropolitan Nashville Hospital Authority, I would have reviewed and acted upon financial reports, compliance plans and other recommendations presented by management to the board, including but not limited to the August 25, 2010 Compliance Plan. I have been unable to locate a copy the report.

Metropolitan Nashville Hospital Authority, Bordeaux Long-Term Care and

Knowles Home, combined Financial Statements (June 30, 2010 and 2009). Although as a board member my name appears in these documents, to the best of my knowledge, I did not participate or consult in any way in the preparation of these documents. Copies supplied.

Legal Aid Society of Middle Tennessee and the Cumberland, Annual Report 2010; Annual Report 2009; Annual Report 2008. Although as a board member of the Nashville Bar Pro Bono Program, Inc., my name appears in these reports, to the best of my knowledge, I did not participate or consult in any way in their preparation and the board was not asked to vote on or approve their contents. Copies supplied.

Nashville Cares, A 20th Anniversary Retrospect (2006). Although as a board member my name appears in the report, to the best of my knowledge, I did not participate or consult in any way in its preparation and the board was not asked to vote on or approve its contents. Copy supplied.

Report and Recommendations of the Board of Professional Responsibility Advisory Committee (May 17, 2004). As chair of the Tennessee Supreme Court Advisory Committee on the Board of Professional Responsibility, I authored the committee's report dated May 17, 2004, which was submitted to the Supreme Court in June 2004. Copy supplied.

Junior League of Nashville Annual Report (2004). Although as a board member my name appears in the report, to the best of my knowledge, I did not participate or consult in any way in its preparation and the board was not asked to vote on or approve its contents. Copy supplied.

A Resolution by the Nashville Bar Association to Honor the Late [State] Senator Avon Nyanza Williams, Jr., on a Lifetime of Service and Achievement (November 1994). Copy supplied.

Letter to J. Clay Smith, Jr., author of *Emancipation: The Making of the Black Lawyer, 1844 – 1944* (June 12, 1986). As President of the Napier-Looby Bar Association, I sent a letter to Mr. Smith, but I do not recall the substance of the letter. I have been unable to locate a copy of the letter.

- 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 board member of the Nashville Convention Center Authority, I also served on the Marketing & Operations Committee and attended committee meetings on February 4, 2015 and September 11, 2014. Copy of the September 11, 2014 meeting supplied. Meeting notes for February 4, 2015 are not yet available.

In my role as a board member of the Nashville Convention Center Authority, I

made public comments at the following meetings: February 10, 2015; September 11, 2014; July 10, 2014; May 19, 2014; April 10, 2014; and March 13, 2014. Copies of the minutes from each meeting supplied. Meeting notes for February 10, 2015 are not yet available.

In my role as treasurer of the Friends of Thelma Harper, I attended with the candidate the March 14, 2007 meeting of the Registry of Election Finance. At that meeting, I provided a written sworn statement to explain a reporting error in the candidate's disclosure. I have been unable to locate a copy of that statement.

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

The following list reflects my best efforts to identify the speeches or talks I have delivered. To answer this question, I searched my files and papers and conducted internet searches for responsive materials and information. I tried to compile as complete a list as possible, but there may be other speeches or talks that I have been unable to recall or identify. Although I usually wrote notes in advance of my participation on a panel, that was not always my practice, nor has it always been my practice to maintain the notes I used.

January 10, 2015: Panelist, "The Latest on Arbitration Provisions and Class Action Waivers," 2015 National CLE Conference, Colorado Bar Association, Vail, Colorado. Handout supplied.

November 4, 2014: Panel Moderator, "Legal Update," Tennessee Independent Colleges and Universities Association, Nashville, Tennessee. The panel discussed employee benefit, tax and compliance issues in higher education. I have no notes, transcript or recording. The address of the Tennessee Independent Colleges and Universities Association is 1031 17th Avenue South, Nashville, Tennessee 37212.

June 13, 2014: Panel, "Issues Arising in Litigating Title VII Cases," Remaking America: 50 Years of Title VII of the Civil Rights Act of 1964, Office of the United States Attorney for the Western District of Tennessee, Memphis and Birmingham District Offices of the Equal Employment Opportunity Commission, Ben F. Jones Chapter of the National Bar Association and the University of Memphis Cecil C. Humphreys School of Law, Memphis, Tennessee. In general, I discussed the need for an open dialogue with plaintiff's counsel to avoid discovery disputes and to facilitate settlement opportunities; electronic discovery; business reasons to avoid litigation; and new forms of discrimination. I have no

notes, transcript or recording. The address for the University of Memphis Cecil C. Humphreys School of Law is One North Front Street, Memphis, Tennessee 38103.

June 12, 2014: Speaker, "Tennessee Law and Legislation Update," Tennessee Human Rights Commission, Nashville, Tennessee. PowerPoint supplied.

May 16, 2014: Panel Moderator, "Diversity in the Courtroom and Beyond," 2014 Retail and Hospitality Seminar, Defense Research Institute, Chicago, Illinois. Notes supplied.

May 8, 2014: Speaker, 2014 Employment and Labor Seminar, Defense Research Institute, Scottsdale, Arizona. I introduced David Lopez, General Counsel of the Equal Employment Opportunity Commission, focusing on his litigation experience prior to becoming General Counsel, recent case successes, and his record of working with the defense bar. I have no notes, transcript or recording. The address of the Defense Research Institute is Post Office Box 7222, Chicago, Illinois 60678.

April 24, 2014: Panel, "BYOD - Bring Your Own Devices, Not your Drama – How to Ensure BYOD Policies Work for your Business," National Employment Law Council, San Francisco, California. PowerPoint supplied.

January 10, 2014: Speaker, "FMLA, ADA, PDA Update," 2014 National CLE Conference, Colorado Bar Association, Vail, Colorado. PowerPoint supplied.

December 5, 2013: "Legal Update: Emerging Issues – Reducing Potential Risk," 2013 Chief Financial Officer Retreat, Tennessee Independent Colleges and Universities Association, Nashville, Tennessee. This was an interactive discussion that included questions on intellectual property, emerging higher education issues, wage and hour and employee/independent contractor issues. I have no notes, transcript or recording. The address of the Tennessee Independent Colleges and Universities Association is 1031 17th Avenue South, Nashville, Tennessee 37212.

November 12, 2013: Speaker, "Human Resources Laws & Compliance," Caregiver's Professional Continuing Education, Nashville, Tennessee. PowerPoint supplied.

November 8, 2013: Speaker, "How Federal and Tennessee Anti-Discrimination Law Differ and Why They Should Be Treated Differently," Belmont Law Review, Nashville, Tennessee. Video supplied.

October 28, 2013: Speaker, "Qui Tam and False Claim Actions," 2013 BlueCross BlueShield 47th Annual Lawyers' Conference, BlueCross BlueShield Association, Phoenix, Arizona. I discussed the general principles of retaliation and how to avoid those claims. I have no notes, transcript or recording. The address of the BlueCross BlueShield Association is 1310 G Street NW,

Washington, District of Columbia 20005.

October 16, 2013: Panelist, "Diversity and Inclusion Is Really About Revenues and Retention," Association of Legal Administrators, Nashville Chapter, Nashville, Tennessee. The panel discussed the history of discrimination and integration of the Nashville Bar and the trend embracing diversity. I have no notes, transcript or recording. The address of the Association of Legal Administrators, Nashville Chapter is 211 7th Avenue North, Suite 500, Nashville, Tennessee 37219.

September 30, 2013: Speaker, "Conversation with Governor Bill Haslam," 2013 Workforce Innovation Awards, Council on Workforce Innovation, Nashville, Tennessee. I provided introductory remarks, welcoming public officials and guests to Waller Lansden Dortch & Davis, LLP. I have no notes, transcript or recording. The Council on Workforce Innovation does not have a mailing address.

July 9, 2013: Speaker, "Legal Briefing on Firearms Legislation," Tennessee Independent Colleges and Universities Association, Nashville, Tennessee. Notes supplied.

June 6, 2013: Speaker, "Tennessee Law & Legislation Update," Tennessee Human Rights Commission, Nashville, Tennessee. PowerPoint supplied.

May 22, 2013: Panel Moderator, "A Common Sense Approach to Compliance with FERPA, Title IX, the Clery Act and Legal Obligations," 2013 Tennessee Independent Colleges and Universities Association, Nashville, Tennessee. PowerPoint supplied.

April 25, 2013: Panel, "Armed and Dangerous: Protecting Your Employees from Violence," National Employment Law Council, Houston, Texas. PowerPoint supplied and publication is supplied in response to Question 12a.

January 5, 2013: Speaker, "The ADAAA: Problems with Your Case," 2013 National CLE Conference, Colorado Bar Association, Snowmass, Colorado. PowerPoint supplied.

December 6, 2012: Speaker, "Employment Law," Tennessee Independent Colleges and Universities Association, Nashville, Tennessee. I do not remember the specific topics discussed, but in general I believe I focused on advanced investigation techniques applied to issues in higher education. I have no notes, transcript or recording. The address of the Tennessee Independent Colleges and Universities Association is 1031 17th Avenue South, Nashville, Tennessee 37212.

October 9, 25 and 29, 2012: Speaker, Community Listening Session, Metropolitan Nashville Hospital Authority, Nashville, Tennessee. As the Hospital Authority's Chair, I made welcome remarks and recognized citizens who wanted to speak before the Board. I have no notes, transcript or recording, but some of my

remarks are reflected in the Authority's announcement of the events provided in response to Question 12e. The address of the Metropolitan Nashville Hospital Authority is 1818 Albion Street, Nashville, Tennessee.

June 21, 2012: Speaker, "Employment Law and Legislative Update," Tennessee Human Rights Commission, Nashville, Tennessee. PowerPoint supplied.

May 3, 2012: Speaker, "A Class Unto Themselves: Wage and Hour Class and Collective Actions," 2012 Annual Meeting, Defense Research Institute, Chicago, Illinois. Handout and PowerPoint supplied.

January 8, 2012: Panelist, "The Art of the Dance III: How Can I Tell Opposing Counsel What I Want Him/Her to Know Without Telling Too Much or Telling What I'm Not Allowed To or Upsetting My Client?" 2012 National CLE Conference Colorado Bar Association, Snowmass, Colorado. I do not remember the specifics matters discussed, but believe I focused on protecting attorney-client privilege information when communicating with opposing counsel. I have no notes, transcript or recording. The address of the Colorado Bar Association is 1900 Grant Street, Suite 300, Denver, Colorado 80203.

June 23, 2011: Speaker, "Tennessee Law & Legislation Update," Tennessee Human Rights Commission, Nashville, Tennessee. PowerPoint supplied.

June 21, 2011: Panelist, "Class Action Redflags: A Proactive Approach," 2011 Martindale-Hubbell Counsel to Counsel Forum Labor and Employment Law, Martindale-Hubbell, Nashville, Tennessee. Handout supplied.

March 16, 2011: Panel, "U.S. Supreme Court Docket and Its Growing Influence on Corporate Board Policies," 2011 CLE Expo, Minority Corporate Counsel Association, Chicago, Illinois. I do not remember what cases we discussed. I have no notes, transcript or recording. The address of the Minority Corporate Counsel Association is 1111 Pennsylvania Avenue NW, Washington, District of Columbia 20004.

January 22, 2011: Panel, "Diversity in the Practice of Law," Diversity Leadership Institute, Tennessee Bar Association, Nashville, Tennessee. I do not remember what topics were discussed. I have no notes, transcript, or recording. The address of the Tennessee Bar Association is 221 Fourth Avenue North, Suite 400, Nashville, Tennessee 37219.

January 21, 2011: Panel, "Corporate Counsel and Law Firm Pro Bono Programs – The Benefits of Pro Bono and Encourage Better Participation," 2011 Tennessee Supreme Court Pro Bono Summit, Tennessee Supreme Court, Nashville, Tennessee. I do not remember what specific topics were discussed, but I believe we identified pro bono options available to attorneys. I have no notes, transcript or recording. The address of the Tennessee Supreme Court is 401 Seventh Avenue North, Nashville, Tennessee 37219.

January 8, 2011: Speaker, "Presenting the Problem Plaintiff to the Jury," 2011 National CLE Conference, Colorado Bar Association, Vail, Colorado. In general, we discussed from plaintiff and defense perspective strategies to present a plaintiff at trial. I have no notes, transcript or recording. The address of the National CLE Conference is 1900 Grant Street, Suite 300, Denver, Colorado 80203.

June 17, 2010: Speaker, "Employment Law Update," Tennessee Human Rights Commission, Nashville, Tennessee. I do not remember the specific cases discussed but typically I would review unique and recent employment cases arising from the state and federal courts in Tennessee. I have no notes, transcript or recording. The address of the Tennessee Human Rights Commission is 312 Rosa L. Parks Avenue, 23rd Floor, Nashville, Tennessee 37243.

April 29, 2010: Panel Moderator, "Administrative Agency Attorneys Discuss Recent Developments at the EEOC and DOL," 15th Annual Conference, National Employment Law Council, Las Vegas, Nevada. Handout supplied.

January 17, 2010: Speaker, "Tennessee Law & Legislation Update," Tennessee Human Rights Commission, Nashville, Tennessee. Generally, I would have discussed recent employment cases arising from the state and federal courts in Tennessee. I have no notes, transcript or recording. The address of the Tennessee Human Rights Commission is 312 Rosa L. Parks Avenue, 23rd Floor, Nashville, Tennessee 37243.

April 6, 2009: Speaker, "Change in the Workplace Under Obama: Whether You Believe In It or Not," 2009 Waller In-House Counsel Conference, Waller Lansden Dortch & Davis, LLP, Nashville, Tennessee. I do not recall specific topics, but believe I did a survey of employment and labor legislation proposed by the new administration. I have no notes, transcript or recordings. The address of Waller Lansden Dortch & Davis, LLP is 511 Union Street, Suite 2700, Nashville, Tennessee 37219.

March 28, 2009: Panel Moderator, "Facing the Shifting Tides of Labor and Employment Law," 2009 Regional Conference, National Asian Pacific American Bar Association, Nashville, Tennessee. I do not remember what topics were discussed. I have no notes, transcript or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street NW, Suite 1400, Washington, District of Columbia 20006.

March 18, 2009: Speaker, "Employment Law Update," Tennessee Human Rights Commission, Nashville, Tennessee. PowerPoint supplied.

February 13, 2009: Speaker, Metro Council's Black Caucus Reception, Metropolitan Nashville General Hospital, Nashville, Tennessee. I do not have a specific recollection of attending this event, but believe that it is more likely than not that I did so, and would have made welcome remarks. I have no notes, transcript or recording. The address of Metropolitan Nashville General Hospital

is 1818 Albion Street, Nashville, Tennessee.

September 18, 2008: Speaker, Welcome Remarks, Pamela Samuels Young Book Signing, Waller Lansden Dortch & Davis, LLP, Nashville, Tennessee. I do not recall the specific remarks but believe that I would have discussed how I met the author and why I enjoyed her writings. I have no notes, transcript or recording. The address of Waller Lansden Dortch & Davis, LLP is 511 Union Street, Suite 2700, Nashville, Tennessee 37219.

June 17, 2008: Speaker, "Trends in Employment Discrimination Law," Tennessee Human Rights Commission, Nashville, Tennessee. I do not remember what topics I discussed. I have no notes, transcript or recording. The address of the Tennessee Human Rights Commission is 312 Rosa L. Parks Avenue, 23rd Floor, Nashville, Tennessee 37243.

2007: Panelist, 11th Annual Labor & Employment Forum, Tennessee Bar Association Labor and Employment Law Section, Nashville, Tennessee. I do not remember what topics I discussed. I have no notes, transcript or recording. The address of the Tennessee Bar Association is 221 Fourth Avenue North, Suite 400, Nashville, Tennessee 37219.

2006: Panelist, Tenth Annual Labor & Employment Forum, Tennessee Bar Association Labor and Employment Law Section, Nashville, Tennessee. I do not remember what topics I discussed. I have no notes, transcript or recording. The address of the Tennessee Bar Association is 221 Fourth Avenue North, Suite 400, Nashville, Tennessee 37219.

September 18, 2006: Panelist, "Civil Rights History Course Continues to Raise Community Awareness of Historic Era," American Baptist College, Nashville, Tennessee. I believe we discussed the history of desegregation of the Nashville public school system. I have no notes, transcript or recording. The address of American Baptist College is 1700 Baptist World Center Drive, Nashville, Tennessee 37207.

2005: Panelist, Ninth Annual Labor & Employment Forum, Tennessee Bar Association Labor and Employment Law Section, Nashville, Tennessee. I do not remember what topics I discussed. I have no notes, transcript or recording. The address of the Tennessee Bar Association is 221 Fourth Avenue North, Suite 400, Nashville, Tennessee 37219.

March 17, 2005: Panelist, "Labor and Employment: The Year in Review," Fourth Annual Conference, Minority Corporate Counsel Association, Chicago, Illinois. PowerPoint supplied.

June 19, 2003: Speaker, Luncheon Meeting, Middle Tennessee Chapter, National Association of African-Americans in Human Resources, Nashville, Tennessee. I do not remember what topics were discussed. I have no notes, transcript or recording. The Middle Tennessee Chapter of the National Association of

African-Americans in Human Resources does not have a mailing address.

January 1, 1987: Speaker, "Charitable Fraud Enforcement," National Association of Attorneys General, Washington, District of Columbia. I do not remember what topics were discussed. I have no notes, transcript, or recording, but press coverage supplied. The address of the National Association of Attorneys General is 2030 M Street NW, Eighth Floor, Washington, District of Columbia 20036.

- 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.

Waller Lansden Dortch & Davis, LLP, Advancing Diversity – It's Our Turn, 2014. Video available at <http://www.wallerlaw.com/Diversity/Advancing-Diversity-Its-Our-Turn>.

Good Guys Award, Women's Political Collaborative, 2011. Video supplied.

Waller Lansden - A Commitment to Diversity, The Profile Series, 2010. Video supplied.

Clay Carey, "Judge in Zoning Suit Aided Integration," The Tennessean, November 1, 2009. Copy supplied.

Ansley T. Erickson, Crossing Town: Brown's Legacy in Nashville, 2005. Video supplied.

Ansley T. Erickson, "Building Inequality: The Spatial Organization of Schooling in Nashville, Tennessee, After *Brown*," Journal of Urban History (2004). Copy supplied.

Linda Bryant and Paula Dewitt, "Romance in the Workplace," The Tennessean, May 31, 2002. Copy supplied.

Christian Bottorff, "EEOC Letter Backs Ex-Officer Suing Metro," The Tennessean, January 29, 2002. Copy supplied.

James Chisum, "Judge Backs Claim against Shlenker Firm," The Commercial Appeal, May 31, 1991. Copy supplied.

In my role as chair of the Metropolitan Nashville Hospital Authority I was responsible for speaking or appearing to the public on behalf of the Authority. These statements or appearances include:

E. J. Boyer, "Nashville General Hospital's Interim CEO Steps Down," Nashville Business Journal, December 3, 2013. Copy supplied.

Tom Wilemon, "Nashville General Chief to Leave in January," The Tennessean, December 3, 2013. Copy supplied.

Ronald W. Weathersby, "Metro May Privatize Bordeaux and Knowles," The Tennessee Tribune, September 1, 2013. Copy supplied.

Ronald W. Weathersby, "Future of Nashville General and Meharry Still Questioned," The Tennessee Tribune, August 8, 2013. Copy supplied.

Lisa Fingerroot, "Meharry Mum on President's Sabbatical," The Tennessean, May 21, 2013. Copy supplied.

No byline, "Metro Hospital Authority Looks for Prescription to Heal Hospital Woes," The Tennessee Tribune, November 15, 2012. Copy supplied.

Joey Garrison, "Nashville General Hospital Supporters Want Inpatient Care to Continue," The Tennessean, October 30, 2012. Copy supplied (reprinted in multiple outlets).

Nicole Young, "Doctors, Students, Others Fill Session on Nashville General's Future," The Tennessean, October 10, 2012. Copy supplied.

Announcement, Community Listening Sessions Metropolitan Nashville Hospital Authority, October 9, 25 and 29, 2012. Copy supplied.

Tom Wilemon, "Public Hearings Set for Input on Proposed Changes for City Hospital," The Tennessean, September 29, 2012. Copy supplied (reprinted in multiple outlets).

Tom Wilemon, "Partnership Could Keep Nashville General Hospital Afloat," The Tennessean, September 26, 2012. Copy supplied.

Tom Wilemon, "General Hospital Likely to Shrink as Patient Load Dwindles," The Tennessean, September 24, 2012. Copy supplied.

Tom Wilemon, "Nashville General Hospital's Inpatient Services May End," The Tennessean, September 19, 2012. Copy supplied (reprinted in multiple outlets).

Tom Wilemon, "City's Struggling Hospital Ponders Halting Inpatient Services," The Tennessean, September 19, 2012. Copy supplied.

Press Release, "Metro Hospital Authority Considers Future," Metropolitan Nashville Hospital Authority, September 18, 2012. Copy supplied (reprinted in multiple outlets).

Tom Wilemon, "Nashville General Considers Adding Pediatric Unit to Make Money," The Tennessean, August 13, 2011. Copy supplied.

Michael Cass, "General Hospital Manages with Smaller Subsidy," The Tennessean, May 6, 2011. Copy supplied.

Michael Cass, "Nashville Mayor in No Rush to Fill Top Jobs," The Tennessean, June 7, 2010. Copy supplied (reprinted in multiple outlets).

Michael Cass and Nate Rau, "Metro Won't Rush to Fill Two Leadership Vacancies," The Tennessean, January 28, 2010. Copy supplied.

Erin Lawley, "Hospital Authority Names Interim CEO," Nashville Post Magazine, December 22, 2009. Copy supplied.

April Wortham, "Nashville Hospital Authority Names Jason Boyd Interim CEO, replacing Coopwood," Nashville Business Journal, December 22, 2009. Copy supplied.

Erin Lawley, "Thumbs Up for Coopwood in Memphis," The Tennessean, December 17, 2009. Copy supplied.

Michael Cass, "Dean: Metro Can't Afford to Help General Hospital," The Tennessean, January 13, 2009. 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. The Tennessee Supreme Court has selected me to serve as an unpaid Hearing Member for the Board of Professional Responsibility, with the responsibility for presiding over trials concerning alleged violations of the Rules of Professional Conduct and recommending appropriate sanctions to the Board of Professional Responsibility of the Tennessee Supreme Court and eventually to the Tennessee Supreme Court. I have been appointed to three terms of three years each. I am currently serving a term that commenced on March 18, 2013 that will end on March 17, 2016. I previously served a term from March 18, 1993 through March 17, 1996, and another term from March 21, 1990 through March 17, 1993.

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

I have presided over five cases that have gone to verdict.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%
civil proceedings:	100%

criminal proceedings: 0%

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

In Re: Leroy Cain, Jr., No. 2013-2259-5-AJ, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (2014).

In Re: Lance William Parr, No. 2013-2199-0-AJ, Dist. V Bd. of Resp. Tenn. Sup. Ct. (2013).

In Re: Franklin D. Brabson, No. R-088-5-SG, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1994).

In Re: John M. Goodhue, No. R-074-5-CH, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1993).

In Re: Carl D. Shusky, No. 1990-528-5-CH, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1990).

- 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).

In Re: Leroy Cain, Jr., No. 2013-2259-5-AJ, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (2014); approved Board of Professional Responsibility; affirmed and enforced Tennessee Supreme Court, No. M2015-0019-SC-BAR-BP (2014). This matter arose from a petition for discipline due to the attorney's alleged misuse of and failure to maintain safekeeping of his client's funds. The Hearing Committee was presented with a conditional guilty plea that was accepted after modification. The attorney was suspended from the practice of law subject to reinstatement with certain conditions. The Hearing Committee's recommendation to approve the conditional guilty plea was accepted by the Tennessee Supreme Court. Copies supplied.

Counsel were:

Robert Greene
208 Third Avenue North, Suite 500
Nashville, TN 37201
615-244-4850
Counsel for Leroy Cain

Alan D. Johnson, Jr.
Ten Cadillac Drive, Suite 220
Brentwood, TN 37027

615-361-7500
Disciplinary Counsel

In Re: Lance William Parr, No. 2013-2199-0-AJ, Dist. V Bd. of Resp. Tenn. Sup. Ct. (2013); affirmed Tennessee Supreme Court, No. M2013-02429-SC-BAR-BP (2013). This was a petition for discipline for failure to represent client, failure to communicate with client and failure to respond to a court order. The Hearing Committee found that Parr violated the Rules of Professional Responsibility and recommended that he be disbarred. The Tennessee Supreme Court adopted the recommendation of the Hearing Committee. Copies supplied.

Counsel were:

Lance William Parr
55 Hanover Circle South #103
Birmingham, AL 35205
Pro se

Alan D. Johnson, Jr.
Ten Cadillac Drive, Suite 220
Brentwood, TN 37027
615-361-7500
Disciplinary Counsel

In Re: Franklin D. Brabson, No. R-088-5-SG, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1994); affirmed Tennessee Supreme Court, No. R-88-5-SG (1994). The Hearing Committee reviewed this petition for reinstatement to the practice of law after suspension for misappropriation of client's property. After an evidentiary hearing, the petition was granted with certain conditions by the Hearing Committee. The Tennessee Supreme Court adopted the findings and conclusions of the Hearing Committee. Copies supplied.

Counsel were:

Joseph L. Lackey, Jr.
2400 Crestmoor Road, Suite 103
Nashville, TN 37215
615-386-7185
Counsel for Brabson

Sandy Garrett
Ten Cadillac Drive, Suite 220
Brentwood, TN 37027
615-361-7500
Disciplinary Counsel

In Re: John M. Goodhue, No. R-074-5-CH, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1993). This matter involved a petition for reinstatement to the practice of law

after falsification of client's documents. After an evidentiary hearing the petition was denied. There was no appeal. Copy supplied.

Counsel were:

John M. Goodhue
2853 Grinstead Avenue, Number Two
Louisville, KY 40206
502-897-3477
Pro Se

Charles A. High, Jr.
1722 Sweetbriar Avenue
Nashville, TN 37212
615-383-6856
Disciplinary Counsel

In Re: Carl D. Shusky, No. 1990-528-5-CH, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1990); affirmed Chancery Court for Davidson County, No. 2000-2, Judge Tom E. Gray, sitting by designation; affirmed and enforced Board of Professional Responsibility for the Supreme Court of Tennessee (1992). The Hearing Committee's recommendation of public censure was affirmed by the Chancery Court. There was no appeal to the Tennessee Supreme Court. The Board of Professional Responsibility enforced the Chancellor's Decree. Copies supplied.

Counsel were:

Carl D. Shusky
State Department of Correction
410 State Office Building
320 Sixth Avenue North
Nashville, TN 37243
615-741-1000
Pro Se

Charles A. High, Jr.
1722 Sweetbriar Avenue
Nashville, TN 37212
615-383-6856
Disciplinary Counsel

- 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.

In Re: Leroy Cain, Jr., No. 2013-2259-5-AJ, Dist. V Bd. of Prof. Resp. Tenn.

Sup. Ct. (2014); approved Board of Professional Responsibility; affirmed and enforced Tennessee Supreme Court (2014). Copy supplied in response to Question 13c.

Counsel were:

Robert Greene
208 Third Avenue North, Suite 500
Nashville, TN 37201
615-244-4850
Counsel for Leroy Cain

Alan D. Johnson, Jr.
Ten Cadillac Drive, Suite 220
Brentwood, TN 37027
615-361-7500
Disciplinary Counsel

In Re: Lance William Parr, No. 2013-2199-0-AJ, Dist. V Bd. of Resp. Tenn. Sup. Ct. (2013); affirmed Tennessee Supreme Court, No. M2013-02429-SC-BAR-BP (2013). Copy supplied in response to Question 13c.

Counsel were:

Lance William Parr
55 Hanover Circle South #103
Birmingham, AL 35205
Pro se

Alan D. Johnson, Jr.
Ten Cadillac Drive, Suite 220
Brentwood, TN 37027
615-361-7500
Disciplinary Counsel

In Re: Franklin D. Brabson, No. R-088-5-SG, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1994); affirmed Tennessee Supreme Court, No. R-88-5-SG (1994). Copy supplied in response to Question 13c.

Counsel were:

Joseph L. Lackey, Jr.
2400 Crestmoor Road, Suite 103
Nashville, TN 37215
615-386-7185
Counsel for Brabson

Sandy Garrett

Ten Cadillac Drive, Suite 220
Brentwood, TN 37027
615-361-7500
Disciplinary Counsel

In Re: John M. Goodhue, No. R-074-5-CH, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1993). Copy supplied in response to Question 13c.

Counsel were:

John M. Goodhue
2853 Grinstead Avenue, Number Two
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502-897-3477
Pro Se

Charles A. High, Jr.
1722 Sweetbriar Avenue
Nashville, TN 37212
615-383-6856
Disciplinary Counsel

In Re: Carl D. Shusky, No. 1990-528-5-CH, Dist. V Bd. of Prof. Resp. Tenn. Sup. Ct. (1990); affirmed Chancery Court for Davidson County, No. 2000-2, Judge Tom E. Gray, sitting by designation; affirmed and enforced Board of Professional Responsibility for the Supreme Court of Tennessee (1992). Copy supplied in response to Question 13c.

Counsel were:

Carl D. Shusky
State Department of Correction
410 State Office Building
320 Sixth Avenue North
Nashville, TN 37243
615-741-1000
Pro Se

Charles A. High, Jr.
1722 Sweetbriar Avenue
Nashville, TN 37212
615-383-6856
Disciplinary Counsel

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

None.

- 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.

None.

- 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.

All of my opinions are unpublished decisions and may be obtained through the Board of Professional Responsibility of the Tennessee Supreme Court, Ten Cadillac Drive, Suite 220, Nashville, Tennessee 37027, Attention: Rita Webb, Executive Secretary, 615-361-7501.

- 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.

None.

- 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.

None.

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. I am currently serving and have previously served as a Hearing Member for the Board of Professional Responsibility of the Tennessee Supreme Court. In that role, I have not been asked to recuse myself from any case. As a Hearing Member, Tennessee Supreme Court Rule 9, Section 6.5 requires that I comply with Tennessee Supreme Court Rule 10 to determine whether I should recuse myself in a matter.

- 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;

None.

- b. a brief description of the asserted conflict of interest or other ground for recusal;

None.

- c. the procedure you followed in determining whether or not to recuse yourself;

None.

- 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.

None.

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.

Nashville Convention Center Authority (2013 – present); appointed by Nashville Mayor Karl Dean

Metropolitan Nashville, Davidson County Hospital Authority (2003 – 2013); appointed by Nashville Mayor Karl Dean

- 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 reviewed all of my personal records for information relating to the roles I may have played in various political campaigns and the dates of my involvement. The information below is the best I could gather regarding those activities.

In 1980, I was elected to serve as an alternate delegate to the Democratic National Convention.

From 1992 to present, I served as Treasurer for the Friends of State Senator Thelma Harper for the Tennessee State Senate.

From 1992 to 2014, I hosted or co-hosted fundraisers for each of the following candidates: Ellen Hobbs Lyle for Davidson County, Nashville, Tennessee

Chancellor (Spring 1996); U.S. Representative Jim Cooper (October 8, 2008; November 30, 2009; June 23, 2010; June 3, 2011; November 30, 2011; May 21, 2012 and June 30, 2013); Jeff Yabro for Tennessee State Senate (October 16, 2010); Jennifer Buck Wallace for Tennessee House of Representatives (March 31, 2014); Woody Woodruff for Williamson County, Tennessee Circuit Judge (May 2014); and Judge Russell Perkins for Davidson County, Nashville, Tennessee Chancellor (August 25, 2014).

In 1978, I volunteered for Judge John T. Nixon, in his campaign for Circuit Judge, and performed general administrative activities such as stuffing envelopes. In 1982, I volunteered for Irvin H. Kilcrease, Jr., when he ran for election to retain his position as Chancellor of the Davidson County, Tennessee Chancery Court, as his driver for campaign events. In approximately 1988, I volunteered for John P. Brown when he ran for General Sessions Judge and helped to put up yard signs. In 1991, I volunteered for Betty Nixon, when she was a candidate for Mayor of Nashville, by distributing yard signs and helping with general administrative activities in her campaign office. Finally, in the summer of 2007, I participated in the campaign of Karl Dean for Mayor of Nashville when I facilitated introductions for him to various African-American community leaders.

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;

From August 1981 until August 1982, I clerked for the Honorable C. Allen High, the Honorable Robert S. Brandt and the Honorable Irvin H. Kilcrease, Jr., in the Twentieth Judicial District, Chancery Court for Davidson County, Tennessee.

From August 1982 until August 1984, I clerked for the Honorable John T. Nixon, District Judge of the United States District Court for the Middle District of Tennessee.

- 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.

1984 – 1987
Tennessee Attorney General
500 Charlotte Avenue

Nashville, Tennessee 37243
Assistant Attorney General

1987 – 1990
Passino and Hildebrand (formerly Passino, Delaney and Hildebrand)
(dissolved)
Nashville, Tennessee
Associate

1990 – present
Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
Nashville, Tennessee 37219
Associate (1990 – 1994)
Partner (1994 – present)
Board of Directors (2010 – 2013)
Compensation Committee (2010 – 2013)

- 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.

After completing federal and state judicial clerkships in 1983, my law practice has been 95% litigation in three different settings. The diversity of these experiences has enabled me to engage in all stages of the civil litigation process in state and federal courts, primarily in Tennessee, Alabama, Mississippi and Arkansas. These experiences have given me the opportunity to touch multiple subject matters from different perspectives in cases arising from a wide variety of industries, including retail, healthcare, manufacturing, hospitality, wireless communication, packaging and delivery and higher education.

In 1984, I pursued a public practice as an Assistant Tennessee Attorney General in the antitrust and consumer protection division. My sole responsibility was to prosecute civil consumer and charitable fraud cases on behalf of citizen victims, providing them with the ability to access the power of state government to obtain monetary and injunctive relief. Typically, I worked closely with state agencies to investigate consumer complaints, evaluate whether any consumer or charitable fraud laws had been violated and, when appropriate, litigate the matter from trial through appeal. At least 90% of my practice was in state courts throughout

Tennessee.

I moved to the private practice of law in 1987 when I joined a small labor and employment firm that represented workers and the United Mine Workers of America. My practice retained a focus on civil cases, but the focus changed to federal court in Tennessee and Kentucky. I gained deep experience on federal labor laws when my firm became part of a team of lawyers representing the United Mine Workers in federal court during a nationwide strike. Although my practice continued to be over 90% litigation, I also developed a real estate practice representing time-share resorts before state regulatory agencies in states east of the Mississippi River.

My practice took a significant shift in 1990 when I joined Waller Lansden Dortch & Davis. My focus on federal civil litigation continued but over time my practice evolved from representing both employees and employers to primarily representation of businesses in labor and employment matters. It has grown to represent companies in a wide variety of industries, such as telecommunications, insurance, automotive, pharmacy, real estate, religious organizations, and public utilities, in all aspects of labor and employment law. I have gained over the years experience in litigating cases from trial through appeal in federal courts in Tennessee, Mississippi and Arkansas.

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

As an Assistant Attorney General, my primary clients were the Tennessee Secretary of State and the Division of Consumer Affairs in the Tennessee Department of Commerce and Insurance. In private practice, most of my clients have been companies, although I have also represented labor unions, non-profit organizations, religious organizations, employees and universities. In 1990, my firm began to represent Saturn Corporation and roughly in 1998, we began to represent United Parcel Service in Tennessee, Arkansas and Mississippi on labor and employment matters. My practice expanded thereafter with a series of cases from other national companies. In the past ten years, my practice focus has been predominately federal labor and employment litigation.

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

My practice is at least 95% litigation and advice related to litigation. Throughout my career, I have appeared frequently in state and federal court, primarily in Tennessee, but I have also litigated in federal courts in Alabama, Arkansas, Louisiana, and Mississippi. In the last five years I continued to have a high percentage of cases in federal court, with about 85% in federal court and 10% in

state court.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 85% |
| 2. state courts of record: | 10% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-------|
| 1. civil proceedings: | 99.5% |
| 2. criminal proceedings: | .5% |

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

I have tried approximately 50 cases to verdict in a court of record as a lawyer. I would estimate that in 60% of these cases I was lead counsel. In the other 40% of these cases, I was second chair. I have had 28 appeals before state or federal courts, including the Fifth, Sixth, Eighth and Eleventh Circuit Courts of Appeal. I have argued approximately ten cases on appeal.

i. What percentage of these trials were:

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

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 United States Supreme Court.

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

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

(1) Rock-Tenn Converting Company and Talisha Haynes v. The City of Memphis

and FCR Tennessee, LLC, No. CH 121497, Chancery Court for Shelby County, Tennessee, Chancellor Walter L. Evans; Court of Appeals, No. W2014-00626-COA-R3-CV, September 9, 2014 (2012 – 2014).

In this case, I was the lead counsel for a recycling company vendor and a citizen taxpayer, who sought a declaratory judgment to void a public contract and compel competitive bidding procedures for collection of solid waste in the City of Memphis. The incumbent company held the contract for over 20 years. My clients sought to require the City of Memphis to issue a request for proposal to collect waste. The issue presented was whether the City of Memphis' receipt of a benefit in exchange for services from the incumbent vendor constituted an expenditure requiring competitive bidding. The trial court and court of appeals held that without the exchange of money, the competitive bidding procedures were not required. I did not argue the case on appeal, but was counsel of record.

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Counsel for FCR Tennessee
Robert F. Miller
Richard D. Bennett
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901-576-8200

(2) John O'Barr v. United Parcel Service, Inc., No. 3:11-cv-00177, United States District Court for the Eastern District of Tennessee, Judge R. Leon Jordan (2011 – 2013).

I presented the defense of United Parcel Service, Inc. at trial when its employee alleged religious discrimination after his employment was terminated. The employee observed his Sabbath from sundown on Friday to sundown on Saturday. UPS attempted to accommodate his scheduling request, but when the employee left work early and refused to accept another job position offered as an accommodation, his employment was terminated for job abandonment. The jury returned a verdict in favor of UPS on all discrimination and retaliation claims. There was no appeal.

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(3) Todd Sturgill v. United Parcel Service, Inc., No. 5:05-cv-05106, United States District Court for the Western District of Arkansas, Judge Jimmy Larry Hendren; Eighth Circuit Court of Appeals, 512 F.3d 1024 (2008); (2005 – 2008).

At trial, I served as lead counsel and I argued the case on appeal defending United Parcel Service, Inc. in a religious discrimination case. A package car driver challenged his termination when he failed to complete his delivery route because it would violate his Sabbath observance. The jury entered a verdict for UPS on plaintiff's termination claim and for the plaintiff on the claim of failure to accommodate. The judgment was appealed on the novel issue of whether an employer is required to "eliminate" or "minimize" the conflict between an employee's job duties and his religious beliefs. The Eighth Circuit affirmed in part and reversed in part, holding that Title VII requires that an employer "minimize" the conflict. This case settled after the appeal.

Counsel for Plaintiff
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Todd Robert McFarland
Mitchell Albert Tyner
General Conference of Seventh-Day Adventists
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301-680-6322

(4) Terry Smith, et. al. v. The Goodyear Tire and Rubber Company, No. 1:05-CV-01280, United States District Court for the Western District of Tennessee, Judge Jon McCalla (2005 – 2008).

The employee plaintiffs sought class action status for two applicant classes and relief for 92 individual plaintiffs based upon allegations of race discrimination, retaliation and hostile work environment touching upon multiple terms and conditions of employment. There were over 1,000 separate claims asserted in the case. The class action claims dissolved after the court granted Goodyear's motion to disqualify the putative class representatives. Their individual claims then settled for nominal amounts. The 92 individual claims proceeded to discovery and over 60 plaintiff depositions were taken along with other discovery. For over 18 months, through a combination of offers of judgment, group mediations, judicial mediations and summary jury trials, each of the 92 individuals reached a settlement.

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(5) Jeffery Johnson, John Goodwin, Johnny Boyd, Eric Kelley, Ken Cameron, Donnie Ware, Eddie J. Thomas and Gregory Owens v. United Parcel Service, Inc., No. 1:00-CV-310, United States District Court for the Eastern District of Tennessee, Judge Curtis Collier (2000); Sixth Circuit Court of Appeals, No. 03-5620 (2004); (2000 – 2005).

I served as lead counsel at trial and on appeal defending against the claims of eight employees alleging racial discrimination, hostile work environment and retaliation against United Parcel Service, Inc. The case was tried before a jury in Chattanooga, Tennessee. The district court dismissed all of the claims of six of the eight plaintiffs at the close of the plaintiffs' case-in-chief. The trial continued with the two remaining plaintiffs and the jury rendered a verdict for UPS on one plaintiff and a verdict in favor of the other plaintiff. Two of the six dismissed plaintiffs appealed and I argued the case before the Sixth Circuit when it affirmed in part and reversed in part, remanding the hostile work environment claims. After a second jury trial, UPS received a verdict in its favor. There was no appeal from the second jury trial.

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(6) James M. Brown v. United Parcel Service, Inc. and International Brotherhood of Teamsters and Teamsters Local Union No. 891, No. 1:00-cv-052-P-A, United States District Court for the Northern District of Mississippi, Judge Michael P. Mills (2000 – 2003).

This was a labor case brought by an employee against UPS and his local union under Section 301 of the Labor Management Relations Act. The issues presented to the jury were whether UPS had breached the collective bargaining agreement and whether the union had breached its duty of fair representation, after the employee was terminated for

falsifying delivery records. I presented the case to the jury, which rendered a verdict for the employee and allocated nominal damages against UPS and the union.

Counsel for Plaintiff
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Counsel for Union
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(7) Ronald Jeffery Kiphart v. Saturn Corporation, No. 1:97-0001, United States District Court for the Middle District of Tennessee, Judge Thomas A. Higgins; Sixth Circuit Court of Appeals, 251 F.3d 573 (2001); (1996 – 2002).

I was co-lead counsel in a disability discrimination case tried before a jury in Columbia, Tennessee that established that job rotation may be an essential job function in determining whether the employer has made a reasonable accommodation under the Americans with Disabilities Act. Mr. Kiphart, who had medical restrictions because of his back, was selected from a group of 77 named plaintiffs as a test case to determine whether Saturn could require job rotation. At trial, the jury entered a verdict for the employee, concluding that his disability was a factor in his termination, essentially rejecting Saturn's reliance on job rotation. On appeal, the verdict was affirmed in part and reversed in part, and the Sixth Circuit concluded that an employer may require employees to rotate among a variety of jobs for safety and ergonomic reasons. I was counsel of record on appeal, but I did not argue the case on appeal. Kiphart's case settled after the appeal, as well as that of the other 76 plaintiffs.

Counsel for Plaintiff
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(8) Willena Walton v. Embassy Suites, Inc., No. 3:95-1103, United States District Court for the Middle District of Tennessee, Judge Thomas A. Higgins (1995 – 1997).

I represented Embassy Suites in this personal injury case arising when the plaintiff slipped and fell on birdseed thrown during a wedding reception. I tried the case to a jury, including the presentation of expert witness testimony on plaintiff's damages. Plaintiff

sought compensatory damages because the hotel failed to maintain a safe environment for its invitees. Embassy Suites offered no proof at trial in its case-in-chief. The jury found plaintiff forty-five percent (45%) negligent and awarded a money judgment of less than \$25,000.

Counsel for Plaintiff
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(9) Wanda Morrow v. A-Plus Communication, Inc., No. CV-91-B-1991-S, United States District Court for the Northern District of Alabama, Judge Sharon L. Blackburn (1991); Eleventh Circuit Court of Appeals, 86 F.3d 1170 (1996); (1991 – 1996).

I was counsel for the company at trial and on appeal. I entered the case on short notice when my law partner was unable to try the case due to the death of his mother. This case presented the straightforward issue of whether the plaintiff was denied a promotion due to her race. However, it became more challenging because it was the judge's first civil trial and plaintiff presented evidence of general mistreatment of blacks in the City of Birmingham. After a seven-day trial the court entered a judgment for the company that was affirmed on appeal. The Eleventh Circuit did not schedule the case for oral argument.

Counsel for Plaintiff
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205-314-0514

(10) Janet Lintemuth v. Saturn Corporation, No. 1:93-cv-00211, United States District Court for the Middle District of Tennessee, Judge Thomas A. Higgins (1993 – 1995).

I served as co-lead counsel defending Saturn Corporation in one of the first attempted class actions under the Americans with Disabilities Act. A group of employees alleged a variety of adverse employment actions and hostile work environment claims due to their various and different physical and mental impairments. Plaintiffs sought class action status and the district court declined to certify a class, holding that the characteristics of being disabled and the individualized approach incorporated in the Americans with Disabilities Act made class treatment inappropriate. Since this case, other courts have followed the holding that the varying degrees of being disabled and the Americans with Disabilities Act's individualized approach make class action certification inconsistent with Federal Rule of Civil Procedure 23.

Counsel for Plaintiff

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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 labor and employment defense counsel, I have the opportunity to provide proactive preventive advice and counsel to C-Suite corporate executives, corporate boards, corporate counsel and senior management responsible for compliance and personnel issues on a variety of issues, including crisis management, possible criminal conduct, and community engagement and opportunities. Frequently, I am asked to assist companies to develop more robust and effective internal compliance systems to address real and perceived discriminatory conduct. Both to ensure ongoing legal compliance and to address specific company bottlenecks, I offer advice on developing or refining diversity policies, procedures and practices. This advice changes and refines executives' thinking and actions on diversity issues and community involvement and incorporates those changes into the corporate fabric.

I have also been engaged in several significant and complicated investigations. On one occasion, I served as the lead investigator for a top-tier, nationally-ranked university to address a complaint of sexual harassment against its Chief Human Resources Officer. The investigation was highly sensitive because it involved not only the Chief Human Resources Officer, but also the Chief Financial Officer, Title IX Officer, Compliance Officer and the entire human resources department. I reported only to the university President and General Counsel and had full access to witnesses and documents. While the university wanted a thorough and complete investigation, confidentiality was critical and the threat of multiple lawsuits was more likely than not. After several months of investigation, I made a written report with a root cause analysis of the complaint that resulted in a resolution acceptable to the person who made the initial complaint, a remedial plan for the Chief Human Resources Officer and a recommended action plan to address the underlying issues. After the investigation and implementation of the remediation plans, there were no lawsuits filed against the university.

I have been registered as a lobbyist for Aon Risk Group from 1998 – present regarding insurance issues regulated by the Department of Commerce and Insurance for the State of Tennessee.

In 2006, I was registered as a lobbyist for International Truck and Engine Corporation on issues regarding manufacturer/franchisee issues before the Tennessee Motor Vehicle Commission.

In 2003, I was registered as a lobbyist on behalf of Vulcan Materials Company regarding construction legislation.

I was registered as a lobbyist for the Tennessee Resort Developers Association from 1997 – 1999, the American Resort Developers Association from 2004 – 2008, and Avatar Vacation Resorts in 1999, regarding legislation surrounding time-share activities.

Finally, in 1998, I was registered as a lobbyist on telecommunication issues on behalf of Teleport Communications Group, Inc. with the Tennessee Public Service Commissions.

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 taught Professional Responsibility in Fall 1997 at Vanderbilt Law School. The course covered basic rules of professional conduct. No syllabus is available.

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

I have no such anticipated deferred income or future benefits.

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 if I am confirmed.

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.

The most likely potential conflicts would arise with respect to cases in which my present firm has been involved, and for an appropriate period of time I would recuse myself from matters in which members of my firm appear. Additionally, for an appropriate period of time I would recuse myself from matters involving existing firm clients and organizations with which I have been associated.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. Section 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- 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.

During my time in public practice and continuing to the present, I have served as legal counsel to numerous nonprofit organizations. Currently, I serve as counsel to 100 Black Men of Middle Tennessee, whose mission is to nurture and enhance the growth, development and opportunities of young black males in Middle Tennessee. I regularly provide legal services to elderly members of my church, Seay-Hubbard United Methodist Church. Both of these activities cover a variety of legal issues from probate to contract review and criminal issues. I have done the same previously for the Boys and Girls Clubs of Middle Tennessee. I have also served on the Nashville Bar Pro Bono Board.

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 2014, Judge William J. Haynes announced that he would be taking senior status, and U.S. Representative Jim Cooper advised the bar that he would be accepting statements of interest for the vacant position. In February 2014, I submitted my resume to Representative Cooper for consideration. On March 28, 2014, I was interviewed by Representative Cooper in Nashville, Tennessee. In May 2014, I was contacted by the Office of the White House Counsel, and I had a telephone interview. On September 26, 2014, the White House informed me that my name would be sent to the Office of Legal Policy at the Department of Justice, and I was contacted by that Office on the same day. Since that date, I have been in contact with officials from the Office of the Legal Policy at the Department of Justice. On November 3, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On February 4, 2015, 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.