

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Elizabeth Kay Dillon
(Elizabeth Kay Hillman)
(Elizabeth Kay Hillman Dillon)
(Elizabeth Hillman Dillon)

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

United States District Judge for the Western District of Virginia

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: Guynn & Dillon, P.C.
415 South College Avenue
Salem, Virginia 24153

Residence: Roanoke, Virginia

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

1960; Omaha, Nebraska

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.

1983 – 1986, Wake Forest University School of Law; J.D., 1986
1979 – 1983, Lenoir Rhyne College; A.B. (*magna cum laude*), 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.

2004 – present
Guynn & Dillon, P.C.
(Previously Guynn, Memmer & Dillon, P.C.)
415 South College Avenue
Salem, Virginia 24153
President/Director/Shareholder/Attorney

2000 – 2003
Office of the City Attorney, City of Roanoke
215 Church Avenue, Southwest
Noel C. Taylor Municipal Building
Room 464
Roanoke, Virginia 24011
Assistant City Attorney

1999 – 2000
Guynn & Dillon, P.C.
1215 Corporate Circle
Roanoke, Virginia 24018
Vice-President/Director/Shareholder/Attorney

1986 – 1998
Woods, Rogers & Hazlegrove, P.L.C.
(Now: Woods Rogers P.L.C.)
10 South Jefferson Street, Suite 1400
Roanoke, Virginia 24011
Senior Attorney (1993 – 1998)
Associate (1986 – 1992)

August 1985 – December 1985
Wake Forest University School of Law
1834 Wake Forest Road
Winston Salem, North Carolina 27109
Student Assistant to Professor Gerald Hartman

Summer 1985
Patrick, Harper & Dixon
34 2nd Street Northwest, #400
Hickory, North Carolina 28601
Summer Legal Intern

February – August 1985; May – August 1984
Block, Meyland & Lloyd (appears to have dissolved)
Greensboro, North Carolina
Part time legal intern on one project / Summer Legal Intern

Other affiliations (uncompensated unless otherwise indicated):

2005 – present
Blueacre, L.L.C.
(Company owns land and law office building)
415 South College Avenue
Salem, Virginia 24153
Managing Member (33% interest)

2010 – August 2014
Local Government Attorneys of Virginia, Inc.
11 South 12 Street, Suite 225
Richmond, Virginia 23219
Director

Approximately 2002 – 2006
Roanoke Bar Association
5661 Hollins Road
Roanoke, Virginia 24011
Director (approximately 2002 – 2006)
Past-President (2005 – 2006)
President (2004 – 2005)

Approximately 1998 – 2004, 1992 – 1994
Virginia Women Attorneys Association
Post Office Box 3806
Merrifield, Virginia 22116
Director (approximately 1998 – 2004)
Immediate Past President (2003 – 2004)
President (2002 – 2003)
President-Elect (2001 – 2002)
Secretary (2000 – 2001)
President, Roanoke / New River Valley Chapter (1993 – 1994)
Vice-President, Roanoke / New River Valley Chapter (1992 – 1993)

1999 – 2000
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, Virginia 23219
Council Member

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

I have not served in the U.S. military. I was not required to register for the 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.

Fellow, Virginia Law Foundation (2012 – present)
Named a Virginia Leader in Law by Virginia Lawyers Weekly (2011)
Roanoke City School Board Resolution – Recognizing and Commending the Outstanding Professional Services Rendered by Elizabeth K. Dillon (2003)
Office of the Mayor, City of Roanoke Proclamation – Recognition for Faithful and Outstanding Service Proclaiming December 8, 2003 as Elizabeth Kay Dillon Day (2003)
Wake Forest Law Review, Notes and Comments Editor (1985 – 1986)
Wake Forest Law Review, Member (1984 – 1986)
Wake Forest University School of Law, Law Faculty Scholar (1983 – 1986)

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.

Local Government Attorneys of Virginia, Inc. (2005 – present)
Chair, Information Technology Committee ((2013 – August 2014)
Board of Directors (2010 – August 2014)

Roanoke Bar Association (1986 – present)
Director (approximately 2002 – 2006)
Past-President (2005 – 2006)
President (2004 – 2005)

Ted Dalton American Inn of Court (2008 – present)
Program Committee Co-Chair (2011 – 2013)

U.S. Magistrate Judge Selection Advisory Committee (June 2011)

Virginia Bar Association (1986 – 2001)

Virginia Law Foundation (2012 – present)
Fellow

Virginia State Bar (1986 – present)
Clients' Protection Fund Board (2011 – present)
Local Government Law Section Board (2005 – 2011)
Immediate Past Chair (2010 – 2011)
Chair (2009 – 2010)
Chair Elect (2008 – 2009)

Secretary (2007 – 2008)
 General Practice Section Board (2006 – 2011)
 Immediate Past Chair (2010 – 2011)
 Chair (2009 – 2010)
 Chair Elect (2008 – 2009)
 Secretary (2007 – 2008)
 Conference of Local Bar Associations Executive Committee (1995 – 2001)
 Immediate Past Chair (2000 – 2001)
 Chair (1999 – 2000)
 Chair Elect (1998 – 1999)
 Secretary/Treasurer (1997 – 1998)

 Professionalism Course (2004 – 2007)
 Faculty Member appointed by Supreme Court of Virginia Chief Justice

 Council Member (1999 – 2000)

Virginia Women Attorneys Association (1989 – present)
 Judicial Selection Committee Co-Chair (approximately 1998 – 1999, 2002, 2006 – 2007)
 Director (approximately 1998 – 2004)
 Immediate Past President (2003 – 2004)
 President (2002 – 2003)
 President-Elect (2001 – 2002)
 Secretary (2000 – 2001)
 Roanoke / New River Valley Chapter Conference Representative (approximately 1995 – 2002)
 Roanoke / New River Valley Chapter President (1993 – 1994)
 Roanoke / New River Valley Chapter Vice-President (1992 – 1993)

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.

Virginia State Bar, 1986

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.

Virginia State Courts (1986)

United States District Court for the Western District of Virginia (1987)

United States District Court for the Eastern District of Virginia (1987)
United States Court of Appeals for the Fourth Circuit (1989)
Supreme Court of the United States (2007)

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.

Read and Feed Book Club (1990 – present)
Roanoke Jaycees (late 1980s)
Virginia Association of Chiefs of Police (2005 – present)
Legal Advisors Committee (approximately 2006 – 2008)

- 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.

Before I became a member, the national Jaycees restricted membership to male members. To the best of my knowledge, none of the other organizations listed above currently 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.

Co-author, *Local Government Attorneys Handbook*, Sovereign Immunity Chapter (2013, 2014 editions). Copy supplied.

Chairman's Message, Journal of Local Government Law, Vol. XX, No. 2, Winter 2010. Copy supplied.

The Emergency Aid and Community Caretaker Doctrines in Virginia: Warrantless Entries into Homes, Journal of Local Government Law, Vol. XXI, No. 2, Fall 2010. Copy supplied.

Chairman's Message, Journal of Local Government Law, Vol. XX, No. 1, Summer 2009. Copy supplied.

Employment Law: A New Americans with Disabilities Act? The ADA, ADARA, and ADAAA, Virginia Police Legal Bulletin, Vol. 3, No. 2, December 2008. Copy supplied.

A New ADA is Dawning – The ADA Amendments Act of 2008 ('ADAAA'), Journal of Local Government Law, Vol. XIX, No. 1, Fall 2008. Copy supplied.

Legal Summaries: Employment Law Update – Leave for Crime Victims; Be on the Lookout for Upcoming U.S. Supreme Court Employment Cases – Age and Race Discrimination, Virginia Police Legal Bulletin, Vol. 3, No. 1, February 2008. Copy supplied.

Legal Summaries: Employment Law Update – Time Limits Explained for Gender Discrimination in Pay; Releases for FMLA Claims May Not be Valid, Virginia Police Legal Bulletin, Vol. 2, No. 2, September 2007. Copy supplied.

Legal Summaries: Employment Law Update – Qualified Immunity – Gender Discrimination; FLSA Update, Virginia Police Legal Bulletin, Vol. 2, No. 1, April 2007, Copy supplied.

Legal Summaries: Employment Law – Title VII Retaliation; Title VII Discrimination; FMLA Job Restoration, Virginia Police Legal Bulletin, Vol. 1, No. 2, December 2006, Copy supplied.

President's Column, Roanoke Bar Review, Spring – Summer 2005. Copy supplied.

President's Column, Roanoke Bar Review, Winter 2004 – 2005. Copy supplied.

President's Column, Roanoke Bar Review, Summer 2004. Copy supplied.

2001 Bar Leaders Institute, Local Bar Connection, Spring 2001. Copy supplied.

Letter from the Chair, Local Bar Connection, Vol. 11, No. 2, Spring 2000. Copy supplied.

Letter from the Chair, Local Bar Connection, Vol. 11, No. 1, Summer 1999. Copy supplied.

Use of the Family Purpose Doctrine When No Outsiders Are Involved – Carver v. Carver, Wake Forest Law Review, Vol. 21, No. 1, Spring 1985. 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.

In 2013, I served on a task force convened by the Virginia Commission on Local Government staff, which issued a report. While I did not author the report, meetings in which I participated led to the report approved by the task force. Copy supplied.

From 2006 to 2007, as a member and Secretary of the Board of Governors for the Virginia State Bar General Practice Section, I attended quarterly meetings and compiled the minutes in my capacity as secretary. Minutes supplied where available.

Conference of Local Bar Associations, 62nd Annual Report, Virginia State Bar, 1999 – 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.

2008 – present: My firm has been retained by Botetourt County, Virginia to serve the function of its County Attorney. As the attorney with primary responsibility for this client, I have participated in nearly all of the monthly meetings of the Board of Supervisors of Botetourt County, as well as periodic meetings of the Botetourt Planning Commission and Botetourt Board of Zoning Appeals. I have offered legal opinions during meetings. Meeting minutes supplied.

2007 – present: My firm has been retained by the Town of Christiansburg, Virginia to serve the function of its Town Attorney. Although I do not have primary responsibility for this client, I have occasionally attended meetings of the Christiansburg Town Council in that capacity. I have offered legal opinions during meetings. Meeting minutes and press coverage supplied where available.

2004 – present: My firm has been retained by the City of Covington, Virginia to serve the function of its City Attorney. As the attorney with primary responsibility for this client, I have participated in monthly meetings of the Covington City Council. I have offered legal opinions during meetings. Meeting minutes supplied.

2004 – present: My firm has been retained by the Town of Vinton, Virginia to serve the function of its Town Attorney. As the attorney with primary responsibility for this client, I have participated in monthly meetings of the Vinton Town Council. Meeting minutes supplied.

2002 – present: On occasion, I have provided educational presentations for local governmental entities and members of the public at open meetings. Those presentations are:

July 22, 2014: Presentation at public meeting of the Botetourt County Board of Supervisors regarding zoning issues. Relevant PowerPoint excerpt supplied.

October 23, 2012: Presentation at public meeting of the Botetourt County Board of Supervisors regarding parliamentary procedure. PowerPoint supplied.

August 28, 2012: Presentation at public meeting of the Botetourt County Board of Supervisors regarding the State and Local Government Conflict of Interests Act. PowerPoint supplied.

July 24, 2012: Presentation at public meeting of the Botetourt County Board of Supervisors regarding the Virginia Freedom of Information Act. PowerPoint supplied.

June 3, 2008: Presentation at a public meeting of the Christiansburg Town Council regarding the Freedom of Information Act. PowerPoint supplied.

June 12, 2007: Presentation at a public meeting for the Covington City Council regarding the Virginia Freedom of Information Act. PowerPoint supplied.

February 12, 2007: Presentation at a public meeting for the Covington City Council regarding planning and zoning. PowerPoint supplied.

October 13, 2003: Presentation at a public meeting of the Roanoke City School Board regarding student discipline and incident reporting. PowerPoint supplied.

September 6, 2003: Presentation at a public meeting of the Roanoke City School Board regarding the appropriate use of email. I have no notes, transcript, or recording.

July 23, 2003: Presentation at a public meeting of the Roanoke City School Board regarding student discipline, the school administration's role in student discipline, and the law. PowerPoint supplied.

May 31, 2003: Presentation at a public meeting of the Roanoke City School Board regarding the Virginia Freedom of Information Act. I have no notes, transcript, or recording.

November 20, 2002: Presentation at a public meeting of the Roanoke City School Board regarding personnel disciplinary procedures. I have no notes, transcript, or recording.

January 2, 2014: As contracted legal counsel for certain personnel matters for Rockbridge County, I attended a meeting of the Rockbridge Board of Supervisors during which revisions to the County's personnel policy manual were discussed. I offered legal opinions during that meeting. Meeting minutes available at <http://www.co.rockbridge.va.us/ArchiveCenter/ViewFile/Item/287>.

2001 – 2003: As Assistant City Attorney for the City of Roanoke, I participated in meetings of the Roanoke City School Board. I offered legal opinions during meetings. Meeting minutes supplied.

2001 – 2003: As Assistant City Attorney for the City of Roanoke, I occasionally attended Roanoke City Council meetings. I offered legal opinions during meetings. Meeting minutes 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.

A review of my calendar, materials, and the Internet shows that I have spoken at the following events. I may not have a record of every presentation I have made, and I may have varied the presentation from the text of the attached materials.

May, 16, 2014: Speaker, "Civil Liability of Law Enforcement Officers – Please Don't Sue Me," Crisis Intervention Team Training – Mental Health America of Roanoke Valley Roanoke, Virginia. PowerPoint supplied.

March 24, 2014: Speaker, "Section 1983 – A Brief Overview," The Ted Dalton Inn of Court, Roanoke, Virginia. Outline supplied.

March 5, 2014: Co-presenter, "Rule 1A:1 Reciprocity Course, Torts" Virginia Continuing Legal Education Online Course. Outline prepared by others on which I relied supplied.

December 12, 2013: Co-Presenter, "Trying Cases in the Western District of Virginia, Subject Matter and Personal Jurisdiction, Removal, and Other Pre-Filing Considerations," Federal Court Seminar, Staunton, Virginia. Modification of an outline originally prepared by others supplied.

December 11, 2013: Co-Presenter, "Trying Cases in the Western District of Virginia, Subject Matter and Personal Jurisdiction, Removal, and Other Pre-Filing

Considerations,” Federal Court Seminar, Roanoke, Virginia. Outline previously supplied for December 12, 2013 presentation.

December 2, 2013: Guest Speaker, “Section 1983 Cases from the Defense Perspective,” Local Government Practicum at Washington and Lee University School of Law, Lexington, Virginia. Outline supplied.

November 1, 2013: Speaker, “Civil Liability of Law Enforcement Officers – Please Don't Sue Me,” Crisis Intervention Team Training – Mental Health America of Roanoke Valley, Roanoke, Virginia. PowerPoint supplied.

October 26, 2013: Speaker, “Hot Topics in Employment, Liberty Interests and Employment,” Local Government Attorneys of Virginia, Norfolk, Virginia. Outline supplied.

May 24, 2013: Speaker, “Civil Liability of Law Enforcement Officers – Please Don't Sue Me,” Crisis Intervention Team Training – Mental Health America of the Roanoke Valley, Roanoke, Virginia. PowerPoint supplied.

April 26, 2013: Moderator, “Are you Ready for the Affordable Health Care Act,” Local Government Attorneys Spring Conference, Roanoke, Virginia. I introduced the panelists and led a question-and-answer session from the audience. I have no notes, transcript, or recording. The address for the Local Government Attorneys of Virginia is Weldon Cooper Center for Public Service, University of Virginia, 11 South 12th Street, Suite 225, Richmond, Virginia 23219.

November 8, 2012: Guest Speaker, “Section 1983 Cases from the Defense Perspective,” Local Government Practicum at Washington and Lee University School of Law, Lexington, Virginia. I used the same outline supplied for the December 2, 2013 event.

October 22, 2012: Speaker, “Civil Liability of Law Enforcement Officers,” Crisis Intervention Team Training – Mental Health America of the Roanoke Valley, Roanoke, Virginia. PowerPoint supplied.

September 14, 2012: Speaker, “Section 1983, The Defense Perspective,” Roanoke Bar Association, Roanoke, Virginia. Outline supplied.

October 24, 2011: Speaker, “Civil Liability of Law Enforcement Officers,” Crisis Intervention Team Training – Mental Health America of the Roanoke Valley, Roanoke, Virginia. PowerPoint supplied.

February 16, 2011: Program Faculty, “Professionalism for Law Students Program,” Virginia State Bar – Washington & Lee School of Law, Lexington, Virginia. I led a discussion with a small group of law students regarding client and case scenarios that might arise in their legal practices and regarding the character and fitness requirements of the Virginia Board of Bar Examiners. I have no notes, transcript, or recording. The

address of the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

June 25, 2010: Speaker, "How to Manage Employment Situations: Performance, Discipline, Terminations, the EEOC, and Lawsuits," Local Government Attorneys of Virginia, Danville, Virginia. Outline supplied.

November 19, 2009: Panel Member, "Social Hosting Laws," Botetourt Prevention Planning Team of the Roanoke Area Youth Substance Abuse Coalition, Fincastle, Virginia. I participated in a panel discussion of the social hosting laws in Virginia and the role of local governments. I have no other notes, transcript, or recording, but press coverage is supplied. The address of the Roanoke Area Youth Substance Abuse Coalition is 2720 Liberty Road, Northwest, Roanoke, Virginia 24012.

November 10, 2009: Speaker, "Local Government Powers Regarding Water and Sewer," Virginia Bar Association – Administrative Law Seminar, Richmond, Virginia. Outline supplied.

November 7, 2008: Program Faculty, "Professionalism for Law Students Program", Virginia State Bar – Appalachian School of Law, Grundy, Virginia. Training materials created by the Virginia State Bar with my handwritten notes supplied.

October 21, 2008: Speaker, "Lawfully Managing Student Records Without Violating Privacy Rights," National Business Institute Seminar, Roanoke, Virginia. Outline and PowerPoint created by others with my handwritten notes supplied.

April 24, 2008: Speaker, "The Americans with Disabilities Act and the Proposed ADA Restoration Act of 2007 – 'Even the Wallflowers Will Dance,'" Local Government Attorneys of Virginia, Tysons Corner, Virginia. Outline supplied.

February 14, 2008: Program Faculty, "Professionalism for Law Students Program," Virginia State Bar – Washington & Lee School of Law, Lexington, Virginia. I led a discussion with a small group of law students regarding client and case scenarios that might arise in their legal practices and regarding the character and fitness requirements of the Virginia Board of Bar Examiners. I have no notes, transcript, or recording. The address of the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

August 23, 2007: Program Faculty, "Professionalism Course", Virginia State Bar Professionalism Course, Roanoke Virginia. I led a discussion with a small group of new lawyers regarding client and case scenarios that might arise in their legal practices. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

August 23, 2007: Speaker, "The Virginia State Bar's Disciplinary Process," Virginia State Bar Professionalism Course, Roanoke, Virginia. PowerPoint supplied.

May 25, 2007: Speaker, "Avoiding Liability for the Actions of Your Employees," Chiefs / Deputy Chiefs – Executive Development In-Service Training, Radford, Virginia. Outline supplied.

November 2, 2006: Program Faculty, "Professionalism for Law Students Program," Virginia State Bar – Liberty School of Law, Lynchburg, Virginia. I led a discussion with a small group of law students regarding client and case scenarios that might arise in their legal practices and regarding the character and fitness requirements of the Virginia Board of Bar Examiners. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

October 14, 2006: Speaker, "Defense of Employment Law Cases," Virginia Women's Attorney Association Conference, Virginia. Outline supplied.

August 8, 2006: Speaker, "High Speed Pursuits and Liability," Virginia Association of Chiefs of Police, Roanoke, Virginia. PowerPoint supplied.

May 25, 2006: Speaker, "Employment – Application Through Termination," Virginia Police Chiefs Foundation Executive Development In-Service Training, Radford, Virginia. Notes supplied.

April 28, 2006: Presenter, Roanoke Bar Association Foundation Gala and Law Day presentation of student Kincanon Scholarships, Roanoke, Virginia. I presented scholarships to students interested in pursuing careers in the law. I have no notes, transcript or recording. The address for the Roanoke Bar Association is 5661 Hollins Road, Roanoke, Virginia 24011.

June 16, 2005: Speaker, "Liability Under Federal and State Law," Western Region Jail Association, Virginia. Outline supplied.

March 31, 2005: Speaker, "Avoiding Lawsuits by Inmates – Is it Possible," Western Region Jail Association, Virginia. PowerPoint supplied.

March 18, 2005: Participant, "What is the Virginia State Bar Doing For You," Virginia State Bar – Solo & Small-Firm Practitioner Forum, Abingdon, Virginia. I participated in a panel discussion regarding Virginia State Bar resources for solo practitioners and small firms. I have no notes, transcripts, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

2005: Speaker, Opening remarks at Roanoke Bar Law Day 2005, Roanoke Bar Association, Roanoke, Virginia. I welcomed Roanoke Bar Association members to the Association's celebration of Law Day. I have no notes, transcript, or recording. The address for the Roanoke Bar Association is 5661 Hollins Road, Roanoke, Virginia 24011.

December 14, 2004: Speaker, Welcoming remarks for the “Practice of Law in Southwest Virginia” tour, Roanoke Bar Association, Roanoke, Virginia. I welcomed new Roanoke Bar Association members to a tour of clerks’ offices and courtrooms. I have no notes, transcript, or recording. The address for the Roanoke Bar Association is 5661 Hollins Road, Roanoke, Virginia 24011.

March 25, 2004: Speaker, “FOIA,” Western Region Jail Association, Roanoke, Virginia. PowerPoint supplied.

November 6, 2003: Speaker, “You Sued Who? 911 Dispatchers and Liability,” Virginia Chapter of Association of Public-Safety Communications Officials, Roanoke, Virginia. PowerPoint supplied.

July 18, 2003: Speaker, “Employment – Application through Termination,” Local Government Attorneys of Virginia, Abingdon, Virginia. Outline supplied.

April 12, 2003: Speaker, “Relations Between School Boards & Local Governments – Auditing Issues,” Local Government Attorneys of Virginia, Wintergreen, Virginia. Outline supplied.

March 2003: Participant, “Preparing and Presenting a CLE,” Virginia State Bar – 18th Annual Bar Leaders Institute, Abingdon, Virginia. I participated in a panel discussion regarding how local bar associations can provide their members with continuing legal education. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

September 20, 2002: Presenter, Awards of Excellence to Virginia General Assembly members on behalf of the Virginia Women Attorneys Association, Williamsburg, Virginia. I presented awards to Virginia General Assembly members. I have no notes, transcript, or recording. The address for the Virginia Women Attorneys Association is P.O. Box 3806, Merrifield, Virginia 22116.

March 1999: Speaker, “Section 1983 – The Basics,” Local Government Attorneys of Virginia, Roanoke, Virginia. Outline 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.

On occasion and when I have represented a party in a case, I have answered questions asked of me by reporters regarding pending or concluded cases. I do not have a list of these occasions and did not retain articles or clips. After searching public records, I was able to locate the following articles:

Jeff Sturgeon, *Warner, Kaine Recommend Two for Federal Judicial Post*, THE ROANOKE TIMES, June 9, 2014. Copy supplied.

Peter Vieth, *Armstrong, Dillon Recommended for WD Judgeship*, VIRGINIA LAWYERS WEEKLY, June 9, 2014. Copy supplied.

Melissa Powell, *Suit Filed by Former Montgomery County Sheriff's Captain is Dismissed*, THE ROANOKE TIMES, Feb. 24, 2014. Copy supplied.

Melissa Powell, *Former Informant Pleas No Contest to Fake Drug Scheme*, THE ROANOKE TIMES, Apr. 17, 2013. Copy supplied.

Ralph Berrier, *Yakama Nation, Roanoke County Nearing Accord*, THE ROANOKE TIMES, Feb. 24, 2013. Copy supplied.

Melissa Powell, *Motion Filed to Toss Lawsuit Against Montgomery County Sheriff's Office*, THE ROANOKE TIMES, Jan. 11, 2013. Copy supplied.

Nancy F. Reynolds and Jonnie L. Speight, *Breakfast of Champions*, ROANOKE BAR REVIEW, Sep. 2011. Copy supplied.

Allie Robinson, *Wise County Schools Hearing Continued Until June*, BRISTOL HERALD COURIER, May 19, 2011. Copy supplied.

Amanda Codispoti, *Families File Lawsuit Over Fatal Botetourt Co. Crash: The Lawsuit Says a Volunteer Firefighter Was Driving a Fire Truck in a Dangerous Manner*, THE ROANOKE TIMES, May 27, 2010. Copy supplied.

Mike Gangloff, *Ruling in Police Entry Case Will Stand*, THE ROANOKE TIMES, Feb. 24, 2010. Copy supplied.

Cathy Benson, *U.S. Supreme Court Denies Petition to Hear Botetourt Lawsuit*, THE ROANOKE TIMES, Feb. 23, 2010. Copy supplied.

Mike Gangloff, *Botetourt Case Could be One for High Court*, THE ROANOKE TIMES, Sep. 23, 2009. Copy supplied.

Rex Bowman and Janelle Rucker, *Unpaid Taxes Hound Officials*, THE ROANOKE TIMES, Sep. 3, 2009. Copy supplied.

Laurence Hammack, *Appeals Court: Deputy's Action Was Justified; Virginia*, THE ROANOKE TIMES, June 30, 2009. Copy supplied.

Cathy Benson, *Court Rules Botetourt Deputy has Qualified Immunity in \$10 Million Lawsuit*, THE ROANOKE TIMES, June 29, 2009. Copy supplied.

Pete Dybdahl, *Water Rights Debate Persists in Botetourt: Central Water Co. and Botetourt County Continue to Clash Over New Service Areas*, THE ROANOKE TIMES, Nov. 15, 2008. Copy supplied.

Shawna Morrison, *Widow in Morva Case Files Lawsuit*, THE ROANOKE TIMES, Aug. 20, 2008. Copy supplied.

Mike Gangloff, *King to Get Less Than Jury Awarded: A Judge Said the Damages were Improperly Awarded to the Former Deputy Sheriff*, THE ROANOKE TIMES, May 17, 2008. Copy supplied.

Mike Gangloff, *State Division Says McMillan is Responsible for Suit Payout*, THE ROANOKE TIMES, Jan. 18, 2008. Copy supplied.

Three More Women File Affidavits v. Roanoke Sheriff, CLASS ACTION REPORTER, Nov. 20, 2007. Copy supplied.

Tonia Moxley, *Entities Notified of Potential Shooting Suits*, THE ROANOKE TIMES, Oct. 17, 2007. Copy supplied.

Deborah Elkins, *Smith Mountain Rentals Ok for 'Residential' Purposes*, VIRGINIA LAWYERS WEEKLY, June 18, 2007. Copy supplied.

Courtney Cutright, *High Court Reverses Rental Ruling*, THE ROANOKE TIMES, June 12, 2007. Copy supplied.

Reed Williams, *Dormant Fire Board Gets Appeal*, THE ROANOKE TIMES, Mar. 31, 2007. Copy supplied.

Laurence Hammack, *Court Asked to Allow 6 Women to Join Suit Against McMillan: At Issue is Whether the Former Sheriff Faces One or Seven Accusers When the Case Goes to Trial*, THE ROANOKE TIMES, Mar. 15, 2007. Copy supplied.

Lindsey Nair, *Former Postal Employee Wins \$162,500 Settlement*, THE ROANOKE TIMES, Aug. 29, 2006. Copy supplied.

Lindsey Nair, *Harassment Claims Transfer to New Sheriff, Judge Rules*, THE ROANOKE TIMES, Aug. 1, 2006. Copy supplied.

Laurence Hammack, *Lawsuit May Add Current Sheriff*, THE ROANOKE TIMES, Apr. 6, 2006. Copy supplied.

Lindsey Nair, *Talks in Harassment Case Cancelled*, THE ROANOKE TIMES, Mar. 31, 2006. Copy supplied.

Lindsey Nair, *Judge Refers Harassment Suit to Mediation*, THE ROANOKE TIMES, Feb. 28, 2006. Copy supplied.

Former Deputy Faces Civil Rights Count, RICH. TIMES DISPATCH, Feb. 8, 2006. Copy supplied.

Lindsey Nair, *Former Employee Sues Post Office, Cites Harassment*, THE ROANOKE TIMES, Feb. 4, 2006. Copy supplied.

Laurence Hammack, *Judge Denies Class-Action Status for Case*, THE ROANOKE TIMES, Oct. 21, 2005. Copy supplied.

September 21, 2005: Press conference announcing Sheriff McMillan's intention to fight a federal lawsuit alleging sexual harassment. Representative press coverage supplied.

Lindsey Nair, *Roanoke Sheriff Has 3 More Accusers*, THE ROANOKE TIMES, Sept. 21, 2005. Copy supplied.

Lindsey Nair, *All Quiet in the Court*, THE ROANOKE TIMES, Dec. 31, 2004. Copy supplied.

JoAnne Poindexter, *Woman Asks Court to Rehear Lawsuit About Questioning*, THE ROANOKE TIMES, Dec. 4, 2004. Copy supplied.

Greg Esposito, *Firm Fills in for Ailing Town Attorney*, THE ROANOKE TIMES, Sep. 11, 2004. Copy supplied.

Paul Dellinger, *Brown to Serve Again as Radford's Vice Mayor*, THE ROANOKE TIMES, July 3, 2004. Copy supplied.

Matthew Phillips, *Roanoke Lawyers Lend Hand to Promote Reading*, VIRGINIA LAWYERS WEEKLY, July 21, 2003. Copy supplied.

Deborah Elkins, *Patrick Is 2003's Legal Aid Lawyer of the Year*, VIRGINIA LAWYERS WEEKLY, June 30, 2003. Copy supplied.

Todd Jackson, *Reassignment Sparks Official Investigation*, THE ROANOKE TIMES, June 26, 2003. Copy supplied.

Dawn Chase, *VWAA First Group to Use Reelection Endorsements*, VIRGINIA LAWYERS WEEKLY, May 19, 2003. Copy supplied.

Laurence Hammack, *Lawsuit Against Roanoke Police Dismissed*, THE ROANOKE TIMES, Mar. 22, 2003. Copy supplied.

Dawn Chase, *Legislators Explain New Judicial Election Process*, VIRGINIA LAWYERS WEEKLY, Mar. 3, 2003. Copy supplied.

Tad Dickens, *Panel Rules Against Officers Who Say Promotions Unfair*, THE ROANOKE TIMES, Sept. 13, 2002. Copy supplied.

Todd Jackson, *Land Trade May Delay New School Site Roanoke Wants to Give Federal Government May Be Too Contaminated to Use as Park*, THE ROANOKE TIMES, Jan. 30, 2002. Copy supplied.

Tad Dickens, *Lawyer Claims Police Chief Unfairly Promoted Woman*, THE ROANOKE TIMES, Aug. 25, 2001. Copy supplied.

Kimberly O'Brien, *Roanoke Police Take Promotions Policy Complaints to Court*, THE ROANOKE TIMES, Aug. 21, 2001. Copy supplied.

Jen McCaffery, *Suit Against Officer to be Tried: Doctor Says Plaintiff, Wilbert Wesley Lewis, May Have Been Shot From Behind*, THE ROANOKE TIMES, Mar. 29, 2001. Copy supplied.

Michael Sluss, *Judge's Plight Sparks Debate Ousted Jurist Not Invited to Speak*, THE ROANOKE TIMES, Feb. 17, 2001. Copy supplied.

Michael Hemphill, *Woman Sues U.S. Postal Service Over Harassment at Roanoke, Va., Office*, THE ROANOKE TIMES, Feb. 22, 2000. Copy supplied.

Michael Hemphill, *Suit Opens Post Office to Scrutiny*, THE ROANOKE TIMES, Feb. 21, 2000. Copy supplied.

Michael Hemphill, *Woman Files \$1.5 Million Suit Against Post Office*, THE ROANOKE TIMES, Feb. 3, 2000. Copy supplied.

Kathy Loan, *Officer Suing Christiansburg Leaves Police Force*, THE ROANOKE TIMES, Dec. 12, 1992. Copy supplied.

Kathy Loan, *Officers' Lawsuit Draws Support, Denial River Valley Bureau*, THE ROANOKE TIMES, Sept. 10, 1992. Copy supplied.

13. Judicial Office:

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

I have not held judicial office.

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

i. Of these, approximately what percent were:

jury trials? _____ %
bench trials _____ % [total 100%]

civil proceedings? _____ %
criminal proceedings? _____ % [total 100%]

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

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

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

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

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. Recusal: If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by

which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

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

15. Public Office, Political Activities and Affiliations:

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

I have not held public office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not been a member of, held office in, or rendered services to any political party or election committee. I have not held a position or played a role in a political campaign.

16. Legal Career: Answer each part separately.

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

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

I have not served as a clerk to a judge.

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

I have not practiced alone.

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

1986 – 1998

Woods, Rogers & Hazlegrove, P.L.C.

(Now: Woods Rogers P.L.C.)

10 South Jefferson Street, Suite 1400

Roanoke, Virginia 24011

Senior Attorney (1993 – 1998)

Associate (1986 – 1992)

1999 – 2000

Guynn & Dillon, P.C.

1215 Corporate Circle

Roanoke, Virginia 24018

Officer/Director/Shareholder/Attorney

2000 – 2003

Office of the City Attorney, City of Roanoke

215 Church Avenue, S.W.

Noel C. Taylor Municipal Building, Room 464

Roanoke, Virginia 24011

Assistant City Attorney

2004 – present

Guynn & Dillon, P.C.

(previously Guynn, Memmer & Dillon, P.C.)

415 South College Avenue

Salem, Virginia 24153

Officer/Director/Shareholder/Attorney

- 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 served as an arbitrator in one matter at the request of the attorneys involved.

The case involved a personal injury suffered in an automobile accident with the defendant admitting liability. After presentation of the evidence, I determined the amount of damages to be paid to the plaintiff.

b. Describe:

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

I began my law practice with a large firm in Roanoke in 1986 working as an associate and then as a senior attorney. Initially, I assisted with litigation and transactional matters, such as contract preparation and review, and then focused on a litigation practice. Extensive work defending Section 1983 cases brought by pro se prisoners later led to supervising others who were defending those cases. I then concentrated on a broader range of Section 1983 and Title VII cases representing local governments, school boards, constitutional officers, and the employees of those entities. I also represented clients through their insurance companies in workers' compensation, automobile liability defense, product liability defense, and general defense litigation in federal and state courts.

In 1999, I moved to a smaller firm of just two attorneys to continue to concentrate on representation of public entities in Section 1983 and Title VII cases. I assisted public entities, particularly in the areas of law enforcement and employment law, in instituting and updating policies and procedures and training supervisors and employees on those policies and procedures in order to comply with the law and best practices. I also represented state employees in medical malpractice cases brought against them. I continued to provide representation to clients through their insurance companies in general defense litigation in federal and state courts. On occasion, I represented plaintiffs in EEOC matters and employment cases, and I advised employees with regard to employment agreements and severance agreements.

After consulting with my law partner, I took the opportunity to work in-house for the City of Roanoke in 2000, where I represented the Police Department, Fire Department, E-911 Office, Human Resource Department, Purchasing Division, and Roanoke City School Board. I provided legal advice; drafted resolutions, contracts and policies; and provided representation in administrative matters before the EEOC and before grievance panels and in litigation in state and federal court. The city was self-insured, so we handled most of the litigation by or against the city in-house.

I returned to private practice in 2004 with the same small firm. I have the same extensive practice in trial and appellate work in federal and state courts in employment law and civil rights defense representing public employers and employees. I also serve as part-time local government attorney for several local governments and attend their meetings and provide representation and daily assistance on all legal issues that arise. I advise other local governments in law enforcement and employment matters on an as needed basis. I represent local governments before the EEOC and before

grievance panels. On occasion, I assist plaintiffs in matters before the EEOC and in employment cases and advise employees with regard to employment agreements and severance agreements.

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

While in private practice, my clients typically have been counties, cities, towns, school boards, sheriffs, commonwealth's attorneys, clerks of court, and the employees of the same. I have also represented private individuals and businesses. During the three years I served in-house with the City of Roanoke, my clients were the City, the City School Board, and employees of the City and the City School Board.

- 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.

Through the end of the year 2000, approximately 90% of my work had been litigation. I frequently appeared in court. When I worked for the City of Roanoke, approximately 50% of my work was litigation, and I appeared in court regularly. Beginning in the year 2004, approximately 65% of my work has been litigation, and I have appeared in court regularly.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 70% |
| 2. state courts of record: | 19% |
| 3. other courts: | 1% |
| 4. administrative agencies: | 10% |

- ii. Indicate the percentage of your practice in:

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

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

I estimate that I have handled approximately 400 cases to verdict, judgment or final decision. In most of these cases, I was lead counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 10% |
| 2. non-jury: | 90% |

- 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.

Campbell v. Kocher, 132 S. Ct. 847 (2011) (brief in opposition to petition for a writ of certiorari, 2011 WL 5439073)

Hunsberger v. Wood, 559 U.S. 938 (2010) (brief in opposition to petition for a writ of certiorari, 2010 WL 197490).

King v. McMillan, 552 U.S. 991 (2007) (brief in opposition to petition for a writ of certiorari, 2007 WL 2858225).

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. *Mountain View Limited Partnership, et al. v. Clifton Forge*, 256 Va. 304, 504 S.E.2d 371 (1998), before the Honorable Duncan M. Byrd, Jr. in the Circuit Court for Alleghany County (1992 – 1998).

In 1991, the City of Clifton Forge increased its refuse collection fees. Two limited partnerships that operated apartment complexes sued alleging that the fees were impermissible taxes and that the fee classifications were not valid. The apartment complexes had dumpsters that were emptied by the City, but they were charged per residential unit. The trial court upheld the fees. On appeal, the plaintiffs argued that because the fees generated a surplus, they were an impermissible tax that funded other City functions. They conceded that a surplus could be maintained, but that the City's surplus was too large. The Supreme Court of Virginia upheld the validity of the fees, and stated that fees are not invalid merely because a surplus exists and that the accounting methods and allocations used by the City did not change this result. The Court also upheld the classifications used by the City. I served as sole counsel at the bench trial representing the City of Clifton Forge and assisted with the brief on appeal to the Supreme Court of Virginia.

Co-counsel for Defendant City of Clifton Forge:
Frank K. Friedman
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Suite 1400
Roanoke, VA 24011
(540) 983-7600

Counsel for Plaintiffs:
Ellen Arthur
Ellen Arthur PC
729 North Lee Highway
Lexington, VA 24450
(540) 463-2052

2. *Buonocore v. Harris et al.*, 65 F.3d 347 (4th Cir. 1995) (interlocutory appeal), *aff'd*, 134 F.3d 245 (4th Cir. 1998) (appeal following trial), United States District Court for the Western District of Virginia, Roanoke Division, before the Honorable Jackson L. Kiser (1993 – 1998).

I represented Deputy Cundiff, who was assisting the Bureau of Alcohol, Tobacco and Firearms with a search warrant for illegal weapons following receipt of information from an informant, in this *Bivens* action. The same informant, who had provided information regarding the weapons, stated that Mr. Buonocore had stolen property belonging to Mr. Buonocore's employer at the house. After seeking advice from the Commonwealth's Attorney, Deputy Cundiff invited the employer's security officer to accompany the officers on the federal warrant for illegal weapons so he could identify any stolen property that might be seen in plain view. The trial court denied summary judgment finding that qualified immunity was not available because of disputes of fact. The Fourth Circuit agreed upon interlocutory appeal. At trial, the jury found for the plaintiff against Deputy Cundiff and awarded a small amount in damages to plaintiff. The Fourth Circuit upheld the jury's verdict. I served as lead counsel in the trial and appeals of this matter.

Counsel for Plaintiff Buonocore:
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(540) 982-3711 (ext. 303)

John T. Boitnott
John T. Boitnott Attorney
5 East Court Street, Number 301

Rocky Mount, VA 24151
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Counsel for Defendant Harris:
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Woods Rogers PLC
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(540) 552-2941

Richard A. Llorett
Current business contact information unavailable

Counsel for Defendants Chesapeake and Potomac Telephone Company of Virginia and James D. Thompson:
William Paul Wallace, Jr.
Johnson Ayers & Matthews PLC
210 First Street, Suite 300
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(540) 767-2034

3. *Drizos v. City of Salem, et al.*, Civil Action No. 775CL94000065, before the Honorable Barnard F. Jennings in the Circuit Court for the City of Salem (1994 – 1995).

I represented, and served as lead counsel for, the City of Salem, the Commonwealth's Attorney for the City of Salem, and Salem Police Officer Lowe in this malicious prosecution action. Plaintiff alleged, among other things, that his arrest for sexual assault was without probable cause, that a photo line-up improperly influenced the victim, and that the Commonwealth and all parties continued with his criminal prosecution with malice. The Commonwealth's Attorney was dismissed from the case on the grounds of prosecutorial immunity. The case was tried before a jury. Following presentation of all of the evidence, the court granted the defendants' motion to strike the case and entered judgment in favor of the defendants.

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Counsel for Plaintiff Drizos:
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DrinkerBiddle

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J. Timothy McDonald
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Two Alliance Center
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Atlanta, GA 30326
(404) 407-3623

William H. Lindsey
Capital Defender (Western)
3021 Peters Creek Road
Roanoke, VA 24019
(540) 562-3595

4. *Sakellaris v. Lewis, et al.*, Civil Action No. 4:96-cv-70107, before the Honorable Jackson L. Kiser in the United States District Court for the Western District Court of Virginia, Danville Division (1996 – 1998).

Mr. Sakellaris filed suit alleging that he was unlawfully arrested after an improper traffic stop and then suffered excessive use of force during the arrest and while handcuffed. I served as lead trial counsel in representing three police officers and the City of Danville. The criminal charges placed against the plaintiff at the time of his arrest were dismissed. Although the plaintiff had photographs of a circular bruise in the center of his forehead, the officers testified that he beat his own head against the Plexiglas in the police vehicle following his arrest. The magistrate, who had heard parts of the encounter over the radio, testified on behalf of the officers. The jury found in favor of the three individual officers. The case did not proceed against the city with regard to municipal liability because there was no underlying constitutional violation.

Co-counsel for Defendant:
Richard Hawkins
(Formerly with Woods, Rogers & Hazlegrove, P.L.C.)
The Hawkins Law Firm PC
2222 Monument Avenue
Richmond, VA 23220-2724
(804) 308-3040

Counsel for Plaintiff:
Arthur P. Strickland
Strickland, Diviney, & Strelka
23 Franklin Road, Southwest
Roanoke, VA 24011
(540) 982-7787

Jane A. Harden

Current business contact information unavailable

5. *Freeman v. Potter*, No. 4:00CV71 (Title VII claim) before the Honorable Samuel G. Wilson, United States District Court for the Western District of Virginia, Roanoke Division (1998 to 2000); *Freeman v. Potter*, No. 7:04CV276 (Breach of Contract), 2005 U.S. Dist. LEXIS 3488 (W.D. Va. Mar. 8, 2005) (denying motion to dismiss), 2005 U.S. Dist. LEXIS (W.D. Va. Sept. 13, 2005) (denying summary judgment on breach of contract claim, granting summary judgment on plaintiff's Title VII claim), 2006 U.S. Dist. LEXIS 65329 (W.D. Va. Sept. 13, 2006) (Magistrate recommendation), before the Honorable William L. Osteen, Sr., United States District Court for the Western District of Virginia, Roanoke Division (2004 – 2006).

I represented Ms. Freeman, an African-American employed by the U.S. Postal Service, in two actions filed against her employer. Among other allegations, Ms. Freeman stated that certain employees made ape noises when she walked by the area where they worked and that an employee announced a fried chicken and watermelon feast in her honor over the loudspeaker at the plant. I first represented Ms. Freeman in the lengthy, federal EEO process that did not resolve the matter. She then filed a Title VII action alleging racial and sex discrimination. After mediation with the Honorable Glen E. Conrad, then the U.S. Magistrate Judge, the parties entered a Memorandum of Settlement wherein, among other things, the Postal Service was to place Ms. Freeman in a window clerk position in exchange for dismissal of the lawsuit. When she was not placed in a window clerk position, she filed another suit for breach of contract and retaliation. Ms. Freeman prevailed on her breach of contract claim at a bench trial. I prepared the case for trial, but my law partner successfully tried the case at a bench trial when I was listed as a witness by the Postal Service. Ms. Freeman was compensated and placed in a window clerk position.

Co-counsel for Plaintiff:

Jim H. Guynn, Jr.

Guynn & Dillon, P.C.

415 South College Avenue

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Counsel for Defendant:

Kathryn Good

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Julia C. Dudley

Now Clerk of Court

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6. *Altizer, et. al. v. City of Roanoke*, Civil Action No. 03-1429, 2003 U.S. Dist. LEXIS 4303 (W.D. Va. March 21, 2003), *aff'd*, 78 F.App'x 301 (4th Cir. 2003), before the Honorable Samuel G. Wilson in the United States District Court for the Western District of Virginia, Roanoke Division (2002 – 2003).

Three white police officers, two male and one female, sued the City of Roanoke for reverse discrimination alleging that an African American, female officer was promoted ahead of them because of her race and because she was a friend of the Police Chief. The white, female officer also alleged gender discrimination. Following discovery, I moved for summary judgment on behalf of the city, and the court granted summary judgment because the city was able to show legitimate reasons for promoting the African American officer and the plaintiffs were unable to show that those legitimate reasons were a pretext for discrimination. The Fourth Circuit approved the trial court's decision. I served as lead counsel for the city in the trial court and on appeal.

Co-counsel for Defendant:
William M. Hackworth (retired)
Former City Attorney, City of Roanoke
Current business contact information unavailable

Counsel for Plaintiff:
Terry N. Grimes, Esquire
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Roanoke, VA 24016
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7. *King v. McMillan et al.*, Civil Action No. 7:05CV00521, before the Honorable Samuel G. Wilson, United States District Court for the Western District of Virginia, Roanoke Division (2005 to 2008). Intervention issue: 2006 U.S. Dist. 221 (W.D. Va. Jan. 5, 2006), *aff'd*, 233 Fed. App'x. 242 (4th Cir. 2007), *cert. denied*, 552 U.S. 991 (2007). Trial issues: 2005 U.S. Dist. LEXIS 24256 (W.D. Va. Oct. 20, 2005) (denying class certification and denying motion to dismiss), 2006 U.S. Dist. LEXIS 51859 (W.D. Va. July 28, 2006) (denying motion to dismiss), 2008 U.S. Dist. LEXIS 28642 (W.D. Va. Apr. 8, 2008) (denying motions for judgment as a matter of law and for a new trial), *remitted*, 2008 U.S. Dist. LEXIS 29691 (W.D. Va. May 14, 2008), *aff'd*, 594 F.3d 301 (4th Cir. 2010).

Plaintiff King filed a lawsuit against the then current Sheriff McMillan, whom I represented, alleging sex discrimination/harassment, a hostile work environment, and constructive discharge, all in violation of Title VII, and a supplemental state claim for assault and battery. Plaintiff sought to have a class action certified and moved to have six

putative plaintiffs intervene in the case. Plaintiff sought to have the court adopt the single filing rule that allows persons to intervene in a Title VII lawsuit even though they have not filed EEOC charges. The single filing rule had been adopted in some other federal circuits, but not in the Fourth Circuit. I argued, on behalf of the Sheriff, that the putative plaintiffs could not intervene even if the court adopted the single filing rule. The Fourth Circuit held that the claims of the proposed intervenors were time barred so it need not decide whether to recognize the single filing rule. Plaintiff's petition for writ of certiorari to the U.S. Supreme Court on this issue was denied. Defendant Sheriff McMillan lost his reelection bid, and the trial court ruled that the new sheriff was to be substituted with regard to the Title VII claim. Defendant McMillan remained in the case as to the assault and battery claim. A jury returned a verdict in favor of the plaintiff as to all claims, and the Fourth Circuit Court of Appeals upheld the jury's verdict. I served as sole counsel for Sheriff McMillan in the trial court and on appeal.

Counsel for Defendant Sheriff Johnson:
The Honorable John A. Gibney, Jr. (prior to his appointment to the bench)
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8. *Hunsberger v. Wood et al.*, 564 F. Supp. 2d 559 (W.D. Va. 2008), *rev'd*, 570 F.3d 546 (4th Cir. 2009), *reh'g denied and reh'g en banc denied*, 583 F.3d 219 (4th Cir. 2009), *cert. denied*, 559 U.S. 938 (2010), *reh'g denied*, 559 U.S. 1088 (2010), before the Honorable Samuel G. Wilson, United States District Court for the Western District of Virginia, Roanoke Division (February 2007 – April 2010).

I represented Sergeant Wood, who was twice called by a neighbor who reported suspicious activity at her neighbor's house and who believed that the homeowners were not home. Sergeant Wood observed suspicious activity that seemed to confirm that persons were in the house that should not be there. He was also confronted with a

concerned stepfather who reported that his stepdaughter was missing, that her car was in front of the house and that the stepfather did not know the owners of the house. Sergeant Wood, followed by the stepfather, entered the house without a warrant. His search ultimately did not reveal vandalism or the missing girl, who was hiding with some other teens who had been drinking alcohol. Sergeant Wood was confronted by the homeowners in the house as the neighbor had been mistaken about their absence. The trial court denied Sergeant Wood's motion for summary judgment. Finding that an emergency existed that required Sergeant Wood to enter the home promptly, the Fourth Circuit reversed the trial court. The appellate court ruled that Sergeant Wood did not violate the Fourth Amendment and lawfully entered the house. Because there was no constitutional violation, the court did not reach a qualified immunity analysis. The court examined *Brigham City v. Stuart*, 547 U.S. 398 (2006), and drew a distinction between the community caretaking exception and the exigent circumstances exception to the warrant requirement. The court concluded that the presence of the civilian stepfather did not make the entry unlawful because his presence would have aided in the identification of his missing stepdaughter had she been found. Plaintiffs' request for rehearing was denied in a written opinion. The Supreme Court denied the plaintiffs' petition for certiorari and petition for rehearing. I served as lead counsel for Sergeant Wood in the trial and appellate courts.

Counsel for Defendant Blessard:

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9. *Estate of Russell v. Wright et al.*, 916 F. Supp. 2d 629 (W.D. Va. 2013), before the Honorable Glen E. Conrad, United States District Court for the Western District of Virginia, Charlottesville Division (2011 – 2013).

In October 2010, defendant Deputy Wright responded to a call involving a father, Mr. Russell, kicking his nine year old son in the ribs. Deputy Wright and another deputy responded and followed the father who was fleeing the scene in a vehicle. Mr. Russell eventually pulled over and stopped and exited his vehicle so quickly that the first officer on the scene pulled his service weapon. Mr. Russell failed to comply with the officer's repeated commands to get down on the ground, and Deputy Wright used a taser to gain control of Mr. Russell. Mr. Russell became unresponsive, was in a coma for approximately seven months, and died. Mr. Russell's estate filed suit in state court against Deputy Wright for use of excessive force, gross negligence, assault, and battery, and against TASER International for products liability claims. I represented Deputy Wright and removed the case to federal court. Following extensive discovery, including video analysis and depositions across the country, the trial court granted summary judgment to Deputy Wright finding that qualified immunity protected him from suit. Later, after TASER International resolved the remaining claims against it, plaintiff filed an appeal as to Deputy Wright and the parties reached a resolution.

Counsel for Defendant TASER International, Inc.:
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Jeremy Carroll
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10. *Hash v. Close, et al.*, Civil Action No. 3:12-CV-00065, before the Honorable Glen E. Conrad, United States District Court for the Western District of Virginia, Charlottesville Division (2012 – 2014).

This civil case arose following the granting of a federal habeas petition, on summary judgment in a 64-page opinion, filed by plaintiff Hash following his murder conviction and 12 years of imprisonment. I served as lead counsel representing the former Culpeper County Commonwealth's Attorney, Mr. Close, who prosecuted the murder case in state court. Plaintiff brought due process claims against Close alleging fabrication of

testimony regarding plaintiff's confession, suppression of evidence before and after the conviction, conspiracy, and a state claim for malicious prosecution. Mr. Close denied the allegations of wrongdoing and asserted defenses. The case required the review of and familiarity with the underlying criminal proceedings involving plaintiff and two other persons who were charged with the same crime. The case also required familiarity with some of the differences in criminal procedure between state and federal court. Following discovery, the matter resolved to the satisfaction of all parties.

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

In my capacity as counsel for local governments and other public entities, I often provide a broad range of legal services. For example, while employed with the City of Roanoke, the School Board wished to build a new school. The desired location was on park property conveyed to the city by the United States and was restricted to park use. I conducted research and worked with the National Park Service to arrange for and obtain approval of a transfer of properties in order to build the school on the desired location.

I also often provide training on the laws regarding harassment and discrimination for local governments, school boards, law enforcement officers, and correctional officers. This training is designed to inform all trainees as to the law and the consequences of violating the law. Employees are taught about the employers' policies and the need to file a complaint. Supervisors are taught to respond appropriately to complaints and to take action appropriate to the conduct involved

Over the years, I have been active in many bar associations and bar activities. Through those bar associations, I have been involved with young people, giving them exposure to what a lawyer is and does. For example, the Roanoke Bar Association's Barrister Book Buddies program places lawyers in elementary school classrooms to read to children. The Youth Court program, which was coordinated by Roanoke Bar Association members, allowed high school students who were facing discipline and who admitted to their conduct to appear before a jury of their peers. The jury then determined the student's punishment. Every student who was disciplined also had to participate at a later proceeding as a juror. These programs allow diverse groups of children and teens to see lawyers as involved community participants and to consider the law as a profession. The Virginia State Bar's Professionalism Course and Law School Professionalism Course prepare law students and newly admitted lawyers for the practical application of professionalism in the workplace beyond the Rules of Professional Conduct.

I have not performed any lobbying activities.

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.

None.

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

I have deferred income in a vested Guynn & Dillon, P.C. employer sponsored simple IRA.

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

I do not have any plans, commitments, or agreements to pursue outside employment if confirmed.

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

Please 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).

Please see attached Net Worth Statement.

24. **Potential Conflict 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.

My husband works for One Beacon Insurance Group. If confirmed, I would recuse myself from matters involving One Beacon Insurance Group. Because of my relationship with Guynn & Dillon, P.C., I would recuse myself for an appropriate length of time from cases involving any attorneys who are currently employed by Guynn & Dillon, P.C.

I also would recuse myself for an appropriate period of time from cases involving the City of Roanoke because of my former employment with the City of Roanoke and my relationship with attorneys employed by the city. I would recuse myself from cases involving counties, cities, towns, constitutional officers, and official and employees of the same that I have represented or taught in a training course for a reasonable period of time.

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

If confirmed, I would follow the recusal statutes and the Code of Conduct for United States Judges. I would recuse myself when necessary to resolve any real or apparent conflict of interest.

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

I have participated in pro bono activity by providing pro bono legal services in individual cases, through my service on the Virginia State Bar's Clients' Protection Fund Board, and by providing training on a pro bono basis to law enforcement officers.

For example, I recently represented a gentleman who was employed and hoped to better his situation with a new job. Because of learning disabilities, he had received a special education high school diploma. He interviewed for the position and told the interviewer that he could not read. Based upon his experience, he was hired. Just one week after he began working for the new company, he was fired for not being able to read. He lost his job and health insurance. I represented him without charge in a letter to the employer and in an EEOC charge, after which the company returned him to work.

I also have served on the Virginia State Bar's Clients' Protection Fund Board since 2011. When a client loses money or property because of dishonest conduct by his or her lawyer, the client may petition the Board for reimbursement of the lost money or property, which may include unearned fees paid to the lawyer and money or property that has been misappropriated. Each Board member is assigned to investigate petitions and make recommendations to the Board. The Board then determines whether the client is entitled to reimbursement under the rules and the amount of reimbursement.

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.

The Virginia State Bar, at the request of Senator Mark Warner and Senator Timothy Kaine, reviewed application materials and conducted in-person interviews of candidates for the judicial vacancy in the United States District Court for the Western District of Virginia. On March 3, 2014, I submitted my materials to the Virginia

State Bar. I also submitted written materials to eight other bar associations. On March 26 and April 3, 2014, I interviewed with all organizations who gave me the opportunity to do so. On April 22, 2014, I interviewed with senior staff members for Senator Warner and Senator Kaine in Washington, D.C. On May 14, 2014, I interviewed with Senator Warner and Senator Kaine in Washington, D.C. On June 9, 2014, I received a call from Senator Kaine advising me that my name would be sent to the White House for consideration for the judicial position. Since July 8, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 26, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 18, 2014, the President submitted my nomination to the Senate.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Elizabeth K. Dillon, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

9/22/2014
(DATE)

Elizabeth K. Dillon
(NAME)

Miriam Lajer #253860
(NOTARY)
Subscribed, sworn + acknowledged
this 22nd day of September, 2014.
Comm. Exp - 2/28/2017