

**UNITED STATES SENATE**  
**COMMITTEE ON THE JUDICIARY**  
**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

Bart McKay Davis

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

United States Attorney, District of Idaho, U.S. Department of Justice

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.

I am currently retired. My residence is in Idaho Falls, ID 83402

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

1955, Rapid City, SD

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.

University of Idaho, College of Law, 1978 – 1980  
J.D., 1980

Brigham Young University, 1973 – 1974, 1976 – 1978  
B.A., 1978

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

September 2021 – Present  
Member of the Board of Directors  
Electrical Wholesale Supply Co., Inc.  
999 Flightline Drive  
Idaho Falls, ID 83402

August 2021 – November 2021  
Commissioner and co-chair  
Idaho Commission for Reapportionment  
700 West Jefferson Street  
Boise, ID 83720

September 2017 – February 2021  
United States Attorney for the District of Idaho  
United States Attorney's Office for the District of Idaho  
1290 West Myrtle Street  
Suite 500  
Boise, ID 83702

January 2010 – January 2015  
Trustee & Board Member (Unpaid)  
Bonneville County Historical Society dba Museum of Idaho  
200 N. Eastern Avenue  
Idaho Falls, ID 83402

March 2003 – November 2014  
Board Member<sup>1</sup>  
Idaho Bond Bank Authority  
700 W. Jefferson Street  
Boise, ID 83702

May 2001 – January 2003  
Idaho Delegate (Unpaid)  
Pacific States Radioactive Materials Transportation Committee<sup>2</sup>  
Address: unknown

May 1990 – September 2017  
Electrical Wholesale Supply Co., Inc.  
1355 Fremont Avenue  
Idaho Falls, ID 83402

Chairman of the Board, February 2013 – September 2017  
General Counsel, August 2000 – September 2017  
Corporate Secretary, August 2000 – September 201.  
Shareholder, July 1997 – Present  
Director, August 1990 – September 2017  
Acting President, May 2014 – August 2016  
Vice-Chairman of the Board, August 2004 – February 2013  
Chief Financial Officer, May 1990 – June 1993

---

<sup>1</sup> The members of the authority were modestly compensated for attending board meetings, but I declined compensation.

<sup>2</sup> Although designated as the Idaho legislative delegate, no meetings were held during my term. Idaho has since repealed that statute.

January 2002 – present  
Member  
M T B Investments, L.L.C.  
PO Box 51845  
Idaho Falls, ID 83405  
Manager, January 2002 – September 2017

July 1999 – present  
Member  
M T F, L.L.C.  
PO Box 50660  
Idaho Falls, ID 83405  
Manager July 1999 – September 2017

December 1998 – 2017  
Senator  
Idaho State Senate  
700 W Jefferson Street  
Boise, ID 83702  
Majority Leader, December 2002 – September 2017.  
Caucus Chair, January 2002 – November 2002.

September 1990 – 2017  
Bart M. Davis  
Attorney at Law  
PO Box 50660  
2835 Foote Drive  
Idaho Falls, ID 83405-0660

January 1990 – August 1990  
Partner & Attorney  
Weinpel, Woolf, Combo & Davis  
408 Shoup Avenue  
Idaho Falls, ID 83402

January 1984 – December 1989  
Partner & Attorney  
Weinpel, Woolf, Just, Combo & Davis  
408 Shoup Avenue  
Idaho Falls, ID 83402  
Falls, ID 83402

March 1981 – December 1984  
Associate Attorney  
Law Office of Marc J. Weinpel

545 Shoup Avenue, Suite 227  
Idaho Falls, ID 83402

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I have registered for selective service.

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

Award of Legal Merit, University of Idaho College of Law, 2021

ICON Award, Idaho Business Review, 2021

Leaders in Law Award Lifetime Achievement Award, Idaho Business Review, 2020

Lifetime Achievement Award, Idaho Republican Party, 2018

CSG Senator Douglas Henry Federalism Award, The Council of State Governments, 2017

Ag All Stars Award, Food Producers of Idaho, Inc., 2017

Legislator of the Year, Idaho Fraternal Order of Police, 2016

Legislator of the Year, Idaho Mining Association, 2015

Legislator of the Year, Idaho Library Association, 2012

Angel in Adoption Award, Congressional Coalition on Adoption Institute, 2011

Special Recognition for Extraordinary Contributions to the Improved Administration of Justice in Idaho, Idaho Judicial Conference, 2010

Professor Boyd A. Martin Award, Idaho Association of Cities, 2010

Legislator of the Year, Idaho State Republican Party (Idaho Republican Hall of Fame), 2009

Leadership Award, State Government Affairs Council, 2009

Outstanding Republican Elected Official Award, Idaho Republican Party, Region VII, 2007

Participant, Conclave, University of Idaho College of Law, 2007

Martindale-Hubbell Peer Review Rating. “AV”, 2007 - Present

Leadership to Eastern Idaho Award, Idaho Falls Chamber of Commerce, 2004

Shooting Star Award, SGAC (State Government Affairs Council), 2004

Hero of the Pro-Life Movement, Idaho Chooses Life, 2002

Recipient, Cesar Chavez/Dolores Huerta Farmworker Justice Award, 2001

Participant, Project Israel Interchange, American Jewish Committee & Council of State Governments, 2000

Professionalism Award, Commercial Law & Bankruptcy Section, Idaho State Bar, 1999

Toll Fellow, Council of State of Governments, 1999

Paul Harris Fellow, Rotary International, 1990

Langroise Scholarship, University of Idaho, College of Law<sup>3</sup>, 1979 – 1980

Eagle Scout, Boy Scouts of America, 1968

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.

#### NON-LEGISLATIVE

Attorney General Advisory Subcommittees

Member, Native American Issues Subcommittee

Member, Border and Immigration Subcommittee

Member, Marijuana Working Group

Commissioner, National Conference of Commissioners on Uniform State Laws (Uniform Law Commission).

Member, Committee on Scope and Program

Member, Study and Drafting Committee on Revisions to Uniform Parentage Act

Member, ULC History Committee

---

<sup>3</sup> Scholarship available to graduates majoring in law at the University of Idaho. Selection based on academic achievement and financial need. These are estimated dates.

Member, Committee on Parliamentary Practice  
Member, Committee on State and Federal Relations and with Other Organizations  
Member, Committee on Liaison with Native American Tribes (U.C.C. Article 9)  
Member, Study Committee on Faithless Presidential Electors

Member, Leadership in Nuclear Energy Commission 2.0 (LINE 2.0)

Member, Leadership in Nuclear Energy Commission (LINE)

Member, Guardianship/Conservatorship Committee, Idaho Supreme Court

Member, Idaho Law Review Advisory Board, College of Law, University of Idaho

Member, College of Law Advisory Council, University of Idaho, Chair (2007 – 2010, estimated)

Member, Committee on Judicial Independence and Judicial Integrity, Idaho State Bar

Reporter and Member, Chapter 13 Subcommittee, Bankruptcy Court Rules Committee

Reporter and Member, Rules Committee, United States Bankruptcy Court, District of Idaho

Chair and Member, Small Business Chapter 11 Rules Subcommittee, Bankruptcy Court Rules Committee, 1997 - 1998

Member, Eastern Idaho Division Facilities Committee, United States District Court, District of Idaho

Member, Ninth Circuit Judicial Conference Executive Committee, Ninth Circuit Court of Appeals

Idaho Lawyer Representative, Ninth Circuit Judicial Conference, Ninth Circuit Court of Appeals

Member, Long Range Planning Committee, United States District Court, District of Idaho

Founding Board Member and Chair, Bankruptcy Law Section, Idaho State Bar, 1986 – 1987<sup>4</sup>

## LEGISLATIVE

Member, Council of State Governments (CSG)  
Member, Leadership Council

---

<sup>4</sup> Today, the section name is the Commercial Law and Bankruptcy Section. I may have been a member of one or two other Idaho State Bar sections, but I have no memory or records of those memberships.

Member, Interbranch Affairs Committee  
Member, Intergovernmental Affairs Committee  
Member, 21<sup>st</sup> Century Foundation Board  
Member, National Conference Committee  
Member, Finance Committee  
Member, Associates Advisory Committee  
Member, Governing Board  
Member, Executive Committee  
Member, Legal Task Force (12-member federalism task force for amicus participation before U. S. Supreme Court), Chair (2013)  
Member, Shared State Legislation Committee, Council of State Governments (Formerly known as Suggested State Legislation Committee)  
Member, International Committee, Co-Chair (2015 – 2016).  
Member, Federalism Task Force  
Member, Strategic Planning Committee  
CSG National Chair, 2009  
Toll Fellow

Member, Council of State Governments West (CSGW)  
Member, Nominating Committee, Chair (2015, 2016 – 2017)  
Chair, Rules Working Group (2017)  
Member, Private Sector Forum  
Member, Executive Committee  
Member, Rules Working Group, Chair (2013 – 2014, and 2017)  
Member, Innovations Selection Committee  
CSGW Chair, 2004  
Member, Committee on the Future of Western Legislatures, Chair (2003)

Senator, Idaho State Senate  
Member, State Affairs Committee, Idaho State Senate  
Member, Legislative Council, Idaho State Legislature  
Member, Judiciary and Rules Committee  
Member, Administrative Hearing Officer Committee  
Member, Foster Care Study Committee  
Member, Purchasing Laws Interim Committee  
Member, Broadband Access Study Committee  
Member, Federal Lands Interim Committee  
Member, Tri-State Wolf Compact Committee, Chair (2010 – 2011)  
Member, Capitol Restoration Advisory Committee on Relocation  
Member, Commerce and Human Resources Committee, Vice-chair (1998 – 2002)  
Member, Medical Education Interim Committee  
Member, Advisory Committee on Relocation of 2008 and 2009 Legislature  
Member, Community Colleges Interim Committee  
Member, Ad Hoc Joint Advisory Committee on Technology, Co-chair (1999 – 2006)  
Member, Guardianship and Conservatorship Interim Committee, Co-chair (2004)  
Member, Judicial Elections Interim Committee

Member, Task Force to Study Campaign Financing for Judicial Election, Co-chair (2002)

Member, Electronic Commerce Interim Committee, Co-chair (2001 – 2002)

Member, Agriculture Committee

Member, Education Committee

Member, Minimum Wage for Farm Workers Interim Committee

Member, Construction Industry Laws Interim Committee

Member, Eastern Idaho State Park Search Committee, Idaho Governor Kempthorne, Chair (2006-2007)

Member, Idaho Governors Family Farm Security Task Force, Idaho Governor Kempthorne

Member, Idaho Governors Executive Committee on Safety in Schools, Idaho Governor Kempthorne

**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.

Idaho, April 1981

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.

Supreme Court of the United States (October 1989)

United States Court of Appeals for the Ninth Circuit (September 1987)

United States District Court for the District of Arizona (March 1994)

United States District Court for the District of Idaho (April 1981)

All state courts in Idaho (April 1981)

There have been no lapses in membership, except the United States District Court for the District of Arizona has been inactive since September 1999 for non-use.

**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.

Idaho State Historical Society, Old Idaho Penitentiary Scholar Advisory Panel  
Member, 2021 – 2022

Idaho Falls Education Advisory Council, Member, 2009 – 2017

Idaho's Abraham Lincoln Bicentennial Commission, Member, 2006 – 2007

Eastern Idaho Special Services Agency, Board Member, 2000 – 2004

Idaho Falls Country Club, Director, February 1998 – February 2002

Idaho Falls Rotary Club, Rotary International, Member, 1983 – Present

Idaho Falls Civic Auditorium Organ Fund, Committee Member 1989 – 1990

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I am a member of Rotary International, and I have been since 1983. At the time I joined, Rotary limited its membership to men. In 1989, Rotary International proudly admitted women to membership.

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

## **12. Published Writings and Public Statements:**

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

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal

files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Editorial, National Police Week, May 8, 2018. Copy supplied.

Press Release, Anne Frank Memorial, May 5, 2017. Copy supplied.

Idaho Law Review, Idaho's Messy History with Term Limits: A Modest Response, 2016. Copy supplied.

Press Release, Senator John McGee's resignation, February 22, 2012. Copy supplied.

Idaho Law Review, Use of Legislative History: Willow Witching for Legislative Intent, 2007. Copy supplied.

State News, The Council of State Governments, The Essence of Leadership, February 2005. Copy supplied.

The Post Register, The Truth About the Indian Gaming Initiative, October 15, 2002. Copy supplied.

Letter to the Editor, *Show Some Decency*, WASHINGTON POST, April 28, 2001. 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.

As a nineteen-year member of the Idaho State Senate, its various committees, interim committees, and legislative council, I have been involved in the development of countless reports, memoranda, policy statements, and legislation. In addition, I have served on several different Idaho State Bar, Idaho Supreme Court, and District of Idaho committees.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Final Report, Idaho Commission For Reapportionment, November 10, 2021. Copy supplied.

Commission Report to Governor C.L. “Butch” Otter, LINE 2.0 Commission, April 27, 2017. Copy supplied.

Final Report, Foster Care Study Interim Committee, January 31, 2017. Copy supplied.

Senate Action on Costs & Fees, Idaho Senate Journal, January 24, 2017. Copy supplied.

Minutes, Election Contest Costs & Fees, State Affairs Committee, January 23, 2017. Copy supplied.

Senate Action on Election Contest, Idaho Senate Journal, January 17, 2017. Copy supplied.

Minutes, Election Contest, State Affairs Committee, January 16, 2017. Copy supplied.

Procedural Order for Contest of Election, December 12, 2016. Copy supplied.

Final Report, Administrative Hearing Officer Interim Committee, December 1, 2016. Copy supplied.

Final Report, Procurement Laws Interim Committee, November 29, 2016. Copy supplied.

Minutes, Administrative Hearing Officer Interim Committee, November 21, 2016. Copy supplied.

Minutes, Administrative Hearing Officer Interim Committee, October 25, 2016. Copy supplied.

Minutes, State Procurement Laws Interim Committee, September 14, 2016. Copy supplied.

Final Report, Purchasing Laws Interim Committee, February 23, 2016. Copy supplied.

Minutes, Purchasing Laws Interim Committee, January 14, 2016. Copy supplied.

Minutes, Broadband Access Study Interim Committee, November 20, 2015. Copy supplied.

Purchasing Laws Interim Committee, September 30, 2015. Copy supplied.

Memorandum, Senate Journal Corrections & Seniority, September 9, 2015. Copy supplied.

Minutes, Broadband Access Study Interim Committee, July 21, 2015. Copy supplied.

Final Report, Federal Lands Interim Committee, January 20, 2015. Copy supplied.

Progress Report, Federal Lands Interim Committee, November 30, 2013. Copy supplied.

Full Report, LINE Commission, January 2013. Copy supplied.

Executive Summary, LINE Commission, January 2013. Copy supplied.

Progress Report, LINE Commission subcommittees, December 3, 2012. Copy supplied.

Protest of Veto Procedure, Idaho Senate Journal, April 23, 2009. Copy supplied.

Final Report, Medical Education Interim Committee, November 30, 2008. Copy supplied.

Final Report, Community Colleges Interim Committee, November 30, 2006. Copy supplied.

Final Report, Guardianship and Conservatorship Interim Committee, November 30, 2004. Copy supplied.

Dissenting Member Minority Report, Reberger & Parson to Judicial Council, Idaho Senate Journal, February 9, 2004. Copy supplied.

Legislative History re HB391 Field Burning, Idaho Senate Journal, April 10, 2003. Copy supplied.

Final Report, Campaign Financing for Judicial Elections Interim Committee, December 1, 2002. Copy supplied.

Final Report, Electronic Commerce Interim Committee, December 1, 2002. Copy supplied.

Final Report, Minimum Wage for Farm Workers Interim Committee, November 1, 2000. Copy supplied.

Final Report, Construction Industry Laws Interim Committee, January 12, 2000.

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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Testimony to Idaho Parole Commission re: Vincent Olsen's Parole Hearing, April 9, 2013. Copy supplied.

Senate Floor Debate re: HB 800, March 30, 2006. 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.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

During my respective tenures, I often spoke about the work of the U.S. Attorney's Office and Idaho State legislature (particularly the Senate). Many of my remarks were extemporaneous, sometimes with brief notes, which are often discarded after my presentation. I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

Nuts & Bolts of Statutory Interpretation, University of Idaho College of Law Presentation, March 3, 2022 & April 6, 2023, Boise, ID. Copy supplied.

Justice Roger S. Burdick Lifetime Achievement Award Intro Remarks, November 16, 2021, Boise Center, Boise, ID. Copy supplied.

Idaho Listens, September 24, 2022, Boise State University, Boise, ID. Copy supplied. Video link: [https://www.youtube.com/watch?v=\\_gTyePCfzds](https://www.youtube.com/watch?v=_gTyePCfzds)

Judge Ray Patricco Investiture Remarks, September 17, 2021, McClure Federal Courthouse, Boise, ID. Copy supplied.

Remarks to Law Enforcement, February 18, 2021. Copy unavailable.

Idaho Prosecuting Attorneys Association Board of Directors Winter Update, February 9, 2021, Boise, ID. Copy unavailable.

USAO Remarks, January 7, 2021, Boise, ID. Copy unavailable.

USAO Remarks, December 4, 2020, Boise, ID. Copy supplied.

Idaho Prosecuting Attorneys Association New Prosecutors Presentation, December 3, 2020. Copy supplied.

ICAC PSC John Brumbaugh Remarks, December 2, 2020, U.S. Attorney's Office, Boise, ID. Copy supplied.

PSC Meeting Opening Remarks, December 2, 2020, U.S. Attorney's Office, Boise, ID. Copy supplied.

USAO Remarks, October 8, 2020, U.S. Attorney's Office, Boise, ID. Copy supplied.

PSN Remarks, October 8, 2020, U.S. Attorney's Office, Boise, ID. Copy supplied.

MMIP Conference Welcome Letter & Remarks, October 6, 2020, Worley, ID. Copy supplied.

Idaho Prosecuting Attorneys Association Board of Directors Remarks, July 20, 2020, Boise, ID. Copy supplied.

Idaho Prosecuting Attorneys Association Board of Directors Remarks, February 4, 2020, Boise, ID. Copy supplied.

Alturas Institute Remarks, February 1, 2020, Idaho Falls Hilton Garden Inn, Idaho Falls, ID. Copy supplied.

Murdered and Mission Indigenous People Conference Remarks, December 19, 2019, Riverside Hotel, Boise, ID. Copy supplied.

PSC Meeting Remarks, December 4, 2019, U.S. Attorney's Office, Boise, ID. Copy supplied.

University of Idaho, College of Law, Guest Speaker Outline, Boise, ID. Copy supplied.

ATAC Remarks, November 19, 2019. Copy supplied.

Boise Police Chief Bones Retirement Remarks, October 24, 2019. Copy supplied.

Idaho Criminal Justice Commission Remarks, October 18, 2019, Boise, ID. Copy supplied.

Insurance Fraud Seminar Opening Remarks, October 15, 2019. Idaho State Capitol Lincoln Auditorium, Boise, ID. Copy supplied.

Environmental Working Group Remarks, October 2, 2019. Copy supplied.

Idaho Chief of Police Association Conference Remarks, September 30, 2019, Sun Valley, ID. Copy supplied.

Tri-State Conference Panel Draft Outline, September 27, 2019, Boise, ID. Copy supplied.

USAO Remarks to introduce the Judge Lodge Conversation, September 19, 2019, U.S. Attorney's Office, Boise, ID. Copy supplied.

Idaho Prosecuting Attorneys Association Board of Director Remarks, August 13, 2019, Boise, ID. Copy supplied.

Secret Service OIG Field Division Conference Remarks, August 13, 2019, Boise, ID. Copy supplied.

OCDETF Idaho Conference Welcome Remarks, August 12, 2019, U.S. Attorney's Office, Boise, ID. Copy supplied.

Multi-Jurisdictional Public Safety Partnership Forum Remarks, July 30, 2019. Copy supplied.

Justice Alliance for Vulnerable Adults Summit Remarks, June 13, 2019, Boise, ID. Copy supplied.

Stenger Award Remarks, May 15, 2019, Boise, ID. Copy supplied.

J. Reuben Clark Law Society Remarks, April 16, 2019, Stoel Rives, Boise ID. Copy supplied.

Caldwell Crime Victim's Vigil, April 13, 2019, Indian Creek Plaza, Caldwell, ID. Copy supplied.

Idaho Falls Inns of Court, April 11, 2019, Idaho Falls, ID. Copy supplied.

FBI Counterintelligence Meeting with stakeholders remarks, April 4, 2019, Boise, ID. Copy supplied.

Domestic Violence Community Violence Training Remarks, February 22, 2019, Boise, ID. Copy supplied.

Idaho Prosecuting Attorneys Association Remarks, February 5, 2019, Boise, ID. Copy supplied.

U.S. Marshals Service Leadership Lesson, November 14, 2018, McClure Federal Courthouse, Boise, ID. Copy supplied.

Idaho State Bar Health Section Remarks, October 5, 2018, Idaho State Bar Office, Boise, ID. Copy supplied.

Idaho Judicial Conference Remarks, September 24, 2018, Boise, ID. Copy supplied.

NAACP Tri-State Conference Remarks, September 15, 2018, Boise, ID. Copy supplied.

OCDETF Conference Welcome Remarks, August 16, 2018, U.S. Attorney's Office, Boise, ID. Copy supplied.

Kootenai Tribe & USAO Law Enforcement & Judicial Seminar Remarks, July 12, 2018. Copy supplied.

Regence & Walgreens Safe Medication Disposal Program Remarks, June 28, 2018, Boise, ID. Copy supplied.

Idaho Falls Rotary Club, June 27, 2018, Shiloh Hotel, Idaho Falls, ID. Copy supplied.

Opioid Epidemic Law Enforcement Roundtable Welcome Remarks, June 20, 2018. Copy supplied.



Western Conference of Public Utility Commissioners Remarks, June 7, 2018, Boise, ID. Copy supplied.

Canyon County Law Enforcement Memorial Remarks Back The Blue Remarks, May 18, 2018, Canyon County Law Enforcement Memorial, Caldwell, ID. Copy supplied.

Idaho Crime & Safety Conference, May 9, 2018, U.S. Attorney's Office, Boise, ID. Copy supplied.

Boise Rotary Club, May 3, 2018, Hoff Building, Boise, ID. Copy supplied.

Kootenai County Inns of Court, April 3, 2018, Coeur d'Alene, ID. Copy supplied.

Idaho Criminal Justice Commission Opening Remarks, March 23, 2018, Boise, ID. Copy unavailable.

Idaho Prosecuting Attorney Remarks, February 7, 2018, Boise, ID. Copy supplied.

USAO Hosted PSN Training Welcome Remarks, January 31, 2018, U.S. Attorney's Office, Boise, ID. Copy supplied.

Treasure Valley Partnership Introduction & SAUSA Talking Points, January 29, 2018, U.S. Attorney's Office, Boise, ID. Copy supplied.

PSC Meeting Welcoming Remarks, January 10, 2018, Boise, ID. Copy supplied.

Investiture Remarks, Boise, January 5, 2018, McClure Federal Courthouse, Boise, ID. Copy supplied.

Idaho Sheriffs Association, December 12, 2017. Copy supplied.

USAO Investiture Remarks, December 1, 2017, Pocatello Federal Courthouse, Pocatello, ID. Copy supplied.

PSN Meeting Opening Remarks, November 20, 2017, Boise, ID. Copy supplied.

Federal Bar Association Remarks, November 3, 2017, Boise Center, Boise, ID. Copy supplied.

Robert Almonte Opening Remarks, October 26, 2017. Copy supplied.

First Day Remarks to U.S. Attorney's Office, September 22, 2017, U.S. Attorney's Office, Boise, ID. Copy supplied.

Eastern Idaho Estate Planning Council, June 21, 2017, Hilton Garden Inn, Idaho Falls, ID. Copy supplied.

Dean Don Burnett Retirement Celebration and Introduction, April 21, 2016, University of Idaho College of Law Building, Boise, ID. Copy supplied.

Idaho Optometric Physicians Association, April 6, 2016, Hilton Garden Inn, Idaho Falls, ID. Copy supplied.

Keynote Address - Magistrate Conference, May 13, 2015, The Law Center, Boise, ID. Copy supplied.

City Club of Idaho Falls Remarks, May 1, 2015, Idaho State University Campus, Idaho Falls, ID. Copy supplied.

Senate Orientation Remarks, January 12, 2015, Idaho State Capitol, Boise, ID. Copy supplied.

Idaho Federal District Court Bench & Bar Conference, Introduction of Congressman Michael Simpson, September 9, 2014, Shoshone-Bannock Casino Hotel, Fort Hall, ID. Copy supplied.

Associated General Contractors Keynote Address, August 1, 2014. Copy supplied.

Idaho Association of Commerce & Industry Keynote Address, June 10, 2014, Shore Lodge, McCall, ID. Copy supplied.

City Club of Idaho Falls Remarks, May 15, 2014, Idaho State University Campus, Idaho Falls, ID. Copy supplied.

Judicial Conference, September 23, 2013, Post Falls, ID. Copy supplied.

Rotary Legislative Projection, November 30, 2011, Westbank Restaurant, Idaho Falls, ID. Copy supplied.

Drug Court Graduation, May 24, 2011. Copy supplied.

Introduction of Governor Otter at Inauguration, January 7, 2011, Idaho State Capitol, Boise, ID. Copy supplied.

City Club, December 17, 2010, ISU Campus, Idaho Falls, ID. Copy supplied.

Constitution's Blessing, September 9, 2010, St. Clair Estates, Idaho Falls, ID. Copy supplied.

Eagle Rock Inns of Court, September 9, 2010, Idaho Falls, ID. Copy supplied.

University of Idaho Commencement Speech, May 6, 2010, Willard Arts Center Colonial Theater, Idaho Falls, ID. Copy supplied.

Pre-session Remarks to City Club, December 9, 2009, ISU Campus, Idaho Falls, ID. Copy supplied.

Law School Speech: Centennial Celebration, September 18, 2009, University of Idaho College of Law, Moscow, ID. Copy supplied.

Women's Counsel of Realtors Remarks, June 8, 2009. Copy supplied.

University of Idaho Law School Remarks to Third Year Law Students, April 18, 2009, University of Idaho College of Law, Moscow, ID. Copy supplied.

Judge Greenwood Investiture, February 6, 2009, Ada County Courthouse, Boise, ID. Copy supplied.

Interbranch Summit of the States, June 24, 2008, Bismarck, ND Copy supplied.

Idaho Falls City Club, April 18, 2008, Idaho State University Campus, Idaho Falls, ID. Copy supplied.

Speech to Boise Lawyers, November 12, 2003, Boise, ID. Copy supplied.

Naturalization Ceremony, October 20, 2003, Pocatello Federal Courthouse, Pocatello, ID. Copy supplied.

Flag Raising Sheila Olsen, July 4, 2000, Idaho Falls, ID. Copy supplied.

In addition, here are audio links to talks given to the Idaho Falls City Club, to wit:

Idaho Falls City Club, "Legislative Leadership in Idaho: Challenges and Opportunities, at <http://ifcityclub.com/archives/150501DavisRusche.MP3>, May 1, 2015.

Idaho Falls City Club, "Legislative Leadership in Idaho: Challenges and Opportunities," at <http://ifcityclub.com/archives/140515DavisStennett.mp3>, May 14, 2014.

Idaho Falls City Club, "Legislative Preview," at <http://ifcityclub.com/archives/101217DavisLakeMcgeachin.mp3>, December 17, 2010.

Idaho Falls City Club, "Update on Our State," at

<http://ifcityclub.com/archives/091211BartDavis.mp3>, December 11, 2009.

Idaho Falls City Club, “2008 Legislative Update,” at <http://ifcityclub.com/archives/080418BartDavis.mp3>, April 18, 2008.

- 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.

I frequently give interviews about redistricting, legislative, and political matters to newspapers, magazines and other publications, and radio and television stations. I infrequently hold press conferences, but occasionally attend gubernatorial press conferences. I more frequently give brief news interviews. I have sought to locate all responsive items. Despite my efforts, there may be other materials that I have been unable to identify.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Icon Award 2021, Idaho Business Review, May 11, 2021. Copy supplied.

Leaders in Law 2020, Idaho Business Review, November 19, 2020. Copy supplied.

Collective Wisdom Tips, CSG Capitol Ideas, February 17, 2017. Copy supplied.

In addition, here are audio links to interviews, to wit:

Idaho Reports, Idaho Public Television “That Meddling Constitution” starting at 17:50, at <http://video.idahoptv.org/video/2365966088/>, February 24, 2017.

Charter Local Edition, Charter Communications “Idaho Local Edition with Idaho Senate Majority Leader Bart Davis, at <https://www.youtube.com/watch?v=FdJfPk3TZaU>, February 1, 2017.

Idaho Reports, Idaho Public Television “Sine Die 2016” starting at 03:45, at <http://video.idahoptv.org/video/2365702112/>, March 25, 2016.

Idaho Reports, Idaho Public Television “Public Defense, Public Fights” starting at 5:48, at <http://video.idahoptv.org/video/2365435268/>, February 27, 2015.

Idaho Reports, Idaho Public Television “Legislative Wrap-Up” at <https://www.youtube.com/watch?v=kdnOnSamjds> and

[https://www.youtube.com/watch?v=B9oh\\_CS0pvk](https://www.youtube.com/watch?v=B9oh_CS0pvk), May 8, 2009.

Idaho Reports, Idaho Public Television, other archived videos at  
<http://idahoptv.org/idreports/irarchive.cfm>

In addition, the press releases issued during my term as United States Attorney for the District of Idaho from September 2017 to February 2021 are here:  
[https://www.justice.gov/usao-id/pr?search\\_api\\_fulltext=&start\\_date=2017-09-21&end\\_date=2021-02-28&sort\\_by=field\\_date](https://www.justice.gov/usao-id/pr?search_api_fulltext=&start_date=2017-09-21&end_date=2021-02-28&sort_by=field_date)

**13. 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.

Elected Republican Precinct Committeeman, Bonneville County, Idaho, 1986 – 1990 (estimated)

Elected Idaho State Senator, December 1998 – September 2017

Appointed United States Attorney for the District of Idaho by President Donald J. Trump, September 2017 – February 2021

- 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.

Political Party, uncompensated

2016: Delegate, Idaho Republican State Convention (Nampa, ID)

2014: Parliamentarian and delegate, Idaho Republican State Convention (Moscow, ID)

2012: Delegate, Idaho Republican State Convention (Twin Falls, ID)

2010: Delegate, Idaho Republican State Convention (Idaho Falls, ID)

2008: Vice-chair and Delegate, Idaho Republican State Convention (Sandpoint, ID)

2008: Member, Delegate and Resolutions Committee, Republican National Convention (St. Paul, MN)

2006: Vice-chair and Delegate, Idaho Republican State Convention (Idaho Falls, ID)

2004: Parliamentarian and Delegate, Idaho Republican State Convention (Boise, ID)

2004: Delegate-at-large, Republican National Convention (New York, NY)

2002: Delegate, Idaho Republican State Convention (Sun Valley, ID)

2000: Delegate, Idaho Republican State Convention (Pocatello, ID)

2000: Delegate-at-large, Republican National Convention (Philadelphia, PA)

1994 – 1996: Member, Fundraising Committee Idaho Republican Party

1982 – 1984: Committee Member, Bonneville County Republican Central Committee

1982 – 1984: Co-chair, Bonneville County Young Republicans

Election Committee, uncompensated

From 1986 to 1996, I periodically assisted Senator John D. Hansen with his campaigns to the Idaho State Senate. I recall putting up signs, handing out literature, and attending planning meetings.

From 1998 to 2016, I was a successful candidate for the Idaho State Senate. Idaho's entire legislature stands for election every two years.

In 2000, I was the chair of the Eastern Idaho Attorneys for George W. Bush for President. That same year, I was also a co-chair of the Idaho Legislators for George W. Bush for President. Both assignments were honorary only.

As the Idaho Senate Majority Leader, it was my responsibility to support my caucus members in their reelection efforts, including encouragement, fundraising, and providing political advice. I had no formal titles or responsibilities.

Finally, I recall hosting fundraisers or candidate events at our home. I do not recall if the events were always for a specific candidate, or a general open house for various statewide, congressional candidates, and judicial candidates. (I recall hosting events for or attended by U.S. Senator James E. Risch, Idaho Governors Dirk Kempthorne and C.L. (Butch) Otter, Idaho Lieutenant Governors James E.

Risch and Brad Little, and Idaho Supreme Court candidates Jim Jones and Joel Horton).

In addition, I have frequently been asked to assume honorary positions with many other candidates for office. I have accepted those invitations if I found the person to be honorable and capable. I do not recall the specifics of any others.

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

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

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

I have not clerked for a judge.

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

For many years I practiced alone. My work consisted of litigation, consulting with clients, and handling business organization matters.

June 1990 – July 2003  
696 S. Bellin Road  
Idaho Falls, ID 93402

July 2003 – October 2004  
525 Park Avenue, Suite 2A  
Idaho Falls, ID 83402

November 2004 – November 2015  
1075 South Utah Avenue, Suite 322  
Idaho Falls, ID 83402

November 2015 – September 2017  
2835 Foote Drive  
Idaho Falls, ID 83402

- 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.

March 1981 – January 1984  
Associate  
Law Office of Marc J. Weinpel  
545 Shoup Avenue, Suite 227

Idaho Falls, ID 83402

January 1984 – July 1989 (estimated)

Partner

Weinpel, Woolf, Combo & Davis

408 Shoup Avenue

Idaho Falls, ID 83402

July 1989 – August 1990 (estimated)

Partner

Weinpel, Woolf, Just, Combo & Davis

408 Shoup Avenue

Idaho Falls, ID 83402

2010 – September 2017

General Counsel

Electrical Wholesale Supply Co., Inc.

1355 Fremont Avenue

Idaho Falls ID 83402

September 2017 – February 2021

United States Attorney

District of Idaho

1290 West Myrtle Street

Suite 500

Boise, ID 83702

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

I have not served as a mediator or arbitrator.

b. Describe:

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

For most of the 1980s, I handled and tried a variety of cases including domestic relation cases (divorces, support modifications, and custody modifications), criminal cases (D.U.I., lewd & lascivious conduct with minors, manslaughter, fish and game, traffic, and drug possession), bankruptcy, personal injury, worker's compensation, foreclosures, claim and delivery, unlawful detainer, collections, materialman, Miller Act, agriculture, and a few wills and trusts.



For most of the 1990s, I narrowed my practice to commercial litigation (chapters 7, 11, 12, and 13 bankruptcies, Uniform Commercial Code transactions involving articles 2 and 9), real estate leases/transactions and limited real property litigation, collections, corporate work, materialman and Miller Act liens, including foreclosures.

While serving in the Idaho Senate from 1998 to 2017, I narrowed my practice further. I concentrated my legal practice to the broad sophisticated demands of a few institutional clients, developers, businesses, and a college. That practice included the regulatory, transactional, and litigation demands of those institutions. I also liaised between these few clients and other litigation or specialty counsel in meeting my clients' needs.

From September 2017 to February 2021, I served as the United States Attorney for the District of Idaho. Our office primarily participated in the prosecution of federal crimes within the District, including on appeal. In addition, our office represented the United States in complex civil litigation, bankruptcy cases, and administrative matters. Further, as U.S. Attorney I focused on efforts to deepen relationships with state, tribal, county, and local law enforcement by periodically visiting these jurisdictions and working with their prosecutors to collectively provide a stronger and more effective law enforcement presence.

While I was U.S. Attorney, our office filed more than a thousand criminal cases (more than any other previous three-year period); prioritized protecting children from online predators through Internet Crimes Against Children Task Force (ICAC) prosecutions of nearly one hundred offenders; partnered with prosecutors across Idaho to remove more than 1,200 violent offenders from their communities; enhanced our special Assistant U.S. Attorney positions to remove 450 illicit drug wholesalers from Idaho; prosecuted multiple fraud cases, including governmental fraud; filed 86 appellate briefs and argued 34 cases before the U.S. Court of Appeals for the Ninth Circuit; and argued and obtained orders of outright dismissal in two Animal and Plant Health Inspection Service predator control cases, a novel grazing rights dispute, and a FOIA case dismissed under the deliberative process and presidential privileges.

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

For most of the 1980s, I represented individuals and a few corporate clients.

For most of the 1990s, I represented agricultural clients, small businesses and individuals.

From 1999 to September 2017, I focused more on the legislative and leadership needs of the state of Idaho and its Senate, so I handled fewer individual clients and shifted my practice more to institutional clients. I

continued to periodically represent financial institutions, business organizations, and a local technical college.

From September 2017 to February 2021, when I served as the United States Attorney for the District of Idaho, my client was the United States of America.

- 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: [list percentage next to each item]

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 75% |
| 2. state courts of record:  | 25% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

The above percentages are estimates only. During the 1980s, I spent a greater percentage in state court handling family and criminal law matters. I estimate that the percentage is probably reversed (35% federal courts and 65% state courts). Since the 1990s, however, my practice took on the estimate percentages I provided above. While I was the U.S. Attorney for the District of Idaho, the entire percentage of practice was in the federal courts.

- ii. Indicate the percentage of your practice in: [list percentage next to each item]

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

During the 1980s, I estimate that my practice was approximately 65% civil and 35% criminal. From about 1990 until I became the U.S. Attorney for the District of Idaho in September 2017, my practice was almost exclusively civil.

- 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. What percentage of these trials were:

- |                       |
|-----------------------|
| 1. Jury: Less than 1% |
| 2. Non-jury: 99%      |

I estimate that I have tried four cases before a jury to verdict. All were in state court. Since I have handled approximately two thousand different

cases, the percentage would be less than one percent. As U.S. Attorney for the District of Idaho, I assisted in empaneling about six-to-eight grand jury panels.

I estimate that I have tried 40 to 50 bench trials or evidentiary matters to a final decision. With few exceptions, I was sole counsel on those matters.

- 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.

*Davis vs. United States of America*, 495 U. S. 472 (1990). I represented Harold W. Davis and Enid Lee Davis, my parents. On behalf of my clients, I filed a lawsuit in the mid-1980s to take advantage of two then-recent circuit court cases regarding deductibility of charitable contributions. Mr. Wilford Kirton, Esq., Kirton & McConkie, joined me as co-counsel in the U. S. District Court for the District of Idaho before Judges Callister and Ryan, and before the U.S. Court of Appeals for the Ninth Circuit. I served as Mr. Kirton's co-counsel, although he took primary lead defending depositions and at oral argument at the district and circuit court level. I worked with his office in the preparation of all affidavits, memoranda, and oral argument. My clients were unsuccessful at the district and circuit court level, so on behalf of my clients, we petitioned for certiorari to the United States Supreme Court. It was granted. Initially, Mr. Kirton joined me on appeal but ultimately withdrew. Instead, he filed an amicus curia brief on behalf of The Church of Jesus Christ of Latter-day Saints. Rex Lee, Esq., former U.S. Solicitor General, joined me on the final portion of the appeal to the United States Supreme Court. Copies supplied.

**15. 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. Lone Star Builders, L.L.C. v. R.Hotel, L.L.C., et. al., No. CV-09-1415 (State of Idaho, Seventh Judicial District, Bonneville County, 2011) Judge Richard T. St. Clair.  
2009 – 2011

Case Description:

I represented the defendant R.Hotel, L.L.C. and McNeil Development, L.L.C. The matter was a complex mechanics lien foreclosure that ultimately consolidated the separate mechanic's lien foreclosure complaints of approximately fifteen different labor and material lien claimants. The claimants sought to foreclose my client's fee and leasehold interest in a hotel under construction, intended to be a Marriott Residence Inn. The litigation involved complicated factual and legal disputes, as well as due process claims associated with an ancillary company's interest in a railroad right of way. As a result of five separate summary judgment hearings, involving multiple different summary judgment motions, and memorandum decisions, my client defeated several claims of liens, limited the effectiveness of others, and lost to several claimants. Ultimately, a mutual release and settlement agreement was entered into that funded a portion of the successful claims, and resolved the litigation.

Co-counsel: None. I was the only attorney of record for my clients, but I was assisted by two other attorneys with whom I then shared an office suite:

Scott W. Marotz  
250 South Fifth Street, Suite 700  
C.W. Moore Plaza  
Boise, ID 83702  
(208) 344-5800

Rob Maynes  
Frontier Credit Union  
865 S Woodruff Avenue  
Idaho Falls, ID 83401  
(208) 523-9068

Opposing counsel:

Gary L. Cooper, Esq.  
PO Box 4229  
Pocatello, ID 83205-4229  
(208) 235-1145

Frederick J. Hahn, III, Esq.  
PO Box 50698  
Idaho Falls, ID 83405  
(208) 506-5825

Gregory L. Crockett, Esq.  
428 Park Avenue  
Idaho Falls, ID 83402  
(208) 523-4445

Jeffrey D. Brunson, Esq.

520 First American Circle  
Rexburg, ID 83440  
(208) 359-5883

Kimberly D. Evans Ross, Esq.  
PO Box 1625, MS 3899  
Idaho Falls, ID 83415-3899  
(208) 526-8339

Justin B. Oleson, Esq.  
Disbarred on April 2, 2025

David E. Wishney, Esq.  
723 Chardie Road  
Boise, ID 83702  
(208) 860-1915

Darrel J. Bostwick  
License Canceled on April 17, 2024

Trevor L. Hart, Esq.  
PO Box 190391  
Boise, ID 83719  
(208) 985-9820

Hon. Ted S. Tollefson  
200 W Front Street  
Boise, ID 83702  
(208) 287-7500

David T. Krueck, Esq.  
877 W Main Street, Ste. 200  
Boise, ID 83702  
(208) 388-4079

Michael Duggan, Esq.  
PO Box 26  
Caldwell, ID 83606-0026  
(208) 459-3659

Andrew M. Wayment, Esq.  
1906 Jennie Lee Drive  
Idaho Falls, ID 83404  
(208) 228-5221

2. Beulah Ashment, et. al. v. Eastern Idaho Technical College., No. CV-2005-6205 (State

of Idaho, Seventh Judicial District, Bonneville County, 2007) Judge Richard T. St. Clair.  
2005 – 2007

Case Description:

I represented the defendant Eastern Idaho Technical College. Plaintiffs asserted that a portion of land grant that Plaintiffs previously donated to the College was not actually part of the grant, and the College was trespassing on the property. Plaintiffs requested monetary damages or alternatively an injunction on further trespass, or inverse condemnation. The College asserted that the Plaintiff never had an interest in the land due to the public trust and equal footing doctrines. Ultimately, after oral argument on summary judgment, the Plaintiffs agreed to a dismissal with prejudice of Plaintiffs' claims.

Co-counsel: None. I was the only attorney of record for my clients, but I was assisted by two other attorneys with whom I then shared an office suite:

Scott W. Marotz  
250 South Fifth Street, Suite 700  
C.W. Moore Plaza  
Boise, ID 83702  
(208) 344-5800

Rob Maynes  
Frontier Credit Union  
865 S Woodruff Avenue  
Idaho Falls, ID 83401  
(208) 523-9068

Opposing counsel:

Stephen D. Hall, Esq.  
Integra CRE, L.L.C.  
2650 Ross Avenue  
Ammon, ID 83402  
(208) 589-1538

3. In re: Russell Seager & Judith Nagy, BK 98-40493 & 98-41140, United States Bankruptcy Court, District of Idaho (1998). Judge Jim D. Pappas  
1998 – 2005

Case description:

I represented the debtors, Russell Seager and Judith Nagy. Seager and Nagy had significant tax problems with the Internal Revenue Service in Ohio. They had moved to Florida, where they tried to file a Chapter 7 bankruptcy. That case was dismissed under 11 U.S.C. § 707(b) in a reported decision. Later, they moved to Idaho. My representation of debtors commenced when they moved to Idaho. It was apparent that another bankruptcy attempt was necessary. The debtors initially filed a Chapter 13 in an attempt to reorganize their debt. The court found the debtors were ineligible for relief under

Chapter 13, and the case was dismissed. The debtors refiled a Chapter 11. During the pendency of the bankruptcies, the debtors separated and were represented by separate attorneys in anticipation of a divorce. Seager was represented by Mr. Ron Swafford, and Nagy was represented by Mr. Kimball Mason. Debtors were successful in confirming the Chapter 11 plan and completing the terms of their reorganization.

The case was significant in that it dealt with the enforceability of an IRS lien recorded in Ohio as that lien impacted Idaho property, dischargeability issues, the court's hesitation to find good faith as a result of the Florida dismissal, and efforts to reopen the case after the case was confirmed, the discharge entered, and the case was closed.

Co-counsel:

Rob Maynes  
Frontier Credit Union  
865 S Woodruff Avenue  
Idaho Falls, ID 83401  
(208) 523-9068

Opposing counsel and trustee:

United States Trustee  
550 West Fort St  
Room 698  
Boise, ID 83724  
(208) 334-1300

Daniel C. Green, Esq.  
Racine Olson  
P. O. Box 1391  
Pocatello, ID 83204-1391  
(208) 232-6101

Ron Swafford, Esq.  
PO Box 1745  
Idaho Falls, ID 83403  
(208) 524-4002

Kimball Mason, resigned bar membership on June 20, 2006 in lieu of discipline.

4. In re: Michael and Kayla Smith, BK 97-40463 United States Bankruptcy Court, District of Idaho (2004). Judge Jim D. Pappas  
1997 – 2004

Case description:

This Chapter 12 reorganization, in which I represented the debtors, involved the normal farm reorganization challenges. This case, however, also involved an asserted perfected lienhold position in Idaho of livestock that without the knowledge of the secured party

were moved to Nevada. As a result, confirmation was compounded by an adversary action (Adversary No. 97-6326) dealing with the strong-arm powers of the trustee (debtor-in-possession) in avoiding this lien as a hypothetical lien creditor. Debtors' motion for judgment on the pleadings was granted, and creditors' lien was determined unenforceable. Further, the debtors' "good faith" conduct was an issue in confirmation. The debtors were successful in confirming the plan.

Co-counsel: none

Opposing counsel and trustee:

Mike Kam, deceased

Terry C. Copple, Esq.  
PO Box 1583  
Boise, ID 83701  
(208) 342-3658

Darin Hammond Esq.  
2225 Washington Blvd., Ste. 200  
Ogden, UT 84401  
(801) 476-0303

Daniel Green Esq.  
PO Box 1391  
Pocatello, ID 83204-1391  
(208) 232-6101

Fred Lewis, Esq.  
PO Box 1391  
Pocatello, ID 83204-1391  
(208) 232-6101

M. Thomas Jolley, resigned bar membership on March 14, 2017

Harry D. Richardson, resigned bar membership on February 3, 2017

5. Electrical Wholesale Supply Co., Inc. v. Nielson, et al., 136 Idaho 814, 41 P.3d 242 (Idaho Supreme Court 2001) Justices Schroeder, Trout, Walters, Kidwell, and Eismann 1996 – 2002

Case description:

I represented Electrical Wholesale Supply Co., Inc. Although this case was a relatively simple materialman lien and foreclosure case, the litigation was compounded by conflicting claims between the defendants, and asserted factual incorporation of material defenses. A significant issue regarding attorney's fees and costs was an issue on appeal. My client was successful at trial and on appeal.



Co-counsel: None.

Opposing counsel:

Steven V. Richert  
6002 Evergreen Drive  
Pocatello, ID 83204  
Phone: (208) 221-4471

6. In Re: Enloe Moving & Storage, Inc., BK 96-40125, United States Bankruptcy Court, District of Idaho (1998). Judge Jim D. Pappas  
1996 – 2001

Case description:

I represented the Debtor in Possession. This was the first Chapter 11 confirmed in the Bankruptcy Court in the District of Idaho in which the debtor made the small business election pursuant to 11 USC §1121(e). Ultimately, however, the Chapter 11 failed and the case was converted to a Chapter 7 bankruptcy.

Co-counsel: none.

Opposing counsel and trustee:

United States Trustee  
550 West Fort St  
Room 698  
Boise, ID 83724  
(208) 334-1300

Howard R. Foley, Esq.  
3955 E Vantage Pointe Lane  
Meridian, ID 83642  
(208) 887-6555

Robert W. Galley, deceased

Lauri Burri, Esq.  
4 Ogden Avenue  
Nampa, ID 83651  
(208) 475-2200

Brian Tucker  
490 Memorial Drive  
Idaho Falls, ID 83402  
(208) 522-3001

Jim Spinner  
PO Box 6009

Pocatello, ID 83205  
(208) 232-4471

Michael Schindele, deceased

7. Producers Livestock Marketing Association v. Boyd Poole, et. al., No. CV95-802 State of Idaho, Seventh Judicial District, Bonneville County (1995). Judge Greg S Anderson 1995 – 1997

Case description:

The Plaintiff asserted that my clients, Poole Cattle Company and Boyd Poole, were strictly liable for livestock purchased from Plaintiff, by another, pursuant to a representative agreement, as well as Idaho's livestock dealer licensing statutes and administrative rules. The Plaintiff was aided by the State of Idaho State Brand Board. My client prevailed at summary judgment. I was sole counsel for Mr. Poole.

Co-counsel: none

Opposing counsel:

Mr. John Hepworth, deceased

Mr. Brian R. Goates, deceased

8. In re: Blaine & Arlene Van Orden, BK 93-00871 United States Bankruptcy Court, District of Idaho. Judge Jim D. Pappas. 1993 – 1997

Case description:

I represented the debtors Blaine & Arlene Van Orden. This was a difficult Chapter 12 bankruptcy because of the Bureau of Indian Affairs' efforts to terminate certain agricultural leases within the boundaries of the Shoshone Bannock Indian Reservation. In addition to the traditional valuation disputes, plan terms, and feasibility issues, a rather significant dispute arose regarding whether certain leases of irrigation equipment were true leases or disguised purchases. The debtors were successful in confirming the plan.

Co-counsel: none

Opposing counsel:

N. Randy Smith (now a 9<sup>th</sup> Circuit Court Judge)  
801 Sherman Street  
Pocatello, ID 83201  
(208) 478-4140

LD Fitzgerald, Retired Trustee  
(208) 221-2337

Larry Prince  
9229 W Pebble Brook Lane  
Boise, ID 83714  
(208) 440-3984

Jeff E Rolig  
PO Box 5455  
Twin Falls, ID 83303  
(208) 733-0075

Gregory P Meacham, licensed cancelled March 3, 2017

Kimbell D. Gourley  
PO Box 1097  
Boise, ID 83701  
(208) 331-1170

Michael L Schindele, deceased

9. Davis vs. United States of America, 495 U. S. 472 (1990).  
1985 – 1990

Case description:

I represented Harold W. Davis and Enid Lee Davis, my parents. On behalf of my clients, a lawsuit was filed in the mid-1980s to take advantage of two then-recent circuit court cases regarding deductibility of charitable contributions. Mr. Wilford Kirton, Esq., Kirton & McConkie, joined me as co-counsel in the U. S. District Court for the District of Idaho before Judges Callister and Ryan, and before the U.S. Court of Appeals for the Ninth Circuit. I served as Mr. Kirton's co-counsel, although he took primary lead defending depositions and at oral argument at the district and circuit court level. I worked with his office in the preparation of all affidavits, memoranda, and oral argument. My clients were unsuccessful at the district and circuit court level, so on behalf of my client, we petitioned for *certiorari* to the United States Supreme Court. It was granted. Initially, Mr. Kirton joined me on appeal, but ultimately withdrew. Instead, he filed an *amicus curia* brief on behalf of The Church of Jesus Christ of Latter-day Saints. Rex Lee, Esq., former US Solicitor General, joined me on the final portion of the appeal to the United States Supreme Court. Mr. Lee argued the case. My clients did not prevail on appeal.

Co-counsel:

Wilford W. Kirton, Jr., Esq., deceased

Rex E. Lee, Esq., deceased

Raeburn G. Kennard, Esq.  
60 E S Temple Ste. 1800  
P.O. Box 45120

Salt Lake City, UT 84145-0120

Robert P. Lunt, Esq.  
Gateway Tower West  
15 West South Temple, Suite 1700  
Salt Lake City, UT 84101  
(801) 524-1000

Gene C. Schaere  
1717 K Street NW, Suite 900  
Washington, D.C. 20006  
(202) 787-1060

Carter G. Phillips, Esq.  
Sidley & Austin  
1501 K Street, N.W.  
Washington, D.C. 20005  
(202) 736-8270

Opposing counsel:

F. Michael Kovach, Jr.  
Former Trial Attorney, Tax Division  
United States Department of Justice  
Retired

Shirley D. Peterson  
Former Assistant Attorney General  
United States Department of Justice  
Retired

10. In re: Alan and Susan Weaver, BK 87-02006 and Alan and Susan Weaver v. Fullmer, Simplot, Larson, and State of Idaho, BK 87-02006 and 87-0396. Judge Alfred C. Hagan.  
1987 – 1988

Case description:

I represented the lessee of the debtor-in-possession. The bankruptcy, adversary action, and appeal dealt with the respective claims of the State of Idaho, various parties asserting the right to operate/lease certain farm ground, options to purchase, and the effect of certain water rights in an area protected by a moratorium on further water development. Further, there was an assertion of non-performance by my clients. The issues were further complicated by the rights and duties of the debtor both pre-petition and post-petition in bankruptcy. Ultimately my clients were successful, including on appeal.

Co-counsel: none

Opposing counsel:

William Mulberry, deceased

N. Randy Smith (now a 9<sup>th</sup> Circuit Court Judge)  
801 Sherman Street  
Pocatello, ID 83201  
(208) 478-4140

Charles A. Homer, Esq.  
PO Box 50130  
Idaho Falls, ID 83405  
(208) 523-0620

Mr. Craig R. Jorgensen, license suspended

Steve Schuster, Esq.,  
Former Deputy Attorney General  
2114 Madison Avenue  
Boise, ID 83702  
(208) 807-3557

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

As an attorney, my legal experience has been significant and diverse, as described in this Questionnaire. I have confidentially liaised between attorneys, clients, courts, and policy makers. Privately, lawyers call for my input and advice regarding their pending commercial litigation legal matters. Others' confidence has resulted in frequent requests to speak at conferences, MCLEs, and other events.

In addition, I have liaised between clients and other lawyers on various matters throughout my state and region. This included decoding the practice of litigation to my clients, as well as the needs and desires of clients to legal counsel. Some matters involved protracted discovery and trial.

The role of the Idaho Senate Majority Leader included the responsibilities to (1) protect the Senate process and each Senator's right to be fairly heard, (2) endeavor to protect my caucus and Senate from legal and political uncertainties, (3) effectively update minority leadership, (4) correlate and negotiate with House leadership, (5) understand and as appropriate advance the gubernatorial agenda, and (6) ensure the flow of essential legislation.

During my time as Majority Leader, there were few attorneys, both in the body and in leadership. As a result, there was increased leadership and legislative reliance on my honest legal assessment of legislative approaches and language. I played a significant role in obtaining complex legal assistance with outside attorneys and the attorney general's office. Many matters were resolved with legislative language, others were trial, and a few were appealed. A wide range of legal considerations were involved, both federal and state.

I have not performed any formal lobbying, either state or federal, other than in my role as an Idaho Senator.

17. **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.

While attending law school, I taught two sections of introduction to public speaking for the University of Idaho department in 1980 (estimated). Syllabus not available.

Periodically, I was asked to lecture to the University of Idaho College of Law to a legislative practice course. Syllabus not available.

18. **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.

As an employee of Electrical Wholesale Supply Co., Inc. (EWS) I expect to receive future retirement compensation from its qualified retirement plan.

As a shareholder of EWS, I expect to receive dividends as its board of directors and officers may determine.

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

None.

20. **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).

Please see my OGE-278 as provided by the Office of Government Ethics.

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

Please see attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **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 work load, 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

For many years my legal practice included a bankruptcy component. Several times each year, I provided what I called cookie bankruptcies. In lieu of attorney's fees, I requested that my client bake a dozen cookies each month for a year and provide them to my law office. Of course, we did not keep track of whether these clients performed.

In the initial years of my legal practice, District Court Judges assigned criminal cases, pro bono, to young lawyers in their courtroom during felony arraignment. I accepted the assignments as requested by the Court. I believe that I was assigned only a small handful

of these types of criminal defense cases.

Periodically I performed pro bono representation for clients, but I did not keep a record of the pro bono assistance that I provided to different clients, including bankruptcy, over my legal career.

In addition, I assisted a former law partner in fund raising for the United Way from lawyers during one campaign in the 1980s. I have served as a Museum of Idaho Trustee. Also, I have served my church in various church callings. Infrequently, I served at our community's soup kitchen. For a short time, I was a volunteer reader at a nearby public school.



AFFIDAVIT

I, Bart M. Davis, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

May 15, 2025  
(DATE)

Bart M. Davis  
(NAME)

Sharon A. Newman  
(NOTARY)

