

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

David Austin Tapp

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

Judge, United States Court of Federal Claims

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.

Judicial Center
50 Public Square, Third Floor
Somerset, Kentucky 42501

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

1962; Lexington, Kentucky

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.

1990 – 1993 University of Louisville, Brandeis School of Law (Kentucky); J.D. 1993
1988 – 1989 Chaminade University of Honolulu, (Hawaii); M.S. 1991
1980 – 1983 Morehead State University (Kentucky); B.A. 1983

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.

2005 – present
Kentucky Court of Justice
50 Public Square
Somerset, Kentucky 42501
Judge of the 28th Circuit

2015

Brandeis School of Law
University of Louisville
2301 South Third Street
Louisville, Kentucky 40292
Adjunct Professor of Law (visiting lecturer)

1996 – 2005

The Law Office of David Tapp
117 West Mt. Vernon Street
Somerset, Kentucky 42501
Attorney

2002

Somerset Community College
University of Kentucky,
808 Monticello Street
Somerset, Kentucky 42501
Instructor

1994 –1996

Kentucky 28th Judicial Circuit
117 West Mt. Vernon Street
Somerset, Kentucky 42501
Assistant Commonwealth's Attorney

1994

Somerset Community College
University of Kentucky
808 Monticello Street
Somerset, Kentucky 42501
Instructor

1989 – 1993

United States Attorney's Office for the Western District of Kentucky
717 West Broadway
Louisville, Kentucky 40202
Legal Technician, EBON Research Systems

1988 – 1989

Office of the Prosecuting Attorney
City & County of Honolulu
1060 Richards Street
Honolulu, Hawaii 96813
Criminal Investigator

1986 – 1988

Oahu Community Correctional Center
2199 Kamehameha Highway
Honolulu, Hawaii 96819
Social Worker III/Counselor

1985 – 1986

Army & Air Force Exchange System
Building 694
Schofield Barracks, Hawaii 96857
Loss Prevention Officer

1983 – 1984

Rowan County Sheriff's Office
600 West Main Street
Morehead, Kentucky 40351
Deputy Sheriff

Other (Uncompensated) Affiliations:

2017 – present

National RX Drug Abuse and Heroin Summit
70 Swedesford Road, Suite 100
Malvern, Pennsylvania 19355
Advisory Committee Member,

2018 – 2019

The Fletcher Group/Recovery USA
290 Country Club Drive, Suite 290
Stockbridge, Georgia 30281
Board Member

2011 – 2013

Kentucky Music Hall of Fame
2590 Richmond Street
Mt. Vernon, Kentucky 40456
Member, Board of Directors

2011 – 2013

Mill Springs Battlefield Association
9020 West Highway 80
Nancy, Kentucky 42544
Member, Board of Directors

2011 – 2012

First United Methodist Church

99 South Central Avenue
Somerset, Kentucky 42501
Member, Finance Committee

2009 – 2011
Pulaski County Schools
Post Office Box 1055
Somerset, Kentucky 42502
Member, Character Committee

1983 – 1984
Morehead Police Department
105 East Main Street
Morehead, Kentucky 40351
Auxiliary Police Officer

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 never served in the United States Military. I registered with the Selective Service as required.

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.

Relay for Life, Hope Torch Run – 2016 American Cancer Society (Pulaski County, Kentucky)

Excellence in Best Practices – 2016 American Cancer Society (Mid-South Division)

Community Transformation Team Award – 2015 National Association of Drug Court Professionals

Community Volunteer Award – 2013 American Cancer Society (Pulaski County, Kentucky)

Community Volunteer Award – 2012 American Cancer Society (Pulaski County, Kentucky)

All Rise America! Outstanding Contribution – 2012 National Association of Drug Court Professionals

United States Congressional Record-Senate – 2011 “A Tribute to Judge David A. Tapp”

The *All Rise* Award – 2011 National Association of Drug Court Professionals

Distinguished Service Award – 1995 Office of the Commonwealth’s Attorney, 28th Judicial

Circuit

Certificate of Appreciation – 1993 United States Department of Treasury, Internal Revenue Service

Award for Public Service – 1993 United States Department of Justice, United States Attorneys Office, Western District of Kentucky

Award of Merit – 1990 EBON Research Systems, United States Attorneys Office, Western District of Kentucky

Book Awards – 1991 – 1993 University of Louisville, Brandeis School of Law (Evidence, Criminal Procedure II, Advanced Criminal Law)

Aloha and Mahalo Award – 1986 Army and Air Force Exchange System/United States Department of Defense

Letter of Commendation – 1984 Police Department (Morehead, Kentucky)

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.

United States Coordinating Council for Juvenile Justice and Delinquency Prevention (2017 – present)

Kentucky Court of Justice (2005 – present)

Chairperson, Circuit Judges Education Committee (2012 – 2019)

Ex Officio Member, Circuit Judges Legislative Committee (2012 – 2019)

Co-chairperson, Judicial Child Fatality Task Force (2010 – 2017)

Member, Medically Assisted Treatment Panel (2012 – 2015)

Circuit Judges Judicial Education Committee (2010 – 2012)

Pulaski County Bar Association (1994 – present)

National Center for State Courts (2018 – 2019)

State Co-Chairperson, Regional Judicial Opioid Initiative (2018 – 2019)

Governor's Criminal Justice Policy Assessment Council (2016 – 2019)

Law Alumni Council, University of Louisville Brandeis School of Law (2016 – 2019)

28th Judicial Circuit Community Corrections Board (1996 – 2012)

Director (judicial designee) (1996 – 2012)

Governor's Council for Domestic Violence Criminal Justice Committee (2003 – 2004; 2006 –

2008)

Co-Chairperson (judicial designee) (2006 – 2008)
Member, Civil Remedies Committee (2003 – 2004)

American Bar Association (2002 – 2009)

Kentucky Academy of Trial Lawyers (intermittent)

National Association of Criminal Defense Attorneys (1996 – 1997; 1999 – 2010)

National District Attorney's Association (1994 – 1996)

National Association of Drug Court Professionals (2012 – 2013)

The Sedona Conference (2013 – 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.

Kentucky, 1993. There has been no lapse 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 Court of Appeals for the Fourth Circuit, 1996

United States Court of Appeals for the Sixth Circuit, 1997

United States District Court for the Eastern District of Kentucky, 1996

United States District Court for the Western District of Kentucky, 2002

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.

Kentucky Grand Lodge Free & Accepted Masons (2008 –present)

Appeals Committee Member (2015 – 2019)

United Way of South Central Kentucky
Chairperson (1999 – 2000)
Professional Division Chairperson, Campaign Committee (1998 – 1999)

Bethany House Abuse Shelter
Member, Capital Campaign Committee (1997 – 1998)

Fraternal Order of Police (Morehead, Kentucky) (1983 – 1984)

Pulaski County Kiwanis (Kentucky) (intermittent)

Rockcastle County Kiwanis (2011— 2016)

Somerset/Pulaski County (Kentucky) Rotary (intermittent)

Phi Alpha Delta (1989 – present)

National Wild Turkey Association (2000 – 2012)

National Rifle Association (1995 – 2005; 2010 – 2012; 2017 – present)

Safari Club International (2011 – 2012)

Ducks Unlimited (1995 – 2005; 2010 – 2012; 2017 – present)

Pulaski County Bowhunters (2011 – present)

Judo Black Belt Association of Hawaii (1986 – 1987)

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.

It is my understanding that until 1987, the Somerset-Pulaski County Rotary Club and the Kiwanis clubs listed above, consistent with the policies of their parent organizations, Rotary International and Kiwanis International, did not admit women as members. In 1987, in response to the United States Supreme Court's decision in *Bd. of Dirs. of Rotary Int'l v. Rotary Club of Duarte*, Rotary and Kiwanis Clubs in the United States began admitting women as members. At all times that I was a member of the Rotary Club and the listed Kiwanis Clubs, these organizations have accepted women as members.

Phi Alpha Delta is a professional law fraternity. Prior to 1970, membership was limited

to men. In 1972, Phi Alpha Delta merged with Phi Delta Delta (a women's law fraternity). At all times that I was a member of Phi Alpha Delta it accepted women as members.

The Grand Lodge of Kentucky, Free and Accepted Masons, limits membership to men. However, there is a parallel women's group (Eastern Star).

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.

As a candidate for judicial office, I created this website in 2017:
<https://tappforjustice.com>. A letter discussing my candidacy is supplied.

Where Ethics and E-Discovery Collide: Competence and Modern Discovery, Ky. Bench & B., July 2016, at 12. Copy supplied.

In May 2016, I issued a press release related to the 28th Judicial Circuit Drug Court Recovery Walk held on May 16, 2016. Copy supplied.

Sooner Rather Than Later: The Preference for Abstinence over Maintenance, Huffpost, March 3, 2016. Copy supplied.

Rescue and Recovery: Two Different Goals with Two Diverse Outcomes, Huffpost, Feb. 11, 2016. Copy supplied.

Kentucky's SMART Probation: Coming to a Court Near You?, Ky. Bench & B., Jan./Feb. 2016, at 12. Copy supplied.

Drug to Treat Addiction is Too Often Addicting, Lexington Herald-Leader, May 26, 2015. Copy supplied.

With Tomas L. Clark, Pamela R. Goodwine, & Darren W. Peckler, *Kentucky Capital Cases Benchbook: Presiding Over a Capital Case* (2015 ed.). Copy supplied.

Success in New Program for High Risk Probationers, Lexington Herald-Leader, Oct. 9, 2014. Copy supplied.

Transitions: Lawyer to Judge Mentoring Manual (Aug. 2014). Copy supplied.

With Katie A. Shepherd & Karen Thomas, *Judicial Campaign Ethics Handbook* (2014 ed.). Copy supplied.

With Gregory Bartlett, et al., *Kentucky Circuit & Family Court Benchbook* (Oct. 2013 ed.). Copy supplied.

With Paula Sherlock, *The Promise of Tomorrow – Kentucky's Response to Child Fatalities and Near Fatalities*, Ky. Bench & B., July 2013, at 24. Copy supplied.

With Brandon Dalton, *Because Knowledge is Power: Cyberstalking and Harassment in the Modern Age*, Ky. L. Enforcement, Winter 2011, at 75. Copy supplied.

The All Rise Interview: A Conversation with U.S. Congressman Harold Rogers (R/Kentucky), All Rise Mag., Spring 2011, at 5. Copy supplied.

With Whitney Meagher, *Searching and Seizing Digital Evidence: The Plain View Exception*, Ky. L. Enforcement, Fall 2010, at 70. Copy supplied.

Whitney Meagher, *Searching and Seizing Digital Evidence: The Consent Exception*, Ky. L. Enforcement, Summer 2010 at 68. Copy supplied.

With Whitney Meagher, *Searching and Seizing Digital Evidence: The Warrant Requirement*, Ky. L. Enforcement, Spring 2010, at 30. Copy supplied.

From 2005 to 2008, I authored a column entitled, "Views from the Bench." Identical versions of this column were published on about the same date in three different publications: *Mt. Vernon Signal*; *The Interior-Journal*; and, *The Commonwealth Journal*. I have listed below, and supplied copies of, *The Mt. Vernon Signal* version of each of these columns.

View from the Bench: 2008 Needs New Lyrics Like a Needle Needs a Vein, *The Mt. Vernon Signal*, Jan. 3, 2008.

View from the Bench: Cold Hard Christmas Currency Please, *Mt. Vernon Signal*, Dec. 20, 2007.

View from the Bench: Constitutional Philosophy Likely to Determine Gun Owner Rights, *Mt. Vernon Signal*, Dec. 6, 2007.

View from the Bench: Justice in the Dark: Public Accessibility in Juvenile Proceedings, *Mt. Vernon Signal*, Nov. 29, 2007.

View from the Bench: Pardon Me, Where Do We Go from Here?, *Mt. Vernon Signal*, Nov. 15, 2007.

View from the Bench: Christmas is Coming: Shopping the Government Way, *Mt. Vernon Signal*, Nov. 8, 2007.

View from the Bench: Anti-Harassment Laws Regarding Hunting Snares Protesters,

Commonwealth J. (Somerset, Ky.), Oct. 29, 2007.

View from the Bench: Bad Idea of the Year: The San Francisco Shoot Em-Up, Mt. Vernon Signal, Oct. 25, 2007.

View from the Bench: When the Lifeline Fails, Mt. Vernon Signal, Oct. 18, 2007.

View from the Bench: Check Cashing Businesses Curtailed by New Law, Mt. Vernon Signal, Oct. 11, 2007.

View from the Bench: Inmates Increasingly Granted Parole, Mt. Vernon Signal, Oct. 4, 2007.

View from the Bench: "Roid" Rage: Curbing the Distribution and Use of Anabolic Steroids, Mt. Vernon Signal, Sept. 27, 2007.

View from the Bench: The Search for Dirt: Electronic Discovery in Divorces, Mt. Vernon Signal, Sept. 20, 2007.

View from the Bench: Paying Your Debt to Society: Federal Court Upholds Prisoner Fees, Mt. Vernon Signal, Sept. 13, 2007.

View from the Bench: Estate Planning for Your Dog (Cat, Pig, Gerbil, Whatever!), Mt. Vernon Signal, Sept. 6, 2007.

View from the Bench: The Unauthorized (but Surprisingly Common) Practice of Law, Mt. Vernon Signal, Aug. 30, 2007.

View from the Bench: "Bad News" for Michael Vick, Mt. Vernon Signal, Aug. 23, 2007.

View from the Bench: Kentucky Lacks Criminal Domestic Violence Statute, Mt. Vernon Signal, Aug. 16, 2007.

View from the Bench: Courts Must Talk the Talk, Mt. Vernon Signal, Aug. 9, 2007.

View from the Bench: Medicinal Marijuana Raises its Ugly Green Head – Again, Mt. Vernon Signal, Aug. 2, 2007.

View from the Bench: Kentucky Courts Bid Farewell to Fear, Mt. Vernon Signal, July 26, 2007.

View from the Bench: A Cobbler's Justice: 166 Years Later, Mt. Vernon Signal, July 19, 2007.

View from the Bench: Win or Lose, You Still Pay, Mt. Vernon Signal, July 12, 2007.

View from the Bench: Contagion! Preparing for the Pandemic, Mt. Vernont Signal, July 5, 2007.

View from the Bench: Modern Day Slavery, Mt. Vernon Signal, June 28, 2007.

View from the Bench: Liars, Liars, Pants on Fire, Mt. Vernon Signal, June 21, 2007.

View from the Bench: Want to Live Longer? Perhaps Prison is the Answer, Mt. Vernon Signal, June 14, 2007.

View from the Bench: Hard Time, Hard Math, Mt. Vernon Signal, June 7, 2007.

View from the Bench: CSI: Field & Stream Style, Mt. Vernon Signal, May 31, 2007.

View from the Bench: Who's Your Daddy Now? Paternity by Estoppel, Mt. Vernon Signal, May 24, 2007.

View from the Bench: Lost and Found Babies, Mt. Vernon Signal, May 17, 2007.

View from the Bench: Epilogue: Too Much Speed, Mt. Vernon Signal, May 10, 2007.

View from the Bench: Doing More to Stop Rampage Violence, Mt. Vernon Signal, April 26, 2007.

View from the Bench: Everyday is Tax Day: Kentucky's Dope Tax, Mt. Vernon Signal, April 19, 2007.

View from the Bench: "I Pledge Allegiance:" Succession Movements Are Illegal, Mt. Vernon Signal, April 12, 2007.

View from the Bench: From Beyond the Grave, Mt. Vernon Signal, April 5, 2007.

View from the Bench: Too Much Speed: Municipalities Await Police Chase Decision, Mt. Vernon Signal, March 29, 2007.

View from the Bench: Alimony; The Devil's Ransom, Mt. Vernon Signal, March 22, 2007.

View from the Bench: Federal Appeals Court Arms Gun Enthusiasts, Mt. Vernon Signal, March 15, 2007.

View from the Bench: Dred Scott: 150 Years of Shame, Mt. Vernon Signal, March 8, 2007.

View from the Bench: "Ashes Thrown to the Wind:" Kentucky's Burial Imperative, Mt. Vernon Signal, March 1, 2007.

View from the Bench: Save the Dog, Free the Fish, Mt. Vernon Signal , Feb. 22, 2007.

View from the Bench: If the Turkey's Gobbler . . . Beware!, Mt. Vernon Signal , Feb. 15, 2007.

View from the Bench: Minister of Justice?, Mt. Vernon Signal , Feb. 8, 2007.

View from the Bench: Jury Sentencing Decision Won't Affect Kentucky, Mt. Vernon Signal, Feb. 1, 2007.

View from the Bench: Keep Senior Status Judges, Mt. Vernon Signal, Jan. 25, 2007.

View from the Bench: Lest She Suffer: Kentucky's Living Will Act, Mt. Vernon Signal, Jan. 11, 2007.

View from the Bench: Pistol Packin' Mama's – Take Heed! Mt. Vernon Signal, Jan. 4, 2007.

A Judge's New Year's Prayer, Commonwealth J., Jan. 2, 2007.

Sucker Punches, Shanks and Skydivers, Commonwealth J., Dec. 26, 2006.

View from the Bench: Sorrow and Spectacle: Public Behavior in the Courtroom, Mt. Vernon Signal , Dec. 21, 2006.

View from the Bench: Collateral Consequences, Mt. Vernon Signal, Dec. 7, 2006.

View from the Bench: Double Jeopardy and the Juice, Mt. Vernon Signal, Nov. 23, 2006.

View from the Bench: Baby, that Dog won't Hunt, Mt. Vernon Signal, Nov. 16, 2006.

View from the Bench: The War Within, Mt. Vernon Signal, Nov. 9, 2006.

View from the Bench: The Goring Ox, Mt. Vernon Signal, Nov. 2, 2006.

View from the Bench: The Only Thing that Amounts to Anything, Mt. Vernon Signal, Oct. 26, 2006.

View from the Bench: Frost on the Puffins . . . um, Pumpkins, Mt. Vernon Signal, Oct. 19, 2006.

View from the Bench: Rotten Apples, Mt. Vernon Signal, Oct. 12, 2006.

View from the Bench: Honey, I Shrunk the Court!, Mt. Vernon Signal , Oct. 5, 2006.

View from the Bench: Discarded Babies, Stolen Babies, Mt. Vernon Signal, Sept. 28, 2006.

View from the Bench: The Daddy Database, Mt. Vernon Signal, Sept. 21, 2006.

View from the Bench: Touching Our Hearts, Mt. Vernon Signal, Sept. 14, 2006.

View from the Bench: Homicide by Heart Attack, Mt. Vernon Signal, Sept. 7, 2006.

View from the Bench: Bad Housekeeping Not Necessarily a Crime, Mt. Vernon Signal, Aug. 31, 2006.

View from the Bench: The Insanity Exception, Mt. Vernon Signal, Aug. 24, 2006.

View from the Bench: Who Are We? U.S. Values in the Military, Mt. Vernon Signal, Aug. 17, 2006.

Horrific Murders Not Forgotten, Commonwealth J., Aug. 14, 2006.

View from the Bench: Kentucky Voting Rights, Mt. Vernon Signal, Aug. 10, 2006.

View from the Bench: Transparency in the Courts, Mt. Vernon Signal, Aug. 3, 2006.

View from the Bench: Missing and Exploited Children, Mt. Vernon Signal, July 27, 2006.

View from the Bench: Fifteen Men on a Dead Man's Chest: Piracy on the High Seas, Mt. Vernon Signal, July 20, 2006.

View from the Bench: Slimy Cheaters Beware!, Mt. Vernon Signal, July 13, 2006.

View from the Bench: Individual Right of Defense Gaining Popularity, Mt. Vernon Signal, July 6, 2006.

View from the Bench: Same Sex Parenting: A Kentucky Update, Mt. Vernon Signal, June 29, 2006.

View from the Bench: The (Divided) Supreme Court, Mt. Vernon Signal, June 22, 2006.

View from the Bench: Taking the Kids: Good News for Area Foster Placements, Mt. Vernon Signal, June 15, 2006.

View from the Bench: Hiring Your Lawyer: Caveat Emptor, Mt. Vernon Signal, June 8, 2006.

View from the Bench: Don't Take the Kids Away, Mt. Vernon Signal, June 1, 2006.

View from the Bench: When is a Man's House Still His Castle?, Mt. Vernon Signal , May 25, 2006.

View from the Bench: Child Custody and Gay Rights: High Court Refuses to Rule, Mt. Vernon Signal, May 18, 2006.

View from the Bench: HIPAA's Impact Weakened in DUI Cases, Mt. Vernon Signal, May 11, 2006.

View from the Bench: Immigration Reform: When Does the Game Begin?, Mt. Vernon Signal , May 4, 2006.

View from the Bench: A Parent's Unwanted Love: The Casey Wethington Act, Mt. Vernon Signal, April 27, 2006.

View from the Bench: Plainly Speaking: Kentucky Judges and Evolving Standards of Speech, Mt. Vernon Signal, April 20, 2006.

View from the Bench: And the Truth Shall Set You Free: Kentucky's Polygraph Prohibition, Mt. Vernon Signal, April 13, 2006.

View from the Bench: Local Drug Prosecutions Increasing, Mt. Vernon Signal, April 6, 2006.

View from the Bench: Science Fiction: Tighter Judicial Scrutiny Needed, Mt. Vernon Signal, March 30, 2006.

View from the Bench: The Recusal Issue, Mt. Vernon Signal, March 23, 2006.

View from the Bench: The Art of Humanity, Mt. Vernon Signal, March 16, 2006.

View from the Bench: Military Recruiters on Campus: Common Sense from the Supreme Court, Mt. Vernon Signal, March 9, 2006.

View from the Bench: Public Dominion of Kentucky Waterways, Mt. Vernon Signal, March 2, 2006.

View from the Bench: Kentucky Clean Water, Mt. Vernon Signal, Feb. 23, 2006.

View from the Bench: A Quailing We Will Go, Mt. Vernon Signal, Feb. 16, 2006.

View from the Bench: No Fear in Love, Mt. Vernon Signal, Feb. 9, 2006.

View from the Bench: A Note to Candidates . . . Good Luck to All, Mt. Vernon Signal, Feb. 2, 2006.

View from the Bench: Protect the Children, Mt. Vernon Signal, Jan. 26, 2006.

View from the Bench: Spying Lawsuit Needed, Mt. Vernon Signal, Jan. 19, 2006.

View from the Bench: Chandler Gets it Right: Alito's Confirmation, Mt. Vernon Signal, Jan. 12, 2006.

View from the Bench: Kentucky Lemon Laws, Mt. Vernon Signal, Jan. 5, 2006.

View from the Bench: A Christmas Wish, Mt. Vernon Signal, Dec. 22, 2005.

View from the Bench: Last Thoughts: The Taking of Tookie, Mt. Vernon Signal, Dec. 15, 2005.

View from the Bench: Part II. Preserving the Peace and Quiet – Federal Martial Law, Mt. Vernon Signal, Dec. 1, 2005.

View from the Bench: Preserving the Peace and Quiet: Kentucky's Use of Martial Law, Mt. Vernon Signal, Nov. 24, 2005.

View from the Bench: Unlawful Belligerence and the Courts, Mt. Vernon Signal, Nov. 17, 2005.

View from the Bench: Juror Selection, Mt. Vernon Signal, Nov. 10, 2005.

View from the Bench: EDRs: Clandestine Evidence, Mt. Vernon Signal, Nov. 3, 2005.

View from the Bench: Probation and Parole: A Real Distinction, Mt. Vernon Signal, Oct. 27, 2005.

View from the Bench: An Effective Criminal Justice System, Mt. Vernon Signal, Sept. 29, 2005.

View from the Bench: The Bankruptcy Reform Act, Mt. Vernon Signal, Sept. 22, 2005.

View from the Bench: Discovering Roberts, Mt. Vernon Signal, Sept. 15, 2005.

View from the Bench: Lawlessness Never Reigns, Mt. Vernon Signal, Sept. 8, 2005.

View from the Bench: Expungements: Cleaning Up After Yourself, Mt. Vernon Signal, Sept. 1, 2005.

View from the Bench: Excuses, Excuses, Mt. Vernon Signal, Aug. 25, 2005.

View from the Bench: The Pardon Power, Mt. Vernon Signal, Aug. 18, 2005.

View from the Bench: Part II of Kentucky's Pre-Trial Release System: Verifying Compliance, Mt. Vernon Signal, Aug. 11, 2005.

View from the Bench: Emergency Help for the Mentally Ill, Mt. Vernon Signal, July 28, 2005.

View from the Bench: Kentucky's Reporter Privilege, Mt. Vernon Signal, July 21, 2005.

View from the Bench: Your Activist Judges, Mt. Vernon Signal, July 14, 2005.

View from the Bench: Speleothems, Milk Crates, and Rustlers – Oh My!, Mt. Vernon Signal, July 7, 2005.

View from the Bench: The Race Card Shuffle, Mt. Vernon Signal, June 30, 2005.

View from the Bench: Searching Cyberspace, Mt. Vernon Signal, June 23, 2005.

View from the Bench: One Toke Over the Line, Mt. Vernon Signal, June 16, 2005.

View from the Bench: Limiting Judges from Deciding Religious Issues, Mt. Vernon Signal, June 9, 2005.

View from the Bench: Conscious Risk Management, Mt. Vernon Signal, June 2, 2005.

View from the Bench: News of the Legally Weird, Mt. Vernon Signal, May 25, 2005.

View from the Bench: Answering the Call for More Drug Courts, Mt. Vernon Signal, May 19, 2005.

View from the Bench: Rush Judgment, Mt. Vernon Signal, May 12, 2005.

View from the Bench: Federal Decisions May Affect Kentucky. Voting Rights, Mt. Vernon Signal, May 7, 2005.

I wrote several additional articles for my *View from the Bench* column for which I could not verify whether they were published, or, if published, the dates they appeared. Those articles are:

View from the Bench: Addressing Bias in the Courts. Copy supplied.

View from the Bench: Bypassing FISA: The Presidential Peril. Copy supplied.

View from the Bench: Cooked Pig Between Two Pieces of Dough. Copy supplied.

View from the Bench: A Century Honored. Copy supplied.

View from the Bench: High Court Sings Exclusion of Minorities from Jury Service. Copy supplied.

View from the Bench: Living in "Away". Copy supplied.

View from the Bench: Suspicionless Dog Sniffs Permitted. Copy supplied.

View from the Bench: Public Input Needed for Judicial Center. Copy supplied.

Federal Asset Forfeiture Reform: A Congressional Fix, Ky. Bench & B., Spring 2001, at 22. 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.

Active Shooter Response Plan, Kentucky Court of Justice (2018). Copy supplied.

Kentucky CJPAC Justice Reinvestment Work Group Final Report, (December 2017).

Link:

<https://justice.ky.gov/Documents/KY%20Work%20Group%20Final%20Report%2012.18.pdf>

Memorandum Regarding Same Sex Marriage Litigation addressed to Working Group Members, Kentucky Court of Justice (March 17, 2014). Copy supplied.

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.

September 7, 2018 letter to Aimara Liste-Gonzalez, Language Access Manager, Administrative Office of the Courts. Copy supplied.

February 27, 2018 memorandum to Laurie K. Dudgeon, Director, Administrative Office of Courts. Copy supplied.

November 22, 2016 letter to Jessie Halladay, Senior Policy Advisor, Kentucky Justice & Public Policy Cabinet. Copy supplied.

July 1, 2016 letter to Laurie K. Dudgeon, Director, Administrative Office of Courts. Copy supplied.

May 6, 2016 written copy of remarks addressed to Criminal Justice Policy Assessment Council, Kentucky Justice & Public Safety Cabinet. Copy supplied.

March 14, 2016 memorandum to Drug Court Team Members. Copy supplied.

January 14, 2016 Letter to Ed Monahan, Director of the Department of Public Advocacy. Copy supplied.

August 24, 2015 letter to Brian McGuire, Chief of Staff to Senator Mitch McConnell. Copy supplied.

February 27, 2014 letter to State Representative John Tilley. Copy supplied.

February 18, 2014 letter to Senator Jared Carpenter. Copy supplied.

December 27, 2011 memorandum to Tom Jensen. Copy supplied.

December 12, 2011 letter to Kelly Stephens, Chief Legal Counsel, Administrative Office of the Courts. 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.

Scheduled April 22-25, 2019: Panel Discussion Leader, "Saving Lives: Ventura County's Overdose Prevention Program," RX Drug Abuse and Heroin Summit. This presentation reviews an initiative in Ventura, California directed at reducing opioid-related deaths through a multi-agency collaborative effort which produced a documented five-hundred two (502) opioid overdose referrals. Advance program notes are supplied. The address of the conference will be Hyatt Regency, 265 Peachtree Street, NE, Atlanta, Georgia 30303.

Scheduled April 22-25, 2019: Panel Discussion Leader, "Court Responses to the Opioid Crisis in Rural and Urban Communities," RX Drug Abuse and Heroin Summit. This program will explore the coercive power of the courts to incentivize meaningful substance abuse treatment. Advance program notes are supplied. The address of the conference will be Hyatt Regency, 265 Peachtree Street, NE, Atlanta, Georgia 30303.

Scheduled April 22-25, 2019: Panel Discussion Leader, "Combatting Opioid-Related Fraud and Diversion Schemes Across the Care Continuum," RX Drug Abuse and Heroin

Summit. This program, which is limited to law enforcement officers, explores the prevalence of fraud and diversion schemes including a discussion of contributing factors such as drug distribution patterns, local health care practice patterns, addiction treatment accessibility, policy changes, and others. Advance program notes are supplied. The address of the conference will be Hyatt Regency, 265 Peachtree Street, NE, Atlanta, Georgia 30303.

Scheduled April 18, 2019: Speaker, "Judicial Stress, Disability and Wellness," Kentucky Court of Appeals Annual Conference. This program details research regarding the prevalence and impact on aging, disease, substance abuse, suicide, and isolation upon the state and federal judiciary, and suggests administrative and personal responses to improve judicial wellness. A copy of the proposed PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

April 9, 2019: Speaker, "Judicial Harm Reduction Strategies: The Commanding Coercive Effect..." 2019 Harm Reduction Summit. This program will introduce precepts of substance abuse treatment for justice involved individuals within Kentucky. A copy of the PowerPoint presentation is supplied. The conference address was Northern Kentucky Convention Center, 1 West Rivercenter Boulevard, Covington, Kentucky 41011.

March 14, 2019: Commentator, Quarterly Meeting of the United States Coordinating Council for Juvenile Justice and Delinquency Prevention. This program was directed at the impact of opioids in rural America. My remarks were offered in gratitude for recent USDA/BJA efforts. Link: https://drive.google.com/file/d/1DPT12q662Enihg-1_WZBHpcbC8kpDKbf/view.

March 7, 2019: Panelist, "Harm Reduction and Prescribing Practices," Opioid Addiction Conference: The Power of Prescribing. This program focused on prescribing limits and practices for justice involved individuals. My remarks involved the need for cooperative practices between the judiciary and medical profession and the need to re-allocate treatment resources to provide for the earlier intervention of treatment alternatives. I have no notes or recordings of this panel discussion. The conference address was: 2292 South Highway 27, Unit 300, Somerset, Kentucky 42501.

February 26, 2019: Speaker, "Layered Analysis of Evidentiary Issues," Kentucky Court of Justice. Designed for newly elected judges, this presentation promoted a layered approach to resolving evidentiary challenges to legal and logical relevancy, balancing probative value against unfair prejudice, and the policy-based exclusions to admissibility. A copy of the PowerPoint and a recording of the presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

February 26, 2019: Speaker, "Underneath the Black Robe: Revealing Issues of Judicial Wellness," Kentucky Court of Justice. This presentation discussed the limited existing data regarding issues of aging, secondary trauma, physical and emotional health,

isolation, the intimacy of decision making, substance abuse, and decision fatigue among the judiciary. I have no additional materials for this presentation. It utilized the same materials as the October 2018 presentation on the same subject. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 31, 2018: Speaker, "Remarks Regarding Drug Court Graduation" Kentucky Court of Justice. I have no documentation of my remarks, but they would have been substantially similar to those detailed below. The graduation ceremony took place at 50 Public Square, Somerset, Kentucky 42501.

October 24, 2018: Speaker, "Underneath the Black Robe: Revealing Issues of Judicial Wellness," Kentucky Court of Justice. This presentation discussed the limited existing data regarding issues of aging, secondary trauma, physical and emotional health, isolation, the intimacy of decision making, substance abuse, and decision fatigue among the judiciary. The PowerPoint presentation and a video recording are supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 18, 2018: Speaker, "Remarks at Residential Drug Treatment Facility Grand Opening (Sky Hope)." This public celebration marked the official opening of a residential long-term treatment facility for women. I have no recording of the program or notes: a media account is supplied. The address of the event is 77 Union Street, Somerset, Kentucky 42501.

September 17, 2018: Speaker, "Remarks to Fayette Circuit Court Judges Regarding MAT," Kentucky Court of Justice. This discussion was directed at increasing treatment opportunities for justice involved individuals diagnosed with Opioid Use Disorder. Partial notes of my remarks are supplied. The address of this discussion is 120 North Limestone, Lexington, Kentucky 40507.

July 24, 2018: Speaker and Program Coordinator, "Faculty Development for Circuit Judges College," Kentucky Court of Justice. This program focused on development of programming for an upcoming conference and exposure to effective teaching strategies. The PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is: 1001 Vandalay Drive, Frankfort, Kentucky 40601.

June 14, 2018, Panelist, "The Opioid Epidemic in Kentucky," Kentucky Bar Association Annual Convention, This program featured a panel discussion addressing the scope of the opioid issues within Kentucky, the public response, and the prevalence of Medication Assisted Treatment (MAT) within Kentucky. Materials from the presentation are supplied. The address of the convention was Lexington Convention Center, 430 West Vine Street, Lexington, Kentucky 40507

June 12, 2018: Speaker and Panel Discussion Leader, "KRAS: Kentucky Risk Assessment System" (webinar). Kentucky Court of Justice. This program addressed the implementation of a validated risk assessment tool by the state Department of Corrections

as a guide to informed decision making. The PowerPoint presentation is supplied in addition to a recording. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

June 12, 2018: Speaker, "Drugs Consume My Life" Remarks to the Lincoln County Women's Democratic Club. I have no documentation of my remarks. The remarks were delivered at Ft. Logan Hospital, 110 Mecker Trail, Stanford, Kentucky 40484.

June 6, 2018: Speaker, "Remarks Regarding Drug Court Graduation" Kentucky Court of Justice. I have no documentation of my remarks; however, they would have been substantially similar to those detailed below. A media account is supplied by link. The graduation ceremony occurred at: 50 Public Square, Somerset, Kentucky 42501. Link: <https://www.middlesborodailynews.com/2018/06/06/unite-vouchers-helped-2-receive-treatment/>

May 9, 2018: Panelist: "Opioid Misuse in Kentucky: A Focus on Vulnerability," U.S. Department of Agriculture. This program presented federal, state, and local efforts addressing rural initiatives as a response to the opioid crisis. I have no documentation of my remarks. Email documentation relating to the program is supplied. The address of the U.S. Department of Agriculture is: 1400 Independence Avenue SW, Washington, D.C. 20250.

May 2018: Candidate, "One of Us—David Tapp for Supreme Court Campaign" (campaign video). Link: <https://youtube/83heJr3abU>. I do not have the exact date of this video.

April 28, 2018: Remarks, Republicans' Lincoln Dinner. This event consisted of judicial candidates discussing the changing political climate in Kentucky. I was one of a number of election candidates who spoke. I have no notes of my remarks, but a media account is supplied. The event took place at the Old Kentucky Home Country Club, 29 East Stephen Foster Avenue, Bardstown, Kentucky 40004.

April 28, 2018: Speaker, "Medication Assisted Treatment Within the Courts," Kentucky Court of Justice. This program involved visiting team members from the VERITAS Adult Treatment Court in Bristol, Virginia, and local protocols relating to the use of Medication Assisted Treatment within the 28th Circuit Drug Court. I have no notes or recordings of this event; a media account is supplied. The meeting occurred at 50 Public Square, Somerset, Kentucky 42501.

April 27, 2018: Speaker, "Remarks Regarding Candidacy," Laurel County Chamber of Commerce. These remarks involved the campaign for the Third District, Kentucky Supreme Court. I have no materials relating to my remarks. The address of the Laurel County, Kentucky Chamber of Commerce, is 409 South Main Street, London, Kentucky 40741.

April 26, 2018: Speaker, "Looking In, Facing Out," Comments Regarding Drug Court

graduation. My notes and a media account are supplied. The graduation ceremony occurred at, 50 Public Square, Somerset, Kentucky 42501. I have spoken at numerous similar Drug Court graduations with a similar message but have no documentation of specific remarks.

April 24, 2018: Speaker, "Medication Assisted Treatment Within County Jails," Kentucky Court of Justice/Marion County Detention Center. This discussion concerned the methods and pitfalls of establishing a pre-release MAT program within a local detention center. I have no documentation of my remarks. The program was presented at 1835 Campbellsville Road, Lebanon, Kentucky 40033.

April 23, 2018: Speaker: "Historical Context of the Hal Rogers' Leadership Award," The Hal Rogers Leadership Awards Dinner is an annual event benefitting the Lake Cumberland Boy Scouts of America. This presentation discussed the attributes of leadership. A copy of my notes is supplied. The conference address was 2292 South Highway 27, Unit 300, Somerset, Kentucky 42501. I provided similar remarks to that event from 2015, but have no additional notes of those remarks.

April 4, 2018: Panel Discussion Leader, "Expanding Access to Treatment for Justice Involved Populations" RX Drug and Heroin Abuse Summit, Institute for Advancement of Behavioral Healthcare. This program involved various issues related to the expansion of Medication. The program description is supplied. The address of the conference was Hyatt Regency, 265 Peachtree Street, NE, Atlanta, Georgia 30303.

April 4, 2018: Panel Discussion Leader, "Treatment Matters: Best Practices in Drug Court," Institute for Advancement of Behavioral Healthcare, RX Drug and Heroin Abuse Summit. This program featured speakers from the National Association of Drug Court Professionals (NADCP) and the American Society of Addiction Medicine (ASAM) regarding the expansion of treatment opportunities including telehealth. The program description is supplied. The address of the conference was Hyatt Regency, 265 Peachtree Street, NE, Atlanta, Georgia 30303.

April 4, 2018: Panel Discussion Leader, "Extended-Release Naltrexone vs. Buprenorphine-Naloxone: A Comparative Effectiveness Trial," Institute for Advancement of Behavioral Healthcare, RX Drug and Heroin Abuse Summit. This program involved various issues related to the expansion of Medication. The program description is supplied. The address of the conference was Hyatt Regency, 265 Peachtree Street, NE, Atlanta, Georgia 30303.

April 2, 2018: Speaker, "Remarks Regarding Candidacy" Pulaski County Democrat Women's Club. These remarks involved the campaign for the Third District, Kentucky Supreme Court and would have stressed the economic import of state supreme courts. I have no materials relating to my remarks other than that disclosed below; an advance media account is supplied.

April 2018: Speaker, Campaign events throughout various Kentucky counties. I have no

notes of these events but a copy of my speaking itinerary is supplied.

March 29, 2018: Speaker, "Remarks Regarding Judicial Campaign," Corbin Rotary Club. These remarks involved the ongoing campaign for the Kentucky Supreme Court. I have no documentation regarding my remarks; a media account is supplied. The address of the Corbin Rotary Club is 125 West Cumberland Gap Parkway, Corbin, Kentucky 40701.

March 29, 2018: Speaker, "Remarks Regarding Judicial Campaign," Nelson County Republican Party. These remarks involved the ongoing campaign for the Kentucky Supreme Court. I have no documentation regarding my remarks. The address of the event was 201 Cathedral Manor, Bardstown, Kentucky 40004.

March 26, 2018: Speaker, "Remarks to Drug Court Graduates" Kentucky Court of Justice. 27th Circuit. No summary of the remarks at this graduation ceremony are available; however, a media account is supplied. The graduation ceremony occurred at: 305 South Main Street, London, Kentucky 40741.

March 15, 2018: Speaker, "Cyberstalking" Democratic Women's Association. This program was directed at awareness of the frequency and manner that offenders utilize digital technology to control victims. I have no documentation of my remarks; however, these remarks would be substantially similar to the other cyberstalking presentations detailed herein. The address of the Democratic Women's Association is 201 Cathedral Manor, Bardstown, Kentucky 40004.

March 13, 2018: Speaker, "Remarks Regarding Judicial Campaign" Laurel County Republican Party, Lincoln Day Dinner. These remarks involved the ongoing campaign for the Kentucky Supreme Court. I have no documentation regarding my remarks. The address of the event was: London Community Center, 529 South Main Street, London, Kentucky 4074.

March 8, 2018: Speaker, "Remarks to Promote Overdose Fatality Awareness." This black balloon release promoted fatal opioid overdoses awareness. I have no notes or recordings containing my remarks; however, a media account is supplied. The event occurred at 50 Public Square, Somerset, Kentucky 42501.

March 8, 2018: Speaker, "Remarks to Promote Overdose Awareness" Community Collaboration. These remarks emphasized the extent of Kentucky's opioid addiction. I have no documentation of my remarks. A media account is supplied. The address of the event was: 50 Public Square, Somerset, Kentucky 42501.

March 5, 2018; Speaker, "Remarks Regarding Candidacy," Pulaski County Democrat Women's Club. These remarks concerned the pending election for the Third District, Kentucky Supreme Court. I have no materials relating to these remarks other than those supplied below. The address of the organization is: Pulaski County Democratic Headquarters, 105 West Mount Vernon Street, Somerset, Kentucky 42501.

March 3, 2018: Speaker, "Remarks Regarding the Significance of Oaths Within American History." Prior to administration of Kentucky's Constitutional Oath of Office to firefighters for the City of Somerset, Kentucky, I spoke of the constitutional and cultural emphasis on the relationship between public service and faith as expressed in the historical preference for oaths. I have no documentation of my remarks. The address of the Somerset Fire Department is 121 South Central Avenue, Somerset, Kentucky 42501.

March through April 2018: Speaker, "Read Across America: Dr. Seuss Day," Hopkins Elementary School and Oak Hill Elementary School, Pulaski County, Kentucky. I participate annually in the nationwide reading celebration of Dr. Seuss Day by reading classic Seuss books to elementary school children. I have no documentation as to which books I read or any accompanying remarks. The address for Hopkins Elementary School is 210 May Street, Somerset, Kentucky 42501. The address for Oak Hill Elementary School is 1755 WTLO Road, Somerset, Kentucky 42501.

Spring 2018: Speaker, "Remarks Regarding Candidacy" Lee County, Kentucky. My remarks addressed the upcoming election for the Third District, Kentucky Supreme Court. I have no documentation of these remarks other than that generally provided below. I have no contact information for any organizing individual or group.

February 26, 2018: Panelist, "Criminal Justice Reform in the Commonwealth" The Federalist Society. This panel discussion featured multiple perspectives on Kentucky's continuing justice system crisis. I have no documentation of my remarks. The meeting of the Federalist Society occurred at Vincenzo's, 150 South 5th Street, Louisville, Kentucky 40202.

February 21, 2018: Speaker, "Remarks Regarding Bail Reform in Kentucky" Louisville Bar Association. This debate style public forum addressed the emerging issue of the elimination of money bail. A draft of my notes is supplied as well as a link to the program agenda. The address of the Louisville Bar Association is 600 W Main St #110, Louisville, Kentucky 40202. Link: <https://courts.ky.gov/Documents/Newsroom/RacialFairCommissAgenda022118.pdf>

February 2018: Panelist, "Remarks to Lincoln County High School Regarding Consequences of Criminal Thinking and Behavior" These remarks were directed to at-risk high school students. I have no documentation of my remarks. The address of the Lincoln High school is 60 Education Way, Stanford, Kentucky 40484.

February - May 2018: Candidate, "Remarks Regarding Candidacy for Kentucky Supreme Court," Third Supreme Court District, Kentucky. These remarks formed the basic campaign stump speech utilized throughout the campaign and were given in some form on numerous occasions and locations with edits directed to the specific audience and length of program. Variations of these basic campaign remarks were utilized. A copy of each draft is supplied.

January - May 2018: Candidate, "David Tapp for Kentucky Supreme Court"

(campaign video). Link: https://youtu.be/BG_mdehLKuM.

November – December 2017: Speaker, "Radio (WWAG) Broadcast Regarding Vivitrol," (Two Parts). This radio broadcast featured a discussion of injectable naltrexone as a treatment for Opioid Use Disorder (OUD).

Link: <https://www.facebook.com/projectdaris/videos/1772597999478868/>.

The address of WWAG is: 1731 Highway 1071, Tyner, Kentucky 40486.

December 6, 2017: Speaker, "Remarks Regarding Opioid Crisis," Green County, Kentucky, Agency for Substance Abuse Policy (ASAP). These remarks discussed community response to the opioid use issues and co-existing mental and physical health disorders. I have no documentation of my remarks. The address for the Green County, Kentucky, Agency for Substance Abuse Policy is 1697 Ralph Vaughn Road, Greensburg, Kentucky 42743.

December 6, 2017: Speaker, "Remarks Regarding Opioid Crisis," Taylor County, Kentucky, Agency for Substance Abuse Policy (ASAP). These remarks discussed community response to the opioid use issues and co-existing mental and physical health disorders. I have no documentation of my remarks. The address for the Taylor County, Kentucky, Agency for Substance Abuse Policy is 300 East Main Street, Campbellsville, Kentucky 42718.

November 7, 2017: Speaker: "Cyberstalking: Someone is Always Watching," Central Kentucky American Inn of Court. This program was intended to promote awareness among Family Court practitioners of the prevalence of technology as a commonplace tool used by stalkers. A copy of the draft PowerPoint presentation is supplied. The program was presented at University of Kentucky, 100 Funkhouser, Lexington, Kentucky 40506.

October 22, 2017: Panelist, "The Opioid Epidemic in Kentucky Roundtable," Kentucky Court of Justice. This program, addressed to Kentucky general jurisdiction and family court judges, featured a panel discussion on the scope of the opioid issues in Kentucky, the public response, and the growth of Medication Assisted Treatment within Kentucky. A copy of the video recording pertaining to this program is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 14, 2017: Speaker, "Remarks Regarding Cyber-Bullying," Lake Cumberland Breakaway Project. My remarks discussed the increasing prevalence of cyber-bullying among the youth and the serious consequences to children and the educational system. I have no materials relating to my remarks. The address of Lake Cumberland Project Breakaway is: P.O. Box 637, Russell Springs, Kentucky 42642.

September 28, 2017: Speaker: "Treating the One-Percenters: OUD Within the Kentucky Courts," ADANTA-Focus on Treatment Conference. This conference was comprised of local mental health officials and provided an update on treatment developments within

the judicial system. A copy of the PowerPoint presentation and a media account are supplied. The conference address was 2292 South Highway 27, Unit 300, Somerset, Kentucky 42501.

September 27, 2017: Speaker, "Medication Assisted Treatment: Discussion on Vivitrol, Buprenorphine and Methadone," 10th Annual Prevention Conference – Kentucky Prevention Network. This audience was comprised of educators, school counselors and treatment providers, and staff from the Kentucky Administrative Office of the Courts. The programming focused on substance abuse treatment for justice involved individuals. I have no notes or memoranda regarding this program though the content was similar to that provided to judges the preceding month. The address of the Kentucky Prevention Network is 2019 Old Towne Road, Louisville, Kentucky 40214.

September 15, 2017: Speaker, "Remarks to the Bethlehem Baptist Church." This program was intended to promote community awareness regarding the scope of the opioid epidemic in rural Kentucky. I have no notes or recordings from this presentation; however, a media account is supplied. The address of the Bethlehem Baptist Church is 4100 State Highway 1664, Nancy, Kentucky 42544.

September 2017: Speaker, "Remarks Regarding Candidacy," Wayne County Young Republicans Chili Supper. My remarks addressed the upcoming election for the Third District, Kentucky Supreme Court. I have no documentation of these remarks other than that provided below. The Wayne County Young Republicans do not have a mailing address but may be contacted by social media:
<https://www.facebook.com/WayneCountyYRs/>

August 28, 2017: Speaker, "Medication Assisted Treatment: Discussion on Vivitrol, Buprenorphine and Methadone", Kentucky Court of Justice. This audience was comprised of educators, school counselors and treatment providers, and staff from the Administrative Office of the Courts. The programming focused on substance abuse treatment for justice involved individuals. The video recording of this program is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

June 2017: Speaker and Program Coordinator, "Faculty Development/Teaching Skills," Kentucky Court of Justice. I do not have the exact date of this event, but this one-day program focused on developing presentation skills, learning objectives, understanding audience demographics, and utilizing effective teaching techniques. I have no documentation of these specific remarks; similar materials were used at all faculty development conferences and supplied above. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

June 21, 2017: Panelist, "The Opioid Epidemic in Kentucky," Kentucky Bar Association. This inaugural program featured a panel discussion comprised of judges, mental health professionals, and former law enforcement addressing the scope of the opioid issues in Kentucky and the state's government. The program materials are supplied. The

conference address was Owensboro Convention Center, 501 West Second Street, Owensboro, Kentucky 42301.

June 8, 2017: Speaker, "Remarks Regarding Treatment Alternatives for Justice Involved Individuals," Lincoln County (Kentucky) Women's Democrat Club. These comments explained the array of treatment alternatives for justice involved individuals with a diagnoses of Substance Use Disorder. I have no documentation of my remarks; a media account is supplied. This organization has no permanent headquarters but meets regularly at: The Kentucky Depot, 119 Metker Trail, Stanford, Kentucky 40484. The Club may also be contacted at: <https://m.me/lincolncountydemocrats>.

April 28, 2017: Speaker, Remarks at the opening of a residential drug treatment center in Somerset. I have no documentation of my remarks but a media account is supplied. SKY Hope Recovery Center, 77 Union Avenue, Somerset, Kentucky 42501.

October 2016: Speaker, "Swift, Certain & Fair Resource Center: Implementation Meeting," United States District Court, Eastern District of Kentucky. This program was intended to explore the principle of Kentucky's SMART program and its adaptation for federal courts. Attendees included United States District Judges, attorneys, and federal probation officers. I have no documentation of my remarks. The meeting occurred at: United States District Courthouse, 35 West Fifth Street, Covington, Kentucky 41011.

October 23, 2016: Panelist, "Volunteers of America hosts SB192 Oversight Committee Meeting." This oversight committee meeting discussed addiction recovery services, the criminal justice system, and healthcare. A press account of the panel is supplied. The address of the talk was 1436 South Shelby Street, Louisville, Kentucky 40217.

October 19, 2016: Speaker and Producer, "The Life of the Law" Kentucky Court of Justice. This video program provides a retrospective regarding the Kentucky judiciary. A recording of this presentation is provided. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 17, 2016: Speaker and Program Coordinator, "One Family, One Discovery," Kentucky Court of Justice. This program was designed to discuss commonplace issues involving Electronically Stored Information (ESI) within a family court setting. A copy of the PowerPoint presentation is supplied, in addition, a partial recording of the program is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 16, 2016: Speaker and Program Coordinator, "Capturing a Fleeting Reality: BWCs, Accountability and Deterrence," Kentucky Court of Justice. This presentation to state general jurisdiction judges introduced emerging legal issues involving Body Worn Cameras use, limitations, and law enforcement protocols. A copy of my PowerPoint presentation is provided as well as a recording of this program. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 5, 2016: Speaker, "Discussion of e-Discovery Issues," The University of Kentucky College of Law. This question and answer session for law students provided a discussion of frequently occurring digital discovery problems in Kentucky courts and the ethical obligations of attorneys. I have no documentation of this program; however my remarks were similar to related programs presented to judges of the Kentucky Court of Justice. The address of this presentation was 620 South Limestone, Lexington, Kentucky 40508.

September 30, 2016: Speaker, "Stopping the Rain: Implementing Vivitrol in a Criminal Justice Setting." This program aided the establishment of injectable naltrexone programs within Tennessee treatment courts. A copy of my notes and PowerPoint presentation are supplied. The presentation was given at 1900 Belmont Boulevard, Nashville, Tennessee 37212.

September 2016: Speaker, "Remarks Regarding Substance Use Disorder," Community Event. This event was organized by a loose affiliation of local support groups and individuals as a demonstration of support for those with Substance Use Disorders. My remarks addressed the stigma associated with treatment and recovery. I have no materials relating to my remarks. There is no address for the affiliation of groups or individuals.

June 9, 2016: Speaker, "Casualties in the Crossfire: *Zubulake* and its Progeny" 33rd Annual Carl A. Warns, Jr. and Edwin Renda Labor and Employment Law Institute, University of Louisville, Brandeis School of Law. This program addressed Electronically Stored Evidence issues within the context of employment law. A copy of my notes is supplied. The address of the Brandeis School of Law is 2301 South Third Street, Louisville, Kentucky 40208.

June 6, 2016: Speaker and Program Coordinator, "Same Thing, Different Words: Faculty Development," Kentucky Court of Justice. This program was directed at aiding first time presenters in the development of judicial education programs. A copy of the PowerPoint (draft) presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

June 1, 2016: Speaker, "Best Practices for Implementation of Vivitrol" National Association of Drug Court Professionals 2016 Annual Conference. This pre-conference workshop sponsored by Alkermes provided perspectives on implementation of an injectable naltrexone program for justice involved individuals. I have no documentation of my remarks. The National Association of Drug Court Professionals is 625 North Washington Street, Suite 212, Alexandria, Virginia 22314.

May 11, 2016: Speaker, "Treatment for Opioid Use Disorders," Hometowns Against Heroin. This community event was intended to focus awareness on the scope and extent of Kentucky's opioid issues. Draft copies of my materials and a media account are supplied. The conference address was 2292 South Highway 27, Unit 300, Somerset, Kentucky 42501.

May 2016: Speaker, "Remarks Regarding Observation of National Drug Court Month," 28th Judicial Circuit Drug Court (Pulaski, Rockcastle and Lincoln Counties. This group march held in Mount Vernon, Kentucky, was in observance of National Drug Court Month. I have no materials related to my remarks; however, we distribute materials consistent with those provided by the National Association of Drug Court Professionals: <https://www.nadcp.org/advocacy/ndcm/>. The address of the 28th Judicial Circuit Drug Court is 50 Public Square, Somerset, Kentucky 42501. The address of the National Association of Drug Court Professionals is 625 North Washington Street, Alexandria, Virginia 22314.

April 2016: Speaker, "Where Ethics and e-Discovery Meet," Pulaski County Bar Association. This discussion was intended to expose local practitioners to developing ethical issues relating to digitally stored information and judicial expectations regarding ethical discovery practices. I have no documentation of my remarks. The meeting occurred at 50 Public Square, Somerset, Kentucky 42501.

March 31, 2016: Speaker, "Remarks at Drug Court Graduation," Laurel County Circuit Court. My remarks focused on the difficulty of the Drug Court program. I have no documentation of my remarks; however, a media account is supplied. The address of the Laurel County Circuit Court is 305 South Main Street, London, Kentucky 40741.

February 24, 2016: Speaker and Program Coordinator, "Active Shooter Project," Kentucky Court of Justice. This program brought together law enforcement, judges, court security, and judicial education staff to evaluate and formulate a cooperative active shooter response for Court of Justice employees and facilities. A copy of the PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

January 11, 2016: Panel Discussion Leader, "Judicial Writing for Trial Judges and Staff Attorneys," (webinar) Kentucky Court of Justice. This panel discussion was intended to assist judges and their staff attorneys in drafting concise legal opinions, findings of fact, and conclusions of law, and to avoid common mistakes in legal writing. A recording is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

November 13, 2015: Speaker, "Sooner Rather Than Later: Achieving Opiate Abstinence in the Criminal Justice Involved Population," Primary Care Association Annual Meeting. This presentation was directed to primary care physicians and their staff. Presenters explored the preference for injectable naltrexone for patients who achieved detoxification versus other options using opioid agonists and partial agonists. I have no documentation of my remarks. The address of the Primary Care Association of Kentucky is 226 West Main Street, Frankfort, Kentucky 40601.

October 23, 2015, Speaker, "Vivitrol Treatment in Kentucky Courts," SB 192: Implementation and Oversight Committee. This presentation was designed as an update regarding implementation of Kentucky's Heroin Bill. A copy (draft) of my PowerPoint presentation is supplied. The Kentucky Legislative Research Commission is located at:

700 Capitol Avenue Loop, Frankfort, Kentucky 40601.

September 27, 2015: Speaker and Program Coordinator, "Evidence 2015: Point and Shoot—Split Second Hearsay Decisions," Kentucky Court of Justice. Designed as an interactive video game module, this session was designed to test the split-second decision-making trial judges frequently encounter. A copy (draft) of the PowerPoint presentation and video recording is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

September 22, 2015: Speaker, "Cyberstalking," Appalachian Research and Defense Fund/ Laurel County Bar Association. This program was directed at family law to promote awareness of the use of digital technology including positional tracking, audio and visual surveillance, and online impersonation as an aspect of traditional off-line obsessive stalking behavior. I have no documentation of my remarks; this program would be similar in content to other cyberstalking programs described in this response. The address for the Appalachian Research Defense Fund is 108 College Street, Somerset, Kentucky 42501.

September 16, 2015: Speaker/Panelist, "The State of the Art of the HOPE Probation Model: A Roundtable Discussion for Criminal Justice Leaders." This program was hosted by the Institute for Behavior and Health and discussed Kentucky's HOPE probation strategy. I have no documentation of my remarks. The address for the Institute for Behavior and Health is 6191 Executive Boulevard, Rockville, Maryland 20852.

September 2015: Speaker, "Vivitrol Treatment in Kentucky Courts: Obstacles and Opportunities," Kiwanis Club of Rockcastle County. This program presented an overview of the opioid crisis in Kentucky, the FDA approved methods of Medication Assisted Treatment, and the indicators for the use of injectable naltrexone. I have no specific date of the event or documentation of my remarks. The address of the Rockcastle County Kiwanis club is P.O. Box 1334, Mount Vernon, Kentucky 40456.

Fall 2015: Speaker, "Electronic Discovery" University of Louisville, Brandeis School of Law. This inaugural class introduced law students to issues relating to the storage, retention, recovery, admissibility of electronically stored information as well as professional and ethical responsibilities of attorneys. A copy of the syllabus is supplied. The Brandeis School of Law is located at 2301 South Third Street, Louisville, Kentucky 40208.

July 31, 2015: Speaker, "Your Worst Nightmare: Stalking in the Digital Age," Adanta Focus on Treatment Conference. This program was directed at mental health providers, social workers, and local law enforcement and designed to promote awareness of the use of digital technology including positional tracking, audio and visual surveillance, and online impersonation as an aspect of traditional off-line obsessive stalking behavior. A copy (draft) is supplied. The conference address was: 2292 South Highway 27, Unit 300, Somerset, Kentucky 42501.

July 26, 2015: Speaker, "A Focus on Kentucky and a Legitimate End..." National Association of Drug Court Professionals/Alkermes. This program discussed the use of injectable extended release naltrexone as an opioid antagonist alternative to agonists or partial agonists. My PowerPoint presentation is supplied. The National Association of Drug Court Professionals is 625 North Washington Street, Suite 212, Alexandria, Virginia 22314.

June 18, 2015: Panelist, "e-Discovery: Cooperation vs. Zealous Advocacy: A Case for All Involved," Kentucky Bar Association. This panel discussion stressed the importance of cooperation in resolving digital discovery disputes. A copy of the program materials is supplied. The address of the Kentucky Bar Association is: 514 West Main Street, Frankfort, Kentucky 40601.

June 15, 2015: Speaker and Program Coordinator, "Same Thing, Different Words," Faculty Development. Kentucky Court of Justice. This program was developed to prepare presenters for judicial education programs. A copy of the PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

May 14, 2015: Speaker, "Dear David: HB 8 and Interpersonal Protective Orders," Family Law Conference, Kentucky Court of Justice. This program outlined new legislation addressing protective orders for non-married couples. A copy of my draft PowerPoint is supplied in addition to a copy of the recorded program. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

April 16, 2015: Speaker, "Out Comes the Sun...; Introduction to Vivitrol in Kentucky," Kentucky Court of Justice and Department of Corrections. This presentation directed at drug court staff and officers of the Division of Probation & Parole was designed as an introduction to the use of injectable extended release naltrexone. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

January 25, 2015: Speaker and Program Coordinator, "Getting it Right: Resolving ESI Authentication Issues (Revisiting ESI Basics and Addressing Admissibility Issues)," Circuit Judges Winter College, Kentucky Court of Justice. Directed at general jurisdiction and family court judges, this program focused on foundation and authentication of digital stored information. A copy of the PowerPoint presentation and video recording is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

January 25, 2015: Co-speaker and Program Coordinator, "Judicial Security: Responding to CTAV," Kentucky Circuit Judges Winter College, Kentucky Court of Justice. This program addressed increasingly commonplace targeted acts of violence against courts. A copy of the recording is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

December 7, 2014; Panel Discussion Leader and Program Coordinator, "So Now You Are a Judge," New Judge Orientation, Kentucky Court of Justice. This program was intended to introduce newly elected judges to a variety of issues including personal security, courtroom decorum, and common ethical issues. A copy of the presentation and a video recording is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

December 7, 2014; Speaker and Program Coordinator, "Layered Analysis of Evidentiary Issues," New Judge Orientation, Kentucky Court of Justice. Designed for newly elected judges, this presentation promoted a layered approach to resolving evidentiary challenges from factual to legal relevancy, balancing probative value against unfair prejudice, and the policy-based exclusions to admissibility. A copy of notes, the PowerPoint presentation, and a recording are supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

December 7, 2014; Speaker and Program Coordinator, "Trial and Docket Management," Kentucky Court of Justice. Designed for newly elected judges, this program featured a discussion regarding differing docket managing strategies. A copy of the recorded program is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

December 7, 2014, Co-Speaker and Program Coordinator, "Who's Who" Kentucky Court of Justice. Designed for newly elected judges, this program introduced new judges to administrative responsibilities within the Kentucky Court of Justice. A copy of the recorded program is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

December 7, 2014: Panel Discussion and Program Coordinator, "Pretrial Release — Issues Relating to Bail/Bond" New Judge Orientation, Kentucky Court of Justice. This program addressed release decisions and the appropriate use of validated risk assessments. A copy of the PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

November 18, 2014: Speaker and Program Coordinator, "Collateral Consequences of Conviction," Kentucky Court of Justice. This program discussed the importance of addressing collateral consequences frequently arising under state and federal law. A copy of the PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

November 7, 2014: Speaker, "Truth and Consequences," Pulaski County Schools. These programs, conducted semi-annually, expose high school students to a variety of real-world scenarios including arrest and prosecution. I have no documentation of my participation but have participated at other of these events as well. The address of the Pulaski County School system is 925 North Main Street, Somerset, Kentucky 42503.

October 22, 2014: Co-Speaker "Towards a SMART(er) Probation Model," Trial and

Appellate Judge Fall Conference, State of Mississippi Judiciary and National Center for State Courts. This presentation was designed in reaction to new legislation in Mississippi mandating the use of graduated sanctions for most probation violations. A copy (draft) of my notes is supplied. The address for the National Center for State Courts is 300 Williamsburg Avenue, Newport, Virginia 23185.

August 2014: Panelist, "Project HOPE: Swift & Certain Sanctions Review & Outlook Meeting," Bureau of Justice Programs/United States Department of Justice Programs from around the U.S. based upon Hawaii's HOPE approach to probation supervision of high-risk offenders gathered to compare approaches and results. I have no specific date for this event or documentation of my remarks. The address for the Bureau of Justice Assistance is Office of Justice Programs, 810 Seventh Street, NW, Washington, D.C. 20531.

August 2014: Program Coordinator, "Ethics and Legal Issues for Judges and Counsel Panel Discussion," 2014 State Drug Court Conference, Kentucky Court of Justice. I was responsible for developing this program and directing the discussion which focused on issues of concern to the Judicial Conduct Commission. I have no documentation of my remarks. The address of the Kentucky Court of Justice is: 1001 Vandalay Drive, Frankfort, Kentucky 40601.

July 2014: Speaker, "Your Worst Nightmare! Stalking in the Digital Age," Appalachian Research & Defense Fund/Pulaski County (Kentucky) Bar Association. This program was designed to promote awareness of how digital technology has altered traditional stalking. I have no documentation of my remarks. The address for the Appalachian Research Defense Fund is 108 College Street, Somerset, Kentucky 42501.

June 26, 2014: Moderator, "Kentucky SMART Training Conference: Strategies for Supervision of the High Risk/High Need Offender" Kentucky Court of Justice. A copy of draft materials relating to this program is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

June 2014: Panelist, "Opportunities for Courts, Prosecutors and the Defense: The Affordable Care Act and Justice Involved Populations," Kentucky Justice and Public Safety Cabinet. This program sought to inform correctional and court employees regarding recent modification to state Medicaid laws which increased the availability of treatment opportunities. I have no documentation of my remarks. The program was presented at the Administrative Office of the Courts, Kentucky Court of Justice, 1001 Vandalay Drive, Frankfort, Kentucky 40601.

June 2014: Speaker and Program Coordinator, "Faculty Development Workshop," Kentucky Court of Justice. This program introduces new presenters to the expected standards of judicial presentations and the appropriate use of video and other presentation techniques. I have no documentation of my remarks and do not have the exact date; copies of similar presentations were supplied above. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

February 2014: Speaker, "Impressions of Abraham Lincoln," Pulaski County Kentucky Lincoln Club. I shared remarks concerning the life and leadership of Abraham Lincoln. I do not have the exact date. A copy of my notes is supplied. The program was presented at 511 University Drive, Somerset, Kentucky 42503.

January, 2014: Speaker and Program Coordinator, "So Now You Are a Judge." This program introduced inexperienced judges to the culture of the judiciary. A copy (draft) of the PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

November 2013: Panelist, "Cooperation in ESI Issues," The Sedona Conference-Working Group I. This panel discussion addressed the advantages of cooperative discovery. I have no documentation of my remarks and do not have the exact dates. The Sedona Conference address is 301 East Bethany Home Road, Phoenix, Arizona 85012.

November 18, 2013: Speaker and Program Coordinator, "Fundamentals of Case Management and e-Discovery," Kentucky Court of Justice. This program introduced Kentucky trial judges to developing rules and procedures for discovering disputed production and scope of digitally stored materials. The PowerPoint presentation is supplied as well as a recording. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

November 18, 2013: Panel Moderator, "Problem Solving Courts," Circuit Judges College, Kentucky Court of Justice. This program focused on Kentucky's drug courts. I have no notes or memoranda regarding this program. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

November 18, 2013: Speaker and Program Coordinator, "Parsley on the Plate: The Collateral Consequences of Conviction," Circuit Judges College, Kentucky Court of Justice. This program discussed obvious and less well-known collateral effects of a felony conviction pursuant to state and federal law. A copy of PowerPoint presentation is supplied. In addition, a copy of the video recording is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

July 2013: Speaker and Program Coordinator, "Faculty Development Conference," Kentucky Court of Justice. This annual event is scheduled in advance of every fall conference to finalize agendas and provide instruction to new presenters regarding development of proper learning objectives and appropriate teaching techniques. I have no materials relating to this specific program but have used similar materials each year similar to those supplied above. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

June 19, 2013: Speaker, "HB 463: Where Are We Now?" Kentucky Bar Association. This panel discussion provided an update on legislative initiatives which significantly affected criminal procedure and punishment within Kentucky. A copy of the program

materials is supplied. The address for the Kentucky Bar Association is 514 West Main Street, Frankfort, Kentucky 40601.

May 30, 2013: Speaker, "Remarks at Drug Court Graduation." These comments were directed at those defendants graduating from Drug Court within Lee, Owsley and Estill counties. A copy of the media account is supplied. The offices of the 28th Judicial Circuit Drug Court are now located at 50 Public Square, Somerset, Kentucky 42501.

April 24, 2013: Program Moderator and Coordinator, "Evidence Based Sentencing Practices," Kentucky Court of Justice/Bureau of Justice Assistance. This conference was funded by a BJA grant to focus on pre-trial practices upcoming judicial elections, and evidence. A copy of the PowerPoint Presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601; the address for the Bureau of Justice Assistance is Office of Justice Programs, 810 Seventh Street, NW, Washington, D.C. 20531.

March 1, 2013: Speaker, "Perceptions of the Courts and Budget Priorities," Pulaski County Bar Association. This program provided to local attorneys an overview of forthcoming budgetary constraints imposed by the biennial budget plan. A copy of the PowerPoint presentation is supplied. The address at which the program was presented was 50 Public Square, Somerset, Kentucky 42501.

October 28, 2012: Speaker, "Issues in Evidence," Kentucky Court of Justice. This program provided an update on common evidentiary issues. A copy of the PowerPoint presentation, and a recording is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 16, 2012: Discussion Leader, "Citizens United, Caperton and White: What Do They Mean?" Kentucky Court of Justice. This program addressed changes in Supreme Court case law impacting judicial elections and campaign finance. A copy of the video recording is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 9, 2012: Speaker, "Overview of Treatment Courts," Kentucky Somerset/Pulaski County Chamber of Commerce. This program was intended to promote public awareness of treatment initiatives within Kentucky courts. A copy of the PowerPoint presentation is provided. The Chamber of Commerce address is: 236 East Mount Vernon Street, Somerset, Kentucky 42501.

September 2012: Speaker, "Digital Stalking: Because Knowledge is Power," Court of Appeals Conference, Kentucky Court of Justice. This program was designed to alert appellate judges to the prevalence of technology in stalking behavior and developments in relevant statutory and caselaw. I have no documentation of my remarks and do not have the precise date. The address at which the conference occurred is Cumberland Falls State Resort Park, 7351 Highway 90, Corbin, Kentucky 40701.

August 10, 2012: Speaker, "Black Cat, Yellow Cat: Kentucky Treatment Courts," Focus on Treatment Conference - ADANTA Behavioral Health Centers. This program was designed to introduce mental health treatment providers to the availability of treatment resources and programming within Kentucky Courts. A copy of the PowerPoint presentation is supplied. ADANTA's address is: 259 Parkers Mill Road, Somerset, Kentucky 42501.

May 15, 2012: Speaker, "Remarks at Drug Court Graduation." These comments were directed at those defendants graduating from Drug Court within the 28th Circuit. A copy of the media account is supplied. The offices of the 28th Judicial Circuit Drug Court are now located at: 50 Public Square, Somerset, Kentucky 42501.

May 2012: Speaker, "Pulaski Cares, March for Hope," Sponsored by First Baptist Church of Somerset, this faith-based initiative promoted awareness of local substance abuse issues. Other speakers included Pastor French Harmon and Hon. Hal Rogers, 5th District. I have no specific date or documentation of my remarks. The address of First Baptist Church is 128 North Main Street, Somerset, Kentucky 42501.

April 2012: Moderator, "Ethical Constraints in Judicial Elections," Kentucky Court of Justice/Bureau of Justice Assistance. This conference was funded by a Bureau of Justice Assistance grant to focus on pre-trial practices, upcoming judicial elections, and evidence. I have no documentation of my remarks and do not have the exact date. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601; the address for the Bureau of Justice Assistance is Office of Justice Programs, 810 Seventh Street, NW, Washington, D.C. 20531.

April 2012: Moderator, "Legislative Breakfast Forum—Panel Discussion," Kentucky Court of Justice/Bureau of Justice Assistance. This conference was funded by a Bureau of Justice Assistance grant to focus on pre-trial practices, upcoming judicial elections, and evidence. I have no documentation of my remarks. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601; the address for the Bureau of Justice Assistance is Office of Justice Programs, 810 Seventh Street, NW, Washington, D.C. 20531.

January 31, 2012: Speaker, "Cyberstalking," (Webinar) Kentucky Court of Justice. This program was designed to alert Kentucky trial judges to the prevalence of technology in stalking behavior and developments in relevant statutory and caselaw. A copy of PowerPoint presentation and the recorded webinar is provided. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

December 1, 2011: Speaker, "House Bill 463: Community Treatment," Pulaski County Kiwanis. This presentation provided an overview of newly enacted legislation providing for deferred prosecution, and emphasis on drug treatment, reduced drug possession penalties, presumptive probation, bail reform, and treatment opportunities. A copy of the PowerPoint presentation is supplied. The address for the Somerset/Pulaski County Rotary Club is P.O. Box 1317, Somerset, Kentucky 42501

November 2011: Speaker, "Remarks Regarding Substance Abuse" Rockcastle County High School Drug Education Forum. These comments focused on the increasing prevalence of opioid abuse. I have no documentation of my remarks and do not have the precise date. The address of the Rockcastle County High School is 1545 Lake Cumberland Road, Mount Vernon, Kentucky 40456.

October 2011: Speaker, "Digital Evidence in Domestic Violence Cases," Circuit Judges College, Kentucky Court of Justice. This program focused on social media and similar evidence and how digital evidence does not fit neatly within Kentucky's discovery rules. I have no documentation of my remarks and do not have the precise date. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

August 19, 2011: Speaker, "House Bill 463: Implementation and Issues," Circuit Judges College, Kentucky Court of Justice. This program discussed the myriad issues which had arisen following novel legislation affecting bail, drug related offenses and sentencing practice. A copy of the PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

July 20, 2011: Remarks, "Judge David Tapp Accepts the All Rise Award," National Association of Drug Court Professionals. These remarks addressed the motivation for treatment alternatives for justice involved individuals. The address for the National Association of Drug Court Professionals is 625 North Washington Street, Suite 212, Alexandria, Virginia 22314. Link: <https://www.youtube.com/watch?v=IAIYC1EKIUQ>

April 30, 2011: Competition Judge, "We the People: the Citizens and the Constitution," United States Department of Education, Education for Democracy Act, Center for Civic Education. I served as judge of the simulated congressional hearings at the state competition in Kentucky and then the national finals in Arlington, Virginia. A copy of the program materials is supplied. The address of the national finals competition was: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia 22202. The address for We the People: the Citizens and Constitution, is 5115 Douglas Fir Road, Suite J, Calabasas, California 91302.

September through December 2010: Speaker, "(Criminal) Evidentiary Issues," Regional Meetings (Ashland; London; Louisville; and Paintsville, Kentucky) Circuit Judges College-Regional Meetings, Kentucky Court of Justice. Each of these regional conferences focused on a variety of hearsay and character related evidentiary issues. A copy of my PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

October 12, 2010: Speaker, "Apportionment & Indemnity," Circuit Judges College, Regional Meeting, Kentucky Court of Justice. This program provided a review of Kentucky case law dealing with common issues in instructing juries in personal injury cases. A copy of the PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

March 8, 2010: Speaker, "Working Well with Others: A Kindergarten Approach to Judging," Judicial College, Kentucky Court of Justice. This presentation was designed to help new judges identify the interpersonal components of their position; and establish, develop, and maintain positive relationships with the new judges' staff, courtroom personnel, administrative Office of the Courts, other elected officials, litigants, attorneys, and the public. The PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

March 8, 2010: Speaker, "Inherent Powers of the Judiciary," Judicial College, Kentucky Court of Justice. This program provided newly elected and appointed judges an introduction to the inherent authority of the courts with an emphasis on direct and indirect contempt, civil and criminal contempt. A copy of my notes is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

February 2010: Speaker, "Remarks Regarding Community Substance Abuse," Rockcastle County Kiwanis. These remarks were directed at promoting community awareness of emerging substance abuse issues. I have no documentation of my remarks and do not have the precise dates. The address of the Rockcastle County Kiwanis Club is P.O. Box 1334, Mount Vernon, Kentucky 40456.

September 21, 2009: Speaker, "Contemporary Sentencing Issues," Kentucky Court of Justice. This presentation provided an overview of procedural and substantive sentencing issues. A copy of the PowerPoint presentation is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

May 7, 2009: Speaker, "Remarks at COPE Graduation Ceremony," Community Corrections Board. This event celebrated the completion of a critical thinking skills trial program focusing on low level non-violent offenders within the 28th Judicial Circuit (Pulaski, Rockcastle and Lincoln Counties). I have no materials relating to my remarks. The Board is now defunct but records relating to this event would be maintained at Office of the Commonwealth Attorneys, 126 South Main Street, Suite 110, Somerset, Kentucky 42501.

March 2009: Speaker, "Inhalant Abuse and Sudden Sniffing Death Syndrome," National Inhalant and Poison Awareness Week. This program in cooperation with the Pulaski County Sheriff's Office was designed to promote awareness of the misuse of common household substances and the potential for lethal consequences. I have no documentation of my remarks and do not have the precise date or location.

March 19, 2009: Speaker, "Remarks to COPE Program Participants," 28th Judicial Circuit Community Corrections Board. This diversion program involved the use of critical thinking skills targeting low level non-violent offenders within the 28th Judicial Circuit (Pulaski, Rockcastle and Lincoln Counties). I have no materials relating to my remarks. The Board is now defunct but records relating to this event would be maintained at Office of the Commonwealth Attorneys, 126 S Main Street, Suite 110, Somerset, Kentucky

42501.

September 2008: Speaker, "Remarks to A.S.A.P. Drug Forum," Rockcastle County High School. This was a drug abuse awareness program. I have no documentation of my remarks and do not have the precise dates. The address of the Rockcastle County High School is 1545 Lake Cumberland Road, Mount Vernon, Kentucky 40456.

May 4, 2007: Speaker, "Law Day – Hanging of Judge Robert Gillum's Portrait," Pulaski County Bar Association. This event involved a local tradition honoring retired or deceased judges. I have no documentation of my remarks; a media account is supplied. The address of the Pulaski County Judicial Center is 50 Public Square, Somerset, Kentucky 42501.

November 1, 1990: Presenter, "Age Related Decision of Fact by Kentucky Circuit Court Judges: A Preliminary Study," Kentucky Psychological Association Annual Conference. This poster session presented preliminary study results involving judicial perceptions of reliability as dependent upon a child witness's mentation. A copy of the materials is provided. The address of the Kentucky Psychological Association is 8004 Lyndon Centre Way #202, Louisville, Kentucky 40222.

(date unknown): Speaker, "The Journey From Darkness to Enlightenment," Kentucky Court of Justice. This brief video vignette was a parody relating to the enactment of Kentucky's HB 463. A copy of the PowerPoint is supplied. The address of the Kentucky Court of Justice is 1001 Vandalay Drive, Frankfort, Kentucky 40601.

(date unknown): Speaker, "Treatment Courts," Somerset Rotary Club. This program provided an overview of Kentucky's specialty treatment courts at a community forum. A copy of the PowerPoint presentation is supplied. The address of the Somerset/Pulaski County Rotary club is: 305 Langdon Street, P.O. Box 579, Somerset, Kentucky 42501. I have provided similar remarks to the Rotary Club at other occasions but do not know the precise dates for those events.

(date unknown): Speaker, "ISP/HOPE," A copy of the PowerPoint presentation is supplied. I have no records indicated when or where these remarks were given.

(date unknown): Speaker, "Pulaski County Drug Prosecutions & Selected Topics," A copy of the PowerPoint presentation is supplied. I have no records indicating when or where these remarks were given.

For many years, I have welcomed new attorneys to the Kentucky Bar and spoken about Kentucky's oath requirement that an attorney has never engaged in a duel. A copy of the speech I have typically given over the years is supplied.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to

you. A copy or link to each is supplied:

Christopher Harris & Jeff Neal, *Tapp: The High Point of My Career*, Commonwealth J. (Somerset, Ky.), March 3, 2019.

Karla Ward, *Trump Nominates Kentucky Judge for Federal Post*, Lexington Herald Leader, March 2, 2019. Copy supplied.

Michael Grohs, *Going to the MAT: Differentiating the Various Medication Assisted Treatment for Addicted Opioid Offenders in Prisons and Jails*, Corrections Forum, Jan.-Feb. 2019. Copy supplied.

I was interviewed in support of a workshop presented on December 13 and 14, 2018, by the U.S. Department of Justice, and the U.S. Department of Agriculture. Video is available at: https://www.youtube.com/watch?v=RlN_z3PdBP&feature=youtu.be.

Janie Slaven, *11 Graduate from Drug Court*, Commonwealth J. (Somerset, Ky.), Nov. 3, 2018. Copy supplied.

Carla Slavey, *Rogers, Bevin on Hand for SKYHope Event*, Commonwealth J. (Somerset, Ky.), Oct. 19, 2018. Copy supplied.

Judge David Tapp: Candidate's Statement and Interview, Ky. App. Surv. Monthly, Sept. 2018.

Carla Slavey, *Judge David Tapp, A Voice for Expanding Opioid Regulation and Treatment*, S. Ky. Health and Fam. J., Aug. 2018, at 10.

Bill Estep, *Second Spot in Kentucky Supreme Court Runoff Decided by Just 51 Votes*, Lexington Herald Leader, May 23, 2018. Copy supplied.

New Opioid 'Blocker' Offers Chance for Recovery, Lebanon Enterprise (Ky.), May 2, 2018.

Political Focus with Judge David Tapp, CKTV (May 7, 2018. Video available at: <https://www.youtube.com/watch?v=W89FBW7s2GI>.

I was interviewed in the spring of 2018 by WRVK Radio. I have been unable to locate a recording. I have supplied my notes.

Nine New Drug Court Grads Take Major Step to Breaking Addiction, Commonwealth J. (Somerset, Ky.), April 27, 2018. Copy supplied.

Justice of the Supreme Court Candidate – David Tapp, Lebanon Enterprise (Ky.), April 25, 2018. Copy supplied.

Henry Gass, *In Kentucky, All Sides Agree on Need for Criminal Justice Reform; But How?*, Christian Sci. Monitor, March 15, 2018. Copy supplied.

Tapp Running for Supreme Court Seat, Ky. Standard, Jan. 18, 2018. Copy supplied.

Bill Mardis, *Alan Keck Taking Another Shot at Mayor's Seat*, Commonwealth J. (Somerset, Ky.), Jan. 11, 2018. Copy supplied.

Bill Mardis, *Kelley Says He Will File for Re-election 'Probably This Week'*, Commonwealth J. (Somerset, Ky.), Jan. 5, 2018. Copy supplied.

Project Daris Interview, WMAG (Dec. 5, 2017). Video available at: <https://www.facebook.com/projectdaris/videos/vb.1144987558906585/1772597999478868/?type=2&theater>.

Clevis Jeffries, *Judge Outlines Extent of Area Opioid Epidemic*, Greensburg Record-Herald (Ky.), Dec. 3, 2017. Copy supplied.

Project Daris Interview, WMAG (Nov. 14, 2017). Video available at: <https://www.facebook.com/projectdaris/videos/vb.1144987558906585/1743415742397094/?type=2&theater>

Lake Cumberland Area Health Department, *The Opioid Project* (Nov. 1, 2017). Video available at: https://youtu.be/cmZ8JeYrN_Y.

Bill Estep & Mike Stunson, *Somerset Loses Chaplain, Dentist, Attorney and His Son in Plane Crash*, Lexington Herald Leader, Nov. 13, 2017. Copy supplied.

Janie Slaven, *Tapp, Speck to Address Opioid Crisis this Saturday*, Commonwealth J. (Somerset, Ky.), Sept. 12, 2017. Copy supplied.

Mark White, *Tapp Will Square off with Ballou for Ky. Supreme Court Seat*, News J. (Whitley, Ky.), Aug. 9, 2017. Copy supplied.

Carla Slavey, *Tapp to Run for Spot on Supreme Court*, Commonwealth J. (Somerset, Ky.), Aug. 4, 2017). Copy supplied.

Lisa Autry, *Pulaski County Judge Seeks Seat of Retiring Supreme Court Justice*, NPR WKU, Aug. 3, 2017. Copy supplied.

Daniel Desrochers, *Somerset Judge Announces He'll Run for Kentucky Supreme Court*, Lexington Herald-Leader, Aug. 3, 2017. Copy supplied.

Carla Slavey, *Judge Tapp "Tickled" With Position on Juvenile Justice Panel*, Commonwealth J. (Somerset, Ky.), May 11, 2017.

Majority Leader McConnell Appoints Judge Tapp of Kentucky to Executive Branch Council, States News Service, May 10, 2017. Copy supplied. Reprinted in multiple outlets.

Janie Slaven, *Residential Drug Treatment Center Coming to Somerset*, Commonwealth J. (Somerset, Ky.), April 28, 2017. Copy supplied.

Janie Slaven, *Tapp to be Profiled in State Legal Journal*, Commonwealth J. (Somerset, Ky.), Feb. 7, 2017. Copy supplied.

Judicial Focus Series: Circuit Judge David Tapp, 28th Judicial Circuit, Ky. App. Surv. Monthly, Feb. 2017. Copy supplied.

Janie Slaven, *Chief Justice: Time to Redraw Judicial Boundaries*, Commonwealth J. (Somerset, Ky.), Oct. 30, 2016. Copy supplied.

Jessica DaSilva, *Hundreds of Jurisdictions Clamor for Pre-trial Risk Test*, Bloomberg Law, Aug. 2, 2016. Copy supplied.

Arnold Foundation Interview (uploaded July 28, 2016). Video available at: https://www.youtube.com/watch?time_continue=7&v=OyWsx1buDNQ.

Rebecca McCray, *In Kentucky, More Defendants Await Trial – at Home*, TakePart, July 27, 2016. Copy supplied.

Torch of Hope Makes its Way to Somerset, Commonwealth J. (Somerset, Ky.), June 26, 2016. Copy supplied.

In June 2016, I was interviewed for a local television broadcast in conjunction with the “Torch of Life” relay event for cancer survivors. I have been unable to locate a copy of this interview.

Carla Slavey, *Bevin Names Local Judges to New Criminal Justice Council*, Commonwealth J., June 22, 2016. Copy supplied.

Drug Court Celebrates National Drug Court Month, Commonwealth J. (May 2016).

Rebecca Spalding, *Cashing in on Opioid War: Alkermes and its’ \$1,300-a-Month Shot*, Health Care Pol. Rep., April 18, 2016. Copy supplied.

Carla Slavin, *Tapp Slams Legislators over Court Cuts*, Commonwealth J., April 2, 2016. Copy supplied.

Miranda Combs, *New Drug Treatment Facility Focuses on Continued Contact Will Not Use Suboxone*, WKYT, Dec. 17 2015. Copy supplied.

Judge Tapp Participates in National Panel for At-Risk Youth, Commonwealth J., Sept. 30, 2015. Copy supplied.

Jason Tashea, *Kentucky Tests New Assessment Tool to Determine Whether to Keep Defendants Behind Bars*, A.B.A. J., April 2015. Copy supplied. Reprinted in multiple outlets.

Adam Beam, *Kentucky Officials Hope Drugs can Help Drug Addicts*, Associated Press, April 18, 2015. Copy supplied.

Chris Harris, *Pulaski Judge Getting Nationwide Attention for Drug Treatment Program*, Commonwealth J. (Somerset, Ky.), March 4, 2015. Copy supplied.

Terry DeMio, Ky. *Judge Sees Medical Hope for Opiate Addicts*, Cincinnati Enquirer, Feb. 15, 2015, at 1. Copy supplied.

Laura and John Arnold Foundation, *Results from the First Six Months of the Public Safety Assessment – Court in Kentucky* (July 2014). Copy supplied.

Bill Mardis & Heather Tomlinson, *Attorney's Death Stuns Legal Peers*, Messenger-Inquirer (Owensboro, Ky.), June 29, 2014. Copy supplied.

Heather Tomlinson, *80 Teams Participating in 2014 Relay for Life*, Commonwealth J. (Somerset, Ky.), June 15, 2014.

Jeff Neal & Heather Tomlinson, *Court System Seeing Heroin Fly Back*, Commonwealth J. (Somerset, Ky.), Sept. 28, 2013. Copy supplied.

Judge David A. Tapp Selected to Head Circuit Judges Education Committee, Kentucky Court of Justice Press Release, April 11, 2013. Copy supplied. Reprinted in multiple outlets.

Tapp to Serve on Statewide Committee The Commonwealth J. (April 2013).

Judge David A. Tapp Presents the Drug Court Program The Commonwealth J. (Oct. 2012).

Heather Tomlinson, *Nine Take the Hard Course... & Succeed*, Commonwealth J. (Somerset, Ky.), May 13, 2012. Copy supplied.

"Thank You All...For Not Giving Up on Me" Commonwealth J. (May 2012).

Kentucky Judge David A. Tapp Receives National Drug Court Award, State News Service, September 15, 2011. I was unable to obtain a copy of this press account.

Sharon Dodson, *Judge Gillum Remembered*, Commonwealth J., May 5, 2007. Copy supplied.

Like Father, Like Daughter Southern Kentucky Family magazine Vol. 1, Issue 8 (Dec. 2004).

Tapp, Burdette, Henry in Judicial Races The Commonwealth J. Vol. 39, No. 264 (Nov. 2004).

Bill Estep, *Southern Kentucky Judgeships on Ballots; Candidates Stress Their Experience*, Lexington Herald-Leader, Oct. 27, 2004, at C1. Copy supplied.

Bill Estep, *Repeat Sex Offender Enters Guilty Pleas*, Lexington Herald-Leader, Jan. 16, 2002. Copy supplied.

John Cheves, *State High Court Hears Debate on Singers's Tribute; John Michael Montgomery Says Late Father Wasn't Public Figure*, Lexington Herald-Leader, March 16, 2001. Copy supplied.

Tapp Had Success in Accomplishing What Gore Seeks, Commonwealth J., 1 Vol. 35, No. 298 (Dec. 2000).

Campaign Working to Raise Awareness of Inhalant Dangers The News Journal (March 2000).

Carmichael Convicted of Attempted Extortion, Associated Press, Oct. 9, 1998. Copy supplied.

Indictment Says He Extorted Money from Pawn Broker, Associated Press, Aug. 13, 1998. Copy supplied.

City Police Officers Submit Grievances Against Chief White, The News Journal Vol. 27, No. 46 (Dec. 1997).

Teen-Ager Given 30 Years in Stabbing Attack, The Commonwealth Journal Vol. 30, No. 305 (Dec. 1995).

Interview of Student Cadets, Morehead State News Service, Morehead State University, July 9, 1981. 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.

Judge of the 28th Circuit, Kentucky Court of Justice (Pulaski, Rockcastle & Lincoln Counties). I was appointed by Governor Ernie Fletcher in July 2005 and re-elected without lapse in 2006 and

2014. The Circuit Court is Kentucky's court of general jurisdiction, the highest trial court, with appellate jurisdiction over the District Courts and certain administrative appeals.

Judge of the 28th District, Kentucky Court of Justice (Pulaski and Rockcastle Counties). I was elected in November 2004 and commenced service in January 2005. This is Kentucky's lowest trial court and exercises jurisdiction over traffic cases, misdemeanors, felony preliminary matters, probate, small claims, disability proceedings, and civil cases involving amounts in controversy of less than \$5,000.

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

I estimate that I concluded approximately 18,000-20,000 cases by verdict or judgment. Approximately 225 of those cases were resolved by jury verdict or by Court (bench trial) judgment. In total, I dispose of approximately 1,500 (estimated) cases annually by final judgment.

- i. Of these, approximately what percent were:

jury trials:	75%
bench trials:	25% [total 100%]
civil proceedings:	60%
criminal proceedings:	40% [total 100%]

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

None.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Nissan Motor Co. v. Maddox*, 486 S.W.3d 838 (Ky. 2016). A copy of the appellate opinion is supplied.

Amanda and her husband, Dwayne, were traveling in Lincoln County, Kentucky, in their 2001 Nissan when they were struck head on by a drunk driver traveling on the wrong side of the road. Both had previously undergone identical bariatric procedures. Amanda had not progressed as far as her husband in terms of weight loss and remained significantly obese. Both were properly restrained in the vehicle. Dwayne suffered only minor injuries despite identical seat belt restraints, a nearly precise head on collision and nearly identical surgical histories. Amanda sustained fractures to her ribs, vertebrae, hip, and hip socket, and severe nerve damage. Amanda's abdomen ruptured at the site of her

surgery. She endured additional tears to her bowel as well. As a result of her injuries, Amanda underwent 75 surgeries and spent 139 days in the hospital. She also experienced a stroke and other complications from an infection caused by the treatment. The jury, after an eight-day trial, determined that Amanda's injuries were attributable to a negligently designed seat and restraint system which did not adequately protect overweight individuals and awarded \$2.6 million dollars in compensatory damages. Compensatory damages were upheld on appeal. An additional award of \$2.5 million in punitive damages was reversed. The case was significant due to the complexity of proof in the product liability claim involving United States subsidiaries to a foreign company and the interplay of federal vehicle safety regulations.

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2. *Waters v. Skinner*, 237 S.W.3d 551 (Ky. App. 2007). A copy of the opinion is supplied.

This case arose from an unusual election contest for the office of Sheriff of McCreary County (Kentucky). Candidate Waters appealed from the decision of the trial court determining that write-in votes cast using only the first name "Gus" should be tabulated, thereby invalidating Waters apparent victory in the election and installing Skinner as

sheriff. This matter presented unique issues regarding voter intention under state law. The Kentucky Court of Appeals affirmed the judgment.

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3. *Beall v. Oakwood Cmty. Ctr.*, 2008 WL 399628 (Ky. App. 2008). A copy of the opinion is supplied.

Parents entrusted their intellectually disabled and medically fragile adult child ("Michael") to the care of the Commonwealth of Kentucky's Oakwood facility, a group home specifically designed to care for intellectually disabled adults. Michael also suffered from oral pharyngeal dysphasia, a condition which includes difficulty swallowing. As a result of this diagnosis, Michael was limited to a strict diet of pureed foods and was to be continually monitored to ensure he had no access to any other unpureed food due to the extreme choking risk. Left unobserved, Michael choked to death on a hot dog which had been discarded in the trash by another resident. The trial court determined, despite substantial evidence supporting Michael's parents' claims, that their cause of action was barred by the doctrine of sovereign immunity. That decision was affirmed.

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4. *Commonwealth v. Thompson*, 300 S.W.3d 152 (Ky. 2010). A copy of the opinion is supplied.

This case involved the retroactive application of the “street credit” provision of the Commonwealth’s biennial budget which had the effect of authorizing the early release of thousands of state inmates serving unexpired sentences. In some instances, Defendants released early from incarceration committed new violent offenses; in some instances which resulted in sentences arising from jury verdicts, the principles of “truth-in-sentencing” were obviated by the unexpected release of Defendants. I determined that circuit courts possessed state-wide authority to issue injunctive release and that the Department of Corrections was improperly applying the “street credit” provision retroactively based upon the uncontradicted testimony of the Commissioner of Corrections that she, rather than the legislature, had determined to apply the statute retroactively. The Kentucky Supreme Court affirmed the state-wide jurisdiction of the Circuit Court but reversed that portion of my decision regarding retroactive application of the statute.

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5. *GGNSC Stanford, LLC v. Rowe*, 388 S.W.3d 118 (Ky. App. 2012). A copy of the opinion is supplied.

This matter was one of many then pending in Kentucky involving the enforceability of nursing home arbitration agreements within Kentucky. Most commonly, these cases involved family members of new nursing home residents who were presented arbitration agreements for signature as part of routine residency documentation and despite family members express lack of authority to bind relative/patients. In this case, the nursing home (GGNSC Stanford, LLC) sought to compel arbitration of a wrongful death claim brought by the family of a wholly disabled resident. The trial court denied the nursing home's

motion to dismiss where the disabled adult's parents lacked legal authority to bind the adult child to arbitration. The Kentucky Court of Appeals affirmed.

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6. *Conley v. Bd. of Educ.*, 492 S.W.3d 574 (Ky. App. 2016). A copy of this opinion is supplied.

School system employees who had testified at administrative hearing for ousted school principal that had allegedly engaged in attendance and grade tampering filed action claiming political retaliation by school superintendent. Trial court determined that summary judgment as to each employee's claims was proper where no "political" support for the ousted principal was alleged other than testimony at administrative hearing which occurred one year following selection of superintendent for which office of ousted principal had been a candidate. The Kentucky Court of Appeals affirmed.

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7. *Prater v. Commonwealth*, 421 S.W.3d 380 (Ky. 2014). A copy of the opinion is supplied.

This matter involved the limits of the Commonwealth's discretion to withdraw from a plea agreement and authority to recommend a substantially enhanced sentence for a Defendant who violated the terms of the plea agreement by committing new crimes while awaiting sentencing. The Supreme Court affirmed the trial court's denial of Defendant's request to withdraw from guilty plea and the subsequent imposition of an enhanced sentence.

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8. *Mina v. Commonwealth*, 2013 WL 4608052 (Ky. 2013). A copy of the opinion is supplied.

Mina pled guilty to complicity to murder, complicity to robbery in the first degree, and complicity to burglary in stabbing death of victim. Pursuant to plea agreement, the penalty was to be determined by a jury which returned a verdict of life without parole on the murder charge. Mina appealed from the trial court's evidentiary decision to admit portions of a guilty plea colloquy to rebut her claim of acceptance of responsibility. The Kentucky Supreme Court affirmed.

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9. *City of Crab Orchard v. Smith*, 07-CI-0032 Lincoln Circuit Court. No related appellate opinion was issued. A copy of the memorandum opinion is supplied.

This matter arose during a period when many Kentucky cities were attempting to expand their tax base due to ever increasing spending demands and decreasing sources of revenue. Specifically, this case related to a small municipality's indebtedness from development of an industrial park. Resolution involved application of infrequently used Sections 157, 157b, and 158 of the Kentucky Constitution and Kentucky Rev. Stat. § 66.041 relating to debt ceilings and municipality indebtedness, and the distinctions between general obligation and revenue bonds. None of the parties sought appellate review of the trial court's memorandum opinion and judgment.

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10. *Commonwealth v. O'Connor*, 372 S.W.3d 855 (Kentucky. 2012). A copy of the opinion of the Kentucky Supreme Court reversing the Kentucky Court of Appeals is supplied.

Police charged O'Connor with abusing his three-year-old child who weighed only twenty-two pounds; a three-year-old child wearing clothes sized for an eighteen-month old child; and a seven-month old infant, following discovery that the children were confined within a bedroom that was infested with insects, feces ridden, and un-cooled with boarded up windows during summer while O'Connor slept in an adjoining cooled bedroom. Law enforcement and social workers observed one child consuming feces. Two of the children had urine-soaked diapers. I imposed the recommended sentence of fifteen years. The Kentucky Court of Appeals reversed determining that insufficient evidence existed to support a reasonable belief that the Defendant had acted intentionally. The Supreme Court reversed the Court of Appeals holding that sufficient facts existed from which the jury could have determined that Defendant acted with the requisite intent.

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(d) For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *City of Crab Orchard v. Jerry Smith, et al.*, 07-CI-0032 (Lincoln County, Kentucky). No related appellate opinion was issued. A copy of my order ruling upon Crab Orchard's Motion to Determine Debt Ceiling and Fifth Third's Motion for Summary Judgment is supplied.

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2. *Pinto v. Pinto*, 07-CI-00501 (Pulaski). A copy of the Findings of Fact, Conclusions of Law and Final Judgment is supplied. Portions of related proceedings and memorandum opinions and judgements are sealed.

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3. *City of Somerset v. Dep't of Alcohol Beverage Control*, 13-CI-00872 (Pulaski). A copy of an order granting in part and denying in part the Petitioner's motion for summary judgment is supplied.

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4. *Newell v. Bluegrass Regional Mental Health Retardation Board, Inc., et al.*, 08-CI-0539 (Pulaski). A copy of an order granting in part and denying in part Newell's

motion for summary judgment is supplied.

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5. *Commonwealth v. Honaker*, 12-CR-00003 (Pulaski). A copy of the Order Denying Motion to Suppress is supplied.

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6. *Coffman ex rel. White v. GGNSC Stanford, LLC*, 11-CI-00360 (Lincoln). A copy of the Findings of Fact, Conclusions of Law and Order is supplied.

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7. *Montgomery v. Thompson*, 08-CI-01201 (Pulaski). A copy of the Temporary Injunction is supplied in response to Question 13c above.

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8. *Commonwealth v. Leger*, 11-CR-00046 (Rockcastle). A copy of the Order Denying Motion for Judgment Notwithstanding the Verdict, Motion for New Trial and Motion to Reconsider is supplied.

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9. *Commonwealth v. Rose*, 10-CR-00346 (Pulaski). A copy of the order Denying Motion to Suppress is Supplied.

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10. *Griffin ex rel. Griffin v. Housing Auth. of Somerset*, 10-CI-01642 (Pulaski). A copy of the Order Denying Respondent's Motion for a Judgment Notwithstanding the Verdict Based on Governmental Immunity is supplied.

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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.

Of the 134 appeals from judgments of my court, 23 resulted in partial or complete reversal. In *Andrews v. Commonwealth*, 2012 WL 5986527 (Ky. App 2013), I was initially reversed but the judgment was reinstated in 448 S.W.3d 773. Likewise, in *O'Connor v. Commonwealth*, 2010 WL 1628050 (Ky. App. 2010), I was initially reversed by the Court of Appeals. However, the Kentucky Supreme Court disagreed with the appellate court's reasoning and reinstated the trial judgment.

Akande v. Commonwealth, 565 S.W.3d 167 (Ky. App. 2018).

Defendant physician convicted following jury trial relating to false billing practices involving smoking cessation therapy at medical practice. The appellate court determined the Defendant lacked the requisite intent.

Coblentz v. Day, 540 S.W.3d 384 (Ky. App. 2018).

Real property and adverse possession case. Court erred in granting summary judgment holding no evidence supported adverse possession claim. Appellee did not file brief.

Lake Cumberland Regional Hospital v. Adams, 536 S.W.3d 683 (Ky. 2017).

Trial court determined that negligent credentialing was not a recognized tort. Court of Appeal recognized tort, and the Supreme Court remanded for further proceedings.

Murphy v. Commonwealth, 509 S.W.3d 34 (Ky. 2017).

Child sexual assault case in which Supreme Court on appeal affirmed trial court's refusal to provide for lesser included instruction and Defendant's offer of mitigating evidence thereby leaving intact bulk of Defendant's thirty-year sentence, but reversed conviction for sodomy and sexual abuse holding that directed verdict was required.

Bell v. Helton, 2017 WL 1379786 (Ky. App. 2017).

Court of Appeals affirmed in part and reversed in part. Trial court correctly determined that thirty-party plaintiff was responsible for guardian ad litem fee but erred in awarding additional GAL fees.

Penticuff v. Miller, 2016 WL 6543577 (Ky. App. 2016).

Court of Appeals affirmed in part, reversed in part. Trial court did not err in determining that mother in child custody case had not voluntarily waived her superior custodial rights but did err in determining that putative father had knowingly and voluntarily waived his superior right to custody.

Marcum v. Commonwealth, 2015 WL 4978751 (Ky. App. 2016).

Trial court erred in not fulfilling new statutory requirement by failing to find that probationer's failure to abide by conditions of supervision constituted a significant risk to prior victims or the community and that the probationer could no longer be successfully managed in the community.

Pettit v. Hensley, 2015 WL 3533250 (Ky. App. 2015).

Trial court erred by dismissing malicious prosecution claim.

Commonwealth v. Ice, 2014 WL 891274 (Ky. App. 2014).

Trial court erred by determining matter was not properly before the court.

Knuckles v. Commonwealth, 421 S.W.3d 399 (Ky. App. 2014).

Reversed in part, affirmed in part. Trial court erred by considering affidavits outside the trial record in the post-conviction collateral attack but did not err in denying Defendant's motion to vacate, set aside, or amend sentence.

Leger v. Commonwealth, 400 S.W.3d 745 (Ky. 2013).

Trial court should have suppressed Defendant's statement to police.

Muse v. Banks, 2011 WL 831970 (Ky. App. 2011).

Trial court erred in action to discontinue use of road by misapplying statute regarding "necessary access" to Defendant's property.

Baker v. Anderson, 2009 WL 3399842 (Ky. App. 2009).

Reversed in part, affirmed in part. Trial court erred in granting summary judgment against former property owners but correctly determined that remaining Defendant violated restricted covenant and thus summary judgment was properly entered.

D.E. v. Commonwealth, 271 S.W.3d 539 (Ky. App. 2008).

Appeal from district court adjudging juvenile guilty of trespass. I affirmed. The Court of Appeals determined that Defendant's person must physically enter upon the property and that throwing stones at house on property was insufficient to constitute trespass.

Deaton v. McMillen, 2008 WL 2779296 (Ky. App. 2008).

Trial court erroneously granted summary judgment after determining that plaintiff committed fraud.

Acton v. Acton, 283 S.W.3d 744 (Ky. App. 2008).

Affirmed in part and reversed in part. Trial court erred by awarding fees and costs to plaintiffs and in determining that property was indivisible but correctly determined each party's interest in the real property.

Rothwell v. Singleton, 257 S.W.3d 121 (Ky. App. 2008).

Trial court erroneously applied doctrine of res judicata and in rejecting jury instructions involving undue influence in a will contest.

Stanford Health & Rehab. Center v. Brock, 2008 WL 2312775 (Ky. App. 2008).

Reversed and remanded for entry of findings of fact and conclusions of law justifying denial of order for arbitration.

Transportation Cabinet v. Chaney, 2008 WL 540874 (Ky. App. 2008).

Trial court should not have admitted expert's interrogatory answers regarding value of property prior to taking in eminent domain case where expert erred in calculating acreage; court also erred by stating minimum and maximum limits on recovery and excluding evidence of comparable sale.

Feldman Lumber Co. v. Meece, 2007 WL 2332585 (Ky. App. 2007).

Appellate court affirmed trial court judgment denying treble damages for harvesting timber without "color of law." The Kentucky Supreme Court reversed.

Brown v. McLamb, 2007 WL 2012836 (Ky. App. 2006).

Reversed in part, affirmed in part. In paternity determination, court erred in denying attorney fees and expenses but correctly refused to accept ALJ determination as clear and convincing evidence of paternity.

Robinson v. Commonwealth, 212 S.W.3d 100 (Ky. 2006).

Affirmed in part, reversed in part. Trial court properly denied motion for directed verdict for Rape, First Degree. However, Supreme Court determined the trial court should have instructed that underage marriage was voidable where Defendant and child's mother took child to adjoining state to be married and then engaged in sexual acts with the child since Kentucky had not declared that such underage marriages violated public policy.

g. Provide a description of the number and percentage of your decisions in which

you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

None of my decisions have been published. The bulk of my final opinions, orders, and judgments are maintained by the Kentucky Court of Justice Administrative Office of the Courts in the Circuit Clerk's Office for each of the three counties where I primarily exercise jurisdiction. As a judge with state-wide jurisdiction, I also serve in other counties as assigned and any opinions, orders, and judgments in those matters would be maintained in the Circuit Clerk's Office in each of those counties. I estimate I have served as a special judge outside of my own three counties on approximately 50 occasions.

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.

Commonwealth v. Elliott, 16-CR-00454 (Pulaski). A copy of the Order Altering and Amending is supplied.

City of Somerset v. Dep't of Alcohol Beverage Control, 13-CI-00872 (Pulaski). Copies of two Orders denying summary judgment and entered simultaneously were supplied in Response to Question 13d above.

Commonwealth v. Honaker, 12-CR-00003 (Pulaski). A copy of the Order Denying the Motion to Suppress was previously supplied in response to Question 13d above. This matter dealt with state and federal search and seizure issues.

Griffin ex rel. Griffin v. Somerset Housing Auth., 10-CI-01642 (Pulaski). A copy of the Order Denying Respondent's Motion for a Judgment Notwithstanding the Verdict Based on Governmental Immunity is supplied.

Commonwealth v. Farris, 09-CR-00061 (Pulaski). A copy of the Order granting Motion for Forfeiture is supplied.

Hyserman v. Dep't of Health and Mental Retardation Servs., 09-CI-00128 (Pulaski). A copy of the Order Denying Defendant's Motion for Summary Judgment is supplied.

City of Crab Orchard v. Smith, 07-CI-0032 (Lincoln). A copy of the memorandum opinion resolving state constitutional issues relating to municipal debt ceilings is supplied previously in response to Question 13c.

Abbott v. Pelphry, 06-CI- 00614 (Pulaski). A copy of the Order Denying Defendants' Guardian Mortgage, LLC and Cliff Pelfrey's Motion for Summary Judgment is supplied.

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:

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

I have voluntarily recused or disqualified myself from cases involving threats from litigants or matters in which a litigant or someone acting on behalf of a litigant or against a particular litigant's interest attempted an *ex parte* contact. In response to these improper contacts, I provide a written or on the record notice of *ex parte* of communication to counsel of record or a *pro se* litigant a brief description of the nature of the contact and thereby provides a basis for the parties to seek recusal if they so desire. I also transfer cases to another division of the court for routine reasons where I am aware of a potential disqualifying circumstance. This is accomplished by entry of a form order transferring. I have never been involuntarily disqualified by order of the Kentucky Chief Justice as provided for by statute. I do not maintain a listing of cases from which I have recused or disqualified myself.

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.

1983 Auxiliary Police Officer, Morehead Police Department. I was appointed by Fred Barnsdale, Chief of Police.

1983 Deputy Sheriff, Rowan County (Kentucky) Sheriff's Office. I was appointed by Jack Carter, Sheriff.

- 2000 Unsuccessful candidate for Commonwealth's Attorney, 28th Judicial Circuit.
- 2003 Member, Governor's Domestic Violence Council, Civil Remedies Committee. Appointed by Kentucky Governor Paul Patton.
- 2006 Co-Chairperson, Criminal Justice Committee, Governor's Council for Domestic Violence (judicial designee). Appointed by Kentucky Chief Justice Joseph Lambert.
- 2010 Co-chairperson, Judicial Child Fatality Task Force, Kentucky Court of Justice. Appointed by the Hon. Larry Thompson, President of the Circuit Judges Association.
- 2010 Member, Circuit Judges Judicial Education Committee, Kentucky Court of Justice. Appointed by the Hon. Julia Adams, Chairperson of the Circuit Judges Education Committee.
- 2012 Chairperson, Circuit Judges Education Committee, Kentucky Court of Justice. Appointed by the Hon. Paul Issacs, Chairperson of the Circuit Judges Association.
- 2012 Ex Officio Member, Circuit Judges Legislative Committee Kentucky Court of Justice. Appointed by Director Laurie Dudgeon, Administrative Office of the Courts.
- 2012 Member, Medically Assisted Treatment Panel, Kentucky Court of Justice. Appointed by Kentucky Chief Justice John Minton.
- 2016 Member, Governor's Criminal Justice Policy Assessment Council, Kentucky Justice and Public Safety Cabinet. Appointed by Kentucky Governor Matt Bevin.
- 2017 Member, United States Coordinating Council for Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Appointed by Senator Mitch McConnell, Majority Leader.
- 2018 Unsuccessful candidate for the Kentucky Supreme Court, Third Division.

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.

Other than my own candidacies, none.

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 never served as a judicial clerk.

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

I was an intermittent solo practitioner from January 1996 until commencement of service as Judge of the 28th Judicial District in January 2005. During this time, I occasionally employed associate attorneys. My office address was 117 West Mt. Vernon Street, Somerset, Kentucky 42501. A previous address at which my office was located no longer exists.

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.

1994 – 1996

Assistant Commonwealth's Attorney for the 28th Circuit
117 West Mount Vernon Street
Somerset, Kentucky 42501

1996 –2005

The Law Office of David Tapp
117 West Mount Vernon Street
Somerset, Kentucky 42501

2015

Adjunct Professor of Law
University of Louisville, Brandeis School of Law
2301 South Third Street
Louisville, Kentucky 40292

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.

None.

b. Describe:

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

Following graduation from law school, in 1994, I began practicing as a felony

court prosecutor in the 28th Judicial Circuit in Kentucky. During that two-year stint, I investigated potential felony cases, presented prospective cases to the grand jury, and managed suppression motions, bond decisions, and post-conviction issues. I tried twenty-two felony cases. My caseload comprised a wide variety of felony charges ranging from non-violent property crimes, drug offenses, sexual offenses and homicides. I also represented the Commonwealth of Kentucky as a special assistant attorney general on certain appellate issues.

In 1996, I opened a solo practice, but thereafter occasionally employed associates. I primarily practiced criminal defense in state and federal courts, trying numerous cases to verdict, general civil work, and election law cases. I frequently appeared in federal and state courts and before federal and state courts of appeal.

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

As an Assistant Commonwealth's Attorney, my client was the Commonwealth of Kentucky. In private practice, my typical client was a defendant charged with federal or state felony crimes. I occasionally served as appointed counsel (CJA) at the request of the United States District Court, frequently in matters involving challenging matters of representation. I represented a number of public officials and law enforcement officers charged or suspected in criminal cases.

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

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 20% |
| 2. state courts of record: | 75% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 20% |
| 2. criminal proceedings: | 80% |

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

I estimate that I tried approximately forty-five civil and criminal cases to verdict and judgment in my years as a prosecutor and private practitioner. I tried only one or two cases to verdict before administrative agencies. I almost always served as sole or chief counsel, though there were a few, perhaps five to six cases, in which I served as associate counsel.

- i. What percentage of these trials were:
 - 1. jury: 95%
 - 2. non-jury: 5%

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

None.

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

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

(1) *Commonwealth v. Stringer*, 956 S.W.2d 883 (Ky. 1997). The assigned judge was the Honorable William T. Cain, Judge of the 28th Circuit. My opposing counsel was the Honorable Mark Stanziano (deceased).

I served as lead trial counsel as well as a Special Assistant Attorney General for the appeal following the Defendant's conviction and imposition of a twenty (20) year sentence of imprisonment. The Defendant, in his capacity with a day care facility, was charged with sexually abusing children in his care. The resulting Kentucky Supreme Court opinion altered Kentucky's standard for expert opinion testimony regarding ultimate issues and reversed existing precedent.

(2) *Stringer v. Catron*, 95-CI-00498 (Pulaski). The presiding judge was the Honorable Paul Braden (deceased), Special Judge of the 28th Circuit.

Opposing Counsel

John Prather, Jr.
Post Office Box 616
Somerset, Kentucky 42502
(606) 679-1626

Frederick G. Neikirk
Pulaski County Attorney (ret.)
101 Pine Street
Somerset, Kentucky 42503
(606) 676-8993

I served as sole counsel for the Plaintiff in this election contest concerning the office of the Pulaski County Sheriff. Stringer was a primary challenger to incumbent Catron. On election eve, vote tally results indicated that Stringer prevailed by 23 votes. A subsequent tally indicated that Stringer had prevailed by 99 votes. Then a 100-vote recording error in favor of Catron was discovered. In a recount, election officials discovered a one vote error in favor of Stringer resulting in a tie. By statute, the tie was resolved by a game of chance, in this instance, a coin toss in which Catron prevailed. The resulting litigation charged a variety of errors including material violations of the election statutes, ballots cast by unqualified voters, valid voters being prohibited from voting, the use of improper election officers, non-partisan voters being allowed to cast ballots in a partisan primary, and forged Oath of Voter cards. The trial court ultimately voided the election.

(3) *Montgomery ex rel. Montgomery v. Montgomery*, 60 S.W.3d 524 (Ky. 2001). The presiding judge was Robert J. Jackson, Garrard Circuit Court, deceased.

Opposing Counsel
Brent A. Caldwell
153 Market Street
Lexington, Kentucky 40507
(859) 225-1400

Jon A. Woodall
3121 Warrenwood Wynd
Lexington, Kentucky 40507
(859) 231-8780

I served as appellant counsel in this right of publicity case brought by the personal representative of musician John Michael Montgomery alleging violations of common law and statutory rights relating to use of deceased father's voice and likeness in a music video without permission. The Supreme Court held that, assuming a violation of a statutory posthumous right of publicity, the son's use of his deceased father's voice and likeness in music video was protected by constitutional right of free expression.

(4) *United States v. Holtzclaw*, , 950 F. Supp. 1306 (S.D. WV 1997). The presiding judge was the Honorable Joseph R. Goodwin, United States District Judge.

Opposing Counsel
Larry R. Ellis
1098 Highland Drive
Saint Albans, West Virginia 25177

(304) 722-5736

Philip H Wright
The Office of the United States Attorney for the Southern District of West Virginia
Robert C. Byrd United States Courthouse, Suite 4000
300 Virginia Street
Charleston, West Virginia 25301
(304) 345-200

Counsel for Co-Defendants

R. Clarke VanDervort (for co-Defendant Holtzclaw)
now United States Magistrate Judge (ret.)
Post Office Box 4190
Bluefield, West Virginia 24701
(304) 327-0376

Gregory J. Campbell (for co-Defendant Horn)
105 Capitol Street, Suite 300
Charleston, West Virginia 25301
(304) 546-9494

Edward H. Weis, Charleston (for co-Defendant Estes)
118 League Street
Philadelphia, Pennsylvania 19147
(304) 549-0211

I served as sole counsel for a co-Defendant and successfully challenged the allegation that a pyramid scheme which included vertical commonality, but lacked horizontal commonality, constituted a "security" under federal law thus entitling Defendant to dismissal of securities fraud count.

(5) *United States v. Carmichael*, 232 F.3d 510 (6th Cir. 2000). The presiding judge at trial was the Honorable Karl Forester, United States District Judge, Eastern District of Kentucky. The citation of the appeal following a judgment of conviction is provided. The facts of the underlying set are set forth in detail in the appellate opinion.

Opposing Counsel

Edwin J. Walbourn, III (deceased)

Charles Wisdom
260 West Vine Street, Suite 300
Lexington, Kentucky 40507
(859) 685-4903

Co-counsel

Steve Pence
9300 Shelbyville Road, Suite 1205
Louisville, Kentucky 40222
Phone: (502) 736-6200

I served as co-counsel for Defendant Carmichael charged in Hobbs Act violations arising from extortion scheme of local bookmaking operator by local prosecutor. Defendant found guilty of single count.

(6) *Commonwealth v. Cowan*, 2004 WL 315142 (Ky. 2004). The presiding judge was the Honorable William T. Cain, Judge of the 28th Circuit. The citation provided is from an appeal of a collateral attack following judgment entered in 1995.

Opposing Counsel

Robert F. Sexton
[formerly with the Department of Public Advocacy]
Sexton and Valladingham
326 Street Ann Street
Owensboro, Kentucky 42303
(270) 926-7777.

I served as the lead prosecutor in the original action. The Defendant entered a local video store and asked for the movie *Menace to Society*. He then directed the female employee to lay prone and face down on the floor and once she complied, he raised her head by grabbing her hair and slit her throat utilizing a large kitchen knife. The woman struggled, fled from the store, and sheltered in a nearby tunnel under a railroad overpass where she lay bleeding against the tunnel wall. On the morning of trial, the Defendant entered an open plea. Following a subsequent evidentiary hearing, the trial court sentenced the Defendant to a 30-year term of imprisonment.

(7) *Commonwealth v. Melvin Davis*, 94-CR-00010 (Pulaski). The presiding judge was the Honorable Daniel J. Venters, Judge of the 28th Circuit. A copy of the unpublished Memorandum Opinion of the Kentucky Supreme Court is supplied.

Opposing Counsel

James Cox
[formerly with the Department of Public Advocacy]
115 Richmond Street
Mt. Vernon, Kentucky 40456
(606) 256-5111

I served as lead counsel in this criminal child sexual assault case in which the Defendant sexually assaulted a 9-year-old child. This case involved one of Kentucky's earliest criminal cases to utilize DNA.

(8) *Commonwealth v. Sewell*, 95-CR-00009/00080 (Pulaski). The presiding judge was the Honorable Daniel Venters, Judge of the 28th Circuit. There is no related appellate decision.

Opposing Counsel

Jerry Cox
115 Richmond Street
Mount Vernon, Kentucky 40456
(606) 256-5111

I served as co-counsel in the investigation and prosecution of what was described in Kentucky media as the largest indoor-marijuana growing operation ever discovered in southeastern Kentucky. It was estimated to produce two million dollars annually from a single location. In a single grow-house location, police recovered four-hundred large marijuana plants, fifty pounds of processed marijuana, sixteen-thousand dollars in U.S. currency, and numerous items of personal property. In a related traffic stop, police seized one-hundred twenty-eight pounds of processed marijuana. Ultimately, numerous individual operations in multiple counties were identified. Years later, following his release from prison, Sewell killed himself at the location of another indoor growing operation rather than submit to arrest.

(9) *United States v. Anderson*, 6:02-CR-119-DCR (Eastern District of Kentucky, London Division). The presiding judge was the Honorable Danny Reeves, United States District Judge.

Opposing Counsel

Martin Hatfield
[formerly with the United States Attorney's Office for the Eastern District of Kentucky]
103 South Maple Street
Somerset, Kentucky 42501
(606) 679-4449

I was requested by the court to represent the Defendant, a locally notorious paramilitary leader of the Kentucky militia. Police charged Anderson with numerous firearms and explosive charges relating to his racist violent beliefs and an attack upon a deputy-sheriff who attempted to stop Anderson's vehicle in Bell County, Kentucky. Anderson escaped on foot, eluded capture for two years living a survivalist lifestyle, and was only captured in North Carolina after being featured on America's Most Wanted. Ultimately, Anderson was sentenced to a fifteen-year term of imprisonment.

(10) *Commonwealth v. Coffey*, 95-CR-0138 (Pulaski). The presiding judges were the Honorable Daniel J. Venters, Judge of the 28th Circuit, and the Honorable Roderick Messer, Special Judge. A copy of the final judgment is supplied.

Opposing Counsel:

Mark J. Stanziano (deceased)

Stefanie M. McArdle
1 Calvert Plaza, Suite 1210
201 East Baltimore Street

Baltimore, Maryland 21202
(telephone number unknown)

I served as limited co-counsel in the earliest days of the investigation and commencement of the prosecution involving the murders of 17-year-old Matthew Coomer and 15-year-old Taiann Wilson. While walking in a creek on a first date, Coffey shot Coomer to death and stabbed Wilson to death. My role was limited to resolution of jurisdictional concerns given the possibility that the watershed could be considered to confer federal jurisdiction over what are traditionally considered state crimes. Coffey was convicted at a jury trial.

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.).

In addition to the legal activities described above, I believe that generally my efforts in judicial education and the development of effective drug treatment strategies for justice involved individuals are my most significant legal activities. Other matters, however, deserve brief mention.

In 1998, police charged Treva Sneed with murder arising from the shooting death of her paramour using a twenty-gauge shotgun fired into his head and neck. In her 911 call to report the shooting, Sneed stated to dispatchers she had killed Ralph Rainey, Jr., and later corroborated this statement to police. Unknown to police at that time, the woman's son, who had been in the residence at the time of the shooting, retained my services. I arranged for a meeting between my client and a detective of the Kentucky State Police. Following Campbell's voluntary statement to police with my consent, and in what prosecutors described as the "rapidly changing dimensions" of the case, Campbell was also charged with murder. Shortly thereafter, in early April 1998, upon presentation of the case to the Grand Jury, and with my client's cooperation, the Grand Jury declined to return an indictment against Sneed or Campbell and the underlying case was dismissed. This high stakes decision to allow a client to cooperate in a law enforcement investigation which might result in significant liability, and the resulting exoneration of my client, and several other similarly situated individuals during my career, provide a balance and aid impartiality during my tenure as a judge.

Likewise, in 1986, an Oklahoma college student was arrested, tried, and convicted of sexually molesting three children near the agricultural barn on campus. The student's family retained the services of penologist Tom O. Murton to assist in the effort to overturn the verdict and obtain a new trial. Murton in turn hired two graduate level criminal justice students from Chaminade University to assist in re-evaluating the testimony of the child witnesses. In part, our evaluation assisted Murton and the defense team in obtaining the reversal of the Defendant's conviction and ultimately, exoneration.

Aside from the cases discussed above, I believe the matter of *Commonwealth v. Gary Casper*

McKinney, 60 S.W.3d 499 (Kentucky, 2001) created a lasting impact even though I was not the attorney who ultimately tried the case. In April 1995, emergency services responded to a report of a house fire in remote Pulaski County (Kentucky). Police discovered three bodies – Shirley McKinney, the Defendant's wife, and two children, Brian (age 11) and Amy (age 3). Each had been shot to death. Police ultimately charged McKinney who was convicted at trial and sentenced to death. Portions of that conviction were later overturned on appeal and McKinney ultimately pled guilty and was sentenced to 20 years. My role as the prosecutor assigned to the case up until my departure from that office in December 1995, was assisting police in the investigation, assessment of the physical evidence and witness interviews.

In a similar vein, I assisted police in the investigation of the murders of twenty-one-year-old Linda Gibson and her half-brother, Cody Garrett, age 4. The bodies were dumped in a fence row in a remote area bordering the city limits of Somerset. Though several suspects were identified, no one has ever been charged in connection with these murders.

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.

Electronic Discovery, University of Louisville, Brandeis School of Law (Fall 2015). This inaugural course introduced students to electronically stored information and its production and use in civil and criminal litigation. Major topics included the impact of technology and expansion of data, searching and seizing digital evidence, federal and state rules of procedure applicable to digital evidence, ethical issues and the duty of attorney competence, allocation of costs, spoliation, and the foundation and admissibility standards for digital evidence. A copy of the course syllabus and some notes are provided.

In the mid-to-late 1990's and again in 2002, I taught justice related classes at the University of Kentucky, Somerset Community College, campuses in Pulaski and McCreary Counties, (Kentucky). These courses included juvenile justice, corrections, and OSHA compliance. I have no records pertaining to any of these 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.

I participate in Kentucky's Judicial Retirement Plan. Accordingly, depending on the date of retirement, I anticipate receiving upon obtaining the qualifying age, a monthly retirement stipend of approximately \$4,000-\$5,000.

My deceased spouse owned a small amount of Wal-Mart stock valued at around \$3,000 she accrued in relation to her employment there in the early 1990's. The stock certificates have been

lost and have not been re-issued. My recollection is that this stock produced annual income of less than \$100. On March 22, 2019, I received a notice of a class-action settlement, addressed to me, regarding this stock. As I obtain additional information, I will supplement or correct this response. Other than as set forth above, I own no stock and do not participate in other arrangements from which I might expect to receive future income.

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.

None. If confirmed, it is my intention to resign from all current boards, commissions, and public organizations.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I anticipate no conflicts of interest if appointed and confirmed as a Judge of the United States Court of Federal Claims. I have no family members who have financial interests likely to give rise to a conflict of interest.

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 strictly adhere to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all relevant caselaw. I also anticipate using well-established procedures currently practiced in my court to evaluate and resolve potential conflicts. My practice has been to disclose even remote possibilities of conflicts of interest to counsel either in writing or, more normally, on the record. I then permit counsel an opportunity to consult with their clients and determine whether the litigants

wish to seek my recusal. If so, upon the submission of written motions and response, I draft and enter an order addressing the circumstances giving rise to the alleged conflict. On rare occasions, I have immediately disqualified myself where I am aware of a disqualifying circumstance such as a threat made towards myself or knowledge of non-public information regarding the pending litigation. Occasionally, I have also consulted with other judges and ethics advisors for Kentucky's judicial ethics commission, the organization charged with providing advice to members of the judiciary regarding the obligations imposed by the judicial conduct code.

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 tenure as a practicing attorney, I donated legal services for a variety of clients including the Kentucky equivalent of legal aid and by preparing wills and powers of attorney for United States service members who were being deployed overseas. I estimate that I prepared twenty-five to thirty of these documents *pro bono*.

As a judge, I am prohibited from the practice of law. Instead, I have operated a three-county treatment court without remuneration since 2005. During the tenure of this treatment court, one hundred seventy-four individuals have successfully completed the eighteen-month average program. During that time, participants paid \$118,850.39 in child support and \$90,020.11 in other court ordered financial obligations. Eighteen drug free babies have been born to participants some of whom had prior children born with Neo-natal Abstinence Syndrome. Participants have performed 71,156.81 hours of community service and undergone 5,169 drug screens.

I also preside over one of seven experimental courts within Kentucky which focuses rehabilitation efforts on high risk/high need probationers based upon Hawaii's HOPE model. I have also completed mission work in Guatemala and served in a number of civic related positions within my church and community. In years past, I have participated in bar association outreach programs in local schools regarding the pitfalls of bad credit practices. I have also participated in state bar association outreach programs to members of the Kentucky General Assembly in order to urge sufficient funding of court salaries and initiatives. Lastly, I have volunteered numerous hours to promoting awareness of the Relay for Life and the American Cancer Society.

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.

Kentucky has no judicial selection process by which candidates for federal judicial office are considered.

On June 6, 2018, I received a telephone call from United States Senate Majority Leader Mitch McConnell's counsel who inquired whether I would be interested in being considered for an appointment as Judge of the United States Court of Federal Claims. On July 25, 2018, I travelled to Washington D.C. and met with officials from the White House Counsel's Office.

I have had intermittent contact with the Majority Leader's Office and the White House Counsel's Office periodically seeking updates. On September 12, 2018, the White House Counsel's Office contacted me regarding execution and completion of background investigation waivers and the SF 86. On September 13, 2018, the Office of Legal Policy, United States Department of Justice, contacted me by email regarding completion of the Senate Judiciary Questionnaire and additional documents. On September 17, 2018, I transmitted the SF 86. On October 4, 2018, I submitted a preliminary draft of responses to the SJQ to OLP. I have since continued to supplement my preliminary SJQ responses in writing and in telephone conversations with members of OLP. On Friday, March 1, 2019, I received a telephone call from the Office of White House Counsel informing me that the announcement of the nomination was imminent. I have since had numerous conversations regarding completion of the SJQ, financial documents, and related materials.

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.