

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Donna Sue Morgan is my full legal name.
For my law license and other business and personal dealings, I use the name Susie Morgan.
Donna Sue Beach
Donna Sue Leteff

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

United States District Judge for the Eastern District of Louisiana

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.

Phelps Dunbar L.L.P.
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130

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

1953; Winnsboro, Louisiana

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.

1977 – 1980, Louisiana State University, Paul M. Hebert Law Center; J.D., 1980

1974 – 1976, Northeast Louisiana University (now known as University of Louisiana at Monroe); M.A., 1976

1971 – 1974, Northeast Louisiana University (now known as University of Louisiana at Monroe); B.A. (*magna cum laude*), 1974

1970 and 1971, Louisiana State University; no degree received (summer school)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises,

partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2005 – present
Phelps Dunbar L.L.P.
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130
Partner (2009 – present)
Counsel (2005 – 2008)

1981 – 2005
Wiener, Weiss & Madison, APC
(also known as Wiener, Weiss, Madison & Howell from 1986 to 1996)
2350 AmSouth Bank Tower
333 Texas Street
Shreveport, Louisiana 71101
Partner (1985 – 2005)
Associate (1981 – 1984)

1980 – 1981
United States Court of Appeals for the Fifth Circuit
300 Fannin Street
Shreveport, Louisiana 71101
Judicial Clerk to the Honorable Henry A. Politz

1980
Barham and Churchill, APC
400 Lafayette Street, Suite 300
New Orleans, Louisiana 70130
Law Clerk

1978 – 1980
LSU Paul M. Hebert Law Center
1 East Campus Drive
Baton Rouge, Louisiana 70803
Research Assistant

1977 – 1978
Law Office of J. Donald Cascio
555 South Range Avenue
Denham Springs, Louisiana 70726
Law Clerk

1976 – 1977

Mortgage company (cannot recall name)
Nicholson Drive
Baton Rouge, Louisiana
Administrative Assistant

Summer 1976

Ouachita Parish District Attorney's Office
400 St. John Street
Monroe, Louisiana 71201
Legal Assistant

1974 – 1976

Northeast Louisiana University (now University of Louisiana at Monroe)
700 University Avenue
Monroe, Louisiana 71209
Graduate Teaching Assistant

Other Affiliations (uncompensated):

2009 – present

New Orleans Association for Women Attorneys
c/o Katie Laskey
601 Poydras, Suite 2655
New Orleans, Louisiana 70130
Board Member

2004 – present

Louisiana State University, Paul M. Hebert Law Center
1 East Campus Drive
Baton Rouge, Louisiana 70803
Board of Trustees Member

2006

Energy Bar Association New Orleans Chapter
c/o National Chapter Energy Bar Association
1990 M Street, NW
Washington, DC 20036
Board of Directors

2003 – 2004

United Way of Northwest Louisiana
402 Edwards Street
Shreveport, Louisiana 71101
Vice President

1989 – 1995
YWCA of Northwest Louisiana (now disbanded)
710 Travis Street
Shreveport, Louisiana 71101
Board Member (1989 – 1995)
Vice President (1993)
President (1994)

1990s
Shreveport Summer Music Festival
3500 Milam Street, Apartment L-202
Shreveport, Louisiana 71109
Board Member

1988
Downtown Shreveport Development Corporation
401 Edwards Street, Suite 205
Shreveport, Louisiana 71101
Board Member, Secretary

1986, 1988
Shreveport Bar Association
401 Market Street, # 950
Shreveport, Louisiana 71101
Secretary-Treasurer (1986)
President, Young Lawyers' Section (1988)

Mid-1980s
Femmes Soles, Inc. (now disbanded)
505 Travis Street, Third Floor
Shreveport, Louisiana 71101
President/Director

1983
Shreveport Association for Women Attorneys (now disbanded)
(No address available)
President

1980s
Shreveport Metropolitan Ballet
6654 Saint Vincent Avenue
Shreveport, Louisiana 71106
Board Member

1980s

Stoner Arts Center (Charter revoked 2001)

(No address available)

Board Member

1980s

River Cities Network (now disbanded)

(No address available)

Board Member

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

I have not served in the military. I did not register for selective service.

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

Martindale-Hubbell, AV Rated (highest ranking for Legal Ability and Ethical Standards)

Louisiana State Bar Association, "President's Award" (2000)

Rising Young Business Leader Award, Shreveport Chamber of Commerce (1992)

Louisiana State Bar Association Outstanding Young Lawyer Award (1989)

Order of the Coif, Shell Foundation Award and Scholarship, Law Faculty Scholarship, Board of Supervisors Scholarship, Louisiana State University, Paul M. Hebert Law Center (1977 – 1980)

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

American Bar Association

American Bar Foundation

Fellow (1998 – present)

Louisiana State Co-Chair (2010 – 2011)

Criminal Justice Act Panel Selection Committee, United States District Court, Western District of Louisiana (1995 – 1996)

Energy Bar Association

Member, New Orleans Chapter Board of Directors (2006)

Fifth Circuit Bar Association (1984 – 2007)

Harry V. Booth and Judge Henry A. Politz American Inn of Court, Shreveport, Louisiana
 Barrister (1990 – approximately 2000)
 International Society of Barristers
 Judicial Conference of the Fifth Federal Circuit
 Attorney Participant (1993 – 1999)
 Delegate of the Louisiana State Bar Association (1993 – 1995, 2009 – 2011)
 Judicial Council of the Louisiana Supreme Court
 Chair, Court Rules Committee (1997 – 2002)
 Louisiana Bar Foundation
 Fellow (1997 – present)
 Fellows Gala Committee (2007)
 Legal Services Task Force (1998 – 1999)
 Education Committee (2003 – present)
 Louisiana Bar Journal
 Editorial Board (1997 – 2000)
 Louisiana State Bar Association
 Member, House of Delegates (1989 – 2002)
 Member, Legislation Committee (2010 – 2011)
 Member, Bench Bar Liaison Committee (1996 – 1997)
 Chair, Court Rules Committee (1997 – 2002)
 Member, Long Range Planning Committees (1996, 1998, 2002)
 Member, Task Force on Domestic Violence (1996 – 1998)
 Louisiana State University, Paul M. Hebert Law Center
 Member, Board of Trustees (2004 – present)
 Member, Regional Campaign Steering Committee (2006 – 2010)
 Louisiana Supreme Court
 Chair, Court Rules Committee (2002 – present)
 Member, Task Force on Women in the Courts (1990 – 1992)
 National Association of Bond Lawyers
 New Orleans Association for Women Attorneys
 Board Member (2009 – present)
 Chair, Law Reform Committee (2010 – present)
 New Orleans Bar Association
 Minorities in the Profession Committee (2011)
 Member, Bench Bar Committee (2009)
 New Orleans Bar Association American Inn of Court
 Master (2009 – present)
 Shreveport Association for Women Attorneys
 Founding Member and President (1983)
 Shreveport Bar Association
 Member (1980 – 2005)
 Secretary-Treasurer (1986)
 Chair, Law Day Committee (1986)
 Chair, Bicentennial Committee (1987)
 President, Young Lawyers Section (1988)

Chair, People's Law School (1987)
Member, Krewe of Justinian (1994 – 2005)

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.

Louisiana, 1980

There have been no lapses in membership.

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

United States Court of Appeals for the Fifth Circuit, 1981
United States District Court for the Western District of Louisiana, 1981
United States District Court for the Eastern District of Louisiana, 2006
Louisiana Supreme Court, 1980

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.

Cambridge Club (approximately 1990 – 2005)
Community Jefferson Meeting on the Constitution, Shreveport, Louisiana
Chair (1987)
Domestic Violence Task Force, Shreveport Police Department (1994 – 1997)
Downtown Shreveport Development Corporation
Board Member, Secretary (1988)
Jewish Community Center of New Orleans (2007 – present)
Louisiana Department of Environmental Quality Transition Team, Governor
Kathleen Blanco (2003 – 2004)
Mystick Krewe of Louisiana (1997 – present)
River Cities Network
Board Member (1980s)
Shreveport Mayor's Women's Commission (1992 – 1996)

Shreveport Metropolitan Ballet
 Board Member (1980s)
 Shreveport Summer Music Festival
 Board Member (1990s)
 Shreveport U.S. Bicentennials Commission
 Steering Committee (1986 – 1992)
 Stoner Arts Center
 Board Member (1980s)
 United Way of Northwest Louisiana
 Vice President (2003 – 2004)
 Willis-Knighton Health Center (2000 – 2005)
 YWCA of Northwest Louisiana
 Member (1990s)
 Board Member (1989 – 1995)
 Vice President (1993)
 President (1994)
 Chair, YWCA Celebration of Women Week (1992)
 Advisory Board, Encore Breast Cancer Awareness Program (1999)
 YWCA of the USA
 Retirement Fund Task Force (1992 – 1994)
 Women's Political Fund of Northwest Louisiana (1980s)
 Women's Political Roundtable (1980s)

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

To the best of my knowledge, none of the organizations of which I am or have been a member currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

12. Published Writings and Public Statements:

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

With John F. Sharp, "The Biomedical Research Foundation of Northwest Louisiana, Securing Northwest Louisiana's Place in the Global Economy," 49 La. B.J. 300 (Dec. 2001). Copy supplied.

“Judicial Council Endorses Concept of Proposed District Court Rules,” La. B.J., (Dec. 2000). Copy supplied.

“The Adoption and Safe Families Act: An Interview with Senator Mary Landrieu,” 46 La. B.J. 482 (Apr. 1999). Copy supplied.

“Uniform Court Rules: Survey Shows Strong Support,” 46 La. B.J. 496 (Apr. 1999). Copy supplied.

“When Bad Things Happen to Basically Good Lawyers: LSBA Program Offers ‘Alternatives to Discipline’ Assistance,” 46 La. B.J. 388 (Feb. 1999). Copy supplied.

With Elizabeth Erny Foote and Elizabeth H. Ryan, “Woman Rainmakers,” 45 La. B.J. 422 (Feb. 1998) (reprinted in multiple outlets). Copy supplied.

Letter to the Editor, “Every Vote Counts,” Newsweek, Apr. 21, 1997. Copy supplied.

“An Interview with Judge Henry A. Politz,” 39 La. B.J. 467 (Feb. 1992). Copy supplied.

“Workers’ Compensation Third Party Suits: The Effect of Employer Negligence on Third Party Rights,” 41 La. L. Rev. 101 (1980) (reprinted in multiple outlets). Copy supplied.

I served as a member of the Louisiana Bar Journal Editorial Board from 1977 to 2000. I did not keep a record of the articles I edited and have no specific recollection of them. The articles I wrote that appeared in the Louisiana Bar Journal are included in the list above.

- 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.

Report of the Court Rules Committee to the Supreme Court of Louisiana, Fall 2010. Copy supplied.

Report of the Court Rules Committee to the Supreme Court of Louisiana, April 19, 2010. Copy supplied.

Report of the Court Rules Committee to the Supreme Court of Louisiana, November 12, 2009. Copy supplied.

Report of the Court Rules Committee to the Supreme Court of Louisiana, August 29, 2008. Copy supplied.

Letter from Susie Morgan, as Chair of the Court Rules Committee, to the Supreme Court of Louisiana, November 15, 2007. Copy supplied.

Memorandum from the Chief Deputy Judicial Administrator, on behalf of the Court Rules Committee, to the Supreme Court of Louisiana, October 29, 2004. Copy supplied.

Memorandum from the Chief Deputy Judicial Administrator, on behalf of the Court Rules Committee, to the Supreme Court of Louisiana, September 8, 2004. Copy supplied.

Report of the Court Rules Committee to the Supreme Court of Louisiana, October 10, 2003. Copy supplied.

Report of the Court Rules Committee of the Judicial Council of the Supreme Court and the Louisiana State Bar Association to the members of the Louisiana State Bar Association, May 2000. Copy supplied.

Report of the Court Rules Committee of the Judicial Council of the Supreme Court and the Louisiana State Bar Association, May 2000. Copy supplied.

Final Report of the Louisiana Task Force on Women in the Courts, 1992. 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.

On May 18, 2009, I gave a presentation to the Caddo Parish Commission about the parish's efforts to obtain federal stimulus funds. Press coverage supplied.

On May 18, 2005, I gave testimony before the Insurance Committee of the Louisiana Senate regarding regulation of life insurance and funeral benefits policies. A transcript of the hearing is supplied.

On May 11, 2005, I gave testimony before the Insurance Committee of the Louisiana House of Representatives regarding regulation of life insurance and funeral benefits policies. No transcript is available but a video of the hearing is

available on the Louisiana Legislature's website at
http://house.louisiana.gov/H_Video/2005/May2005.htm.

As a lobbyist for Bossier Parish, I submitted letters to government officials regarding such matters as funding for transportation and other public works projects. Copies of those letters are supplied.

As a lobbyist for Bossier Parish, I appeared before the Parish Police Jury on multiple occasions to update the board on my work. Below is a list of the dates on which I appeared. Meeting minutes for each date are supplied, and press coverage from the September 17, 2008 meeting is supplied.

September 17, 2008
March 16, 2005
July 21, 2004
February 18, 2004
January 21, 2004

As bond counsel for Bossier Parish, I appeared before the Parish Policy Jury on multiple occasions to update the board on my work. Below is a list of the dates on which I appeared. Meeting minutes for each date are supplied.

October 1, 2003
August 20, 2003
October 3, 2001
August 15, 2001

- 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 given presentations and participated in panels in a variety of continuing legal education programs. I have also participated in programs, such as career day, at high schools. I have a record of participating as a presenter or panel member in the following seminars, conferences, classes or programs:

November 12, 2010, December 2, 2010 and December 10, 2010: Louisiana Rules for District Court, Louisiana State University Law Center, Recent Developments in Legislation & Jurisprudence: Louisiana Rules for District Courts Seminar.

Baton Rouge, Kenner and New Orleans, Louisiana. Written materials and PowerPoint supplied.

October 11, 2010: Build America Bonds and the Recovery Act, International Municipal Lawyers Association Seminar. New Orleans, Louisiana. Written materials and PowerPoint supplied.

August 16, 2010: Tulane Law School Professionalism Program for Law School Freshmen. New Orleans, Louisiana. I have no notes, transcript or recording. The address of Tulane Law School is 6329 Freret Street, New Orleans, Louisiana 70118.

April 7, 2009 and February 2, 2010: Guest lecturer, Tulane Law School, Ethics in Civil Litigation. I have no notes, transcript or recording. The address of Tulane Law School is 6329 Freret Street, New Orleans, Louisiana 70118.

December 15, 2009: Masters of the Courtroom Seminar, New Orleans Bar Association. New Orleans, Louisiana. I have no notes, transcript or recording. The address of NOBA is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

October 9, 2009: Changes to the Louisiana Rules for District Courts, Shreveport Bar Association Multi-Topic Seminar. Shreveport, Louisiana. Written materials supplied and video available at <http://www.judgescottcrichton.com/video.php?v=13>.

June 11, 2009: Louisiana District Court Rules, Judges' Annual Nuts and Bolts Seminar. Destin, Florida. PowerPoint supplied.

March 14, 2009: Recent Changes to Louisiana District Court Rules, New Orleans Bar Association, Bench-Bar Conference. Biloxi, Mississippi. Written materials supplied.

February 5, 2009: Louisiana District Court Rules, Louisiana Clerks of Court Institute. Marksville, Louisiana. Written materials supplied.

December 2, 2008: Louisiana Rules for District Courts, Orientation for Newly Elected District Court Judges. New Orleans, Louisiana. Outline supplied.

November 9, 2007: Louisiana Rules for District Courts, Louisiana Parish Attorneys' Association, Fall Conference. Baton Rouge, Louisiana. Written materials supplied.

September 15, 2007, November 17, 2007 and November 30, 2007: Louisiana Rules for District Court, Louisiana State University Law Center, Recent

Developments in Legislation & Jurisprudence Seminar. Baton Rouge, Louisiana (twice) and Kenner, Louisiana. Written materials supplied.

Fall 2007: LSU Law School Professionalism Program for Law School Freshmen. Baton Rouge, Louisiana. I have no notes, transcript or recording. The address of the LSU Law School is 1 East Campus Drive, Baton Rouge, Louisiana 70803.

August 17, 2007: Tulane Law School Professionalism Program for Law School Freshmen. New Orleans, Louisiana. I have no notes, transcript or recording. The address of Tulane Law School is 6329 Freret Street, New Orleans, Louisiana 70118.

June 7, 2007: Louisiana Rules for District Court, Louisiana State Bar Association Summer School for Louisiana Judges. Destin, Florida. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

June 6, 2007: Today's Legal Society – A Breakdown of Rules, Judges' Annual Nuts and Bolts Seminar. Destin, Florida. Written materials supplied.

April 20, 2007: Louisiana District Court Rules, Louisiana Judicial College's Spring Judges' Conference. Lafayette, Louisiana. Written materials and PowerPoint supplied.

August 4, 2006: Recent Developments in Insurance Class Action Litigation, Louisiana Insurers' Conference. Seattle, Washington. I have no notes, transcript or recording. The address of the conference is 450 Laurel Street, Suite 1400, Baton Rouge, Louisiana 70801.

Approximately 2005: Ethics; Shreveport Bar Association Seminar. Shreveport, Louisiana. I have no notes, transcript or recording. The address of the Shreveport Bar Association is 401 Market Street, Suite 950, American Towers, Shreveport, Louisiana 71101.

December 2004: Louisiana Rules for District Court, Shreveport Bar Association. Shreveport, Louisiana. Written materials supplied.

July 2004: Instructor, Louisiana Association of Defense Counsel, Trial Academy, Loyola School of Law. New Orleans, Louisiana. I have no notes, transcript or recording. The address of the Loyola School of Law 526 Pine Street, New Orleans, Louisiana 70118.

October 16-17, 2003: Recent Developments in the Law of Oil and Gas, American Association of Professional Landmen, 2003 Gulf Coast Land Institute. New Orleans, Louisiana. Written materials supplied.

June 8-11, 2003: Improving Case Management with the Uniform Rules for District Court, Louisiana State Bar Association Summer School for Louisiana Judges. Sandestin, Florida. Written materials supplied.

May 2003: Louisiana District Court Rules, Bossier Parish Bar Association. Bossier City, Louisiana. I have no notes, transcript or recording. The address of the Association is 1661 Benton Road, Bossier City, Louisiana 71111.

April 2003: Louisiana District Court Rules, Louisiana Judicial College's Spring Judges' Conference. Lafayette, Louisiana. I have no notes, transcript or recording. The college does not have a physical address.

2003: Recent Developments in the Law of Oil and Gas, Louisiana Mineral Law Institute. Baton Rouge, Louisiana. Written materials supplied.

October 30-31, 2002: Bridging the Gap Seminar for Young Lawyers, Shreveport Bar Association. Shreveport, Louisiana. Written materials supplied.

October 20-22, 2002: Getting In with In-House Counsel: Keeping Your Corporate Clients Happy, Louisiana State Bar Association. Asheville, North Carolina. Written materials supplied.

June 2002: To Admit or Not To Admit: Evidence Issues, Louisiana State Bar Association Summer School for Lawyers. Sandestin, Florida. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

June 2002: Louisiana's New District Court Rules, Louisiana State Bar Association Summer School for Judges. Sandestin, Florida. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

March 27, 2002: Women in Law: How the Rules Changed?, Shreveport Bar Association. I have no notes, transcript or recording. The address of the Shreveport Bar Association is 401 Market Street, Suite 950, American Towers, Shreveport, Louisiana 71101.

2002: Louisiana District Court Rules, Louisiana State Bar Association. Asheville, North Carolina. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

June 7, 2001: Presentation on activities of the Court Rules Committee, Meeting of the Louisiana State Bar Association House of Delegates. Destin, Florida. Meeting minutes supplied.

January 13, 2001: Presentation on activities of the Court Rules Committee, Meeting of the Louisiana State Bar Association House of Delegates. New Orleans, Louisiana. Meeting minutes supplied.

2001: Drafting Judicial Rules; International Legislative Drafting Institute; Tulane University Law School. New Orleans, Louisiana. I have no notes, transcript or recording. The address of Tulane Law School is 6329 Freret Street, New Orleans, Louisiana 70118.

1997: Emerging Issues in Tort Litigation – Allocating Fault, Louisiana State Bar Association Multi-Topic Seminar. Baton Rouge, Louisiana. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

1996: An Overview of Louisiana Law of Immovable Property, Louisiana State Bar Association Multi-Topic Seminar. Seattle, Washington. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

June 1995: A Colloquy on Discovery, Louisiana State Bar Association Summer School for Lawyers. Sandestin, Florida. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

Approximately 1994: Report on the YWCA of the USA Retirement Fund Task Force, YWCA of the USA Annual Meeting. I have no notes, transcript or recording. The address of the YWCA is 2025 M Street, NW, Suite 550, Washington, DC 20036.

In my capacity as President of the YWCA of Northwest Louisiana and Chair of the YWCA's Celebration of Women Week program in 1992, I made remarks and introduced speakers at various community events. I have not kept a record of the dates of those presentations and I have no notes, transcripts or recordings from these events. The YWCA of Northwest Louisiana has since been disbanded and has no physical address.

1991: Navigability and its Effect on Ownership of Land and Mineral Rights, Louisiana State Bar Association Multi-Topic Seminar. Orlando, Florida and New Orleans, Louisiana. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

Early 1990s: Avoiding Conflicts, Harry V. Booth and Judge Henry A. Politz American Inn of Court. Shreveport, Louisiana. I have no notes, transcript or recording. The Inn of Court does not have a physical address.

1990: New Challenges in the Law for the 1990s – Changes in Due Process and Notice Requirements, Louisiana State Bar Association Young Lawyers' Section.

Grand Cayman. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

Approximately 1990: Changes to the Federal Rules of Civil Procedure, Louisiana State Bar Association Summer School for Lawyers. Sandestin, Florida. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

1989: Speech to luncheon at the YWCA of Northwest Louisiana on Women and the United States Constitution. Shreveport, Louisiana. I have no notes, transcript or recording. The YWCA of Northwest Louisiana has since been disbanded and has no physical address.

1988: Agency, Due Process and Notice Requirements, Louisiana State Bar Association Summer School for Lawyers. Sandestin, Florida and New Orleans, Louisiana. I have no notes, transcript or recording. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

In my capacity as Chair of Louisiana State Bar Association's Court Rules Committee, I have given reports and presentations to some of the House of Delegates' Annual Meetings and Mid-Year Meetings regarding the drafting and implementation of the Louisiana District Court Rules. Those meetings were held in June and January from 1987 until approximately 2002. I did not keep a record of the exact dates of those presentations and I have no notes, transcripts or recordings from these events. The address of LSBA is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

- 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.

Adam Kealoha Causey, "Caddo May Spend \$25K on Stimulus Lobbyists," The Shreveport Times, July 21, 2009. Copy supplied.

Drew Pierson, "Bossier City, Parish Hire Major Lobbyist," The Shreveport Times, Dec. 10, 2008. Copy supplied.

Drew Pierson, "Bossier, Caddo Have Hefty Lobbyist Bills," The Shreveport Times, Nov. 30, 2008. Copy supplied.

Ronette King, "Sales Register; Throughout the New Orleans Area, Merchants Welcome Throngs that Renew their Hope for the Local Economy," Times-Picayune, Nov. 24, 2007. Copy supplied.

Janelle Rucker, "Lobbyist: Efforts to Get Funds Going Well," The Shreveport Times, June 25, 2007. Copy supplied.

Jessica Fender, "Burial Policies Bill Advances to Senate," The Advocate, May 19, 2005. Copy supplied.

Billy Gunn, "Judge Lets Burial-Insurance Suit Proceed," Daily Town Talk, Apr. 6, 2005. Copy supplied.

Raechal Leone, "Correction; Bossier Awaits Federal Funds for Roads," The Shreveport Times, Mar. 19, 2005. Copy supplied.

Raechal Leone, "Legislators' Staff to Experience Traffic," The Shreveport Times, Feb. 19, 2005. Copy supplied.

"Interview: 62nd LSBA President: Of Family, the Bar and 'Leadership LSBA,'" 50 La. B.J. 8 (June/July 2002). Copy supplied.

Don Walker, "Push On to Keep Chicago Routes," The Shreveport Times, May 12, 1999. Copy supplied.

Joe Gyan, Jr., "Majority of Judges, Lawyers Favor Uniform Court Rules," The Advocate, Feb. 12, 1999. Copy supplied.

Paulette H. Holahan, "Department: Judicial Notes," 45 La. B.J. 594 (Apr. 1998). Copy supplied.

Elizabeth Wright, "La. Court Guidelines Targeted," The Advocate, Mar. 23, 1998. Copy supplied.

As president and chair of various committees for the YWCA of Northwest Louisiana, from about 1990 until 1995 I frequently appeared on television programs and made comments that were quoted by local media outlets regarding the organization, including personnel issues, programming, fundraising and events hosted by the YWCA. I do not have and have been unable to obtain clips or transcripts of those interviews.

In 1992, while I served as Chair of the YWCA of Northwest Louisiana's Celebration of Women Week, I was interviewed for an article in the Shreveport Times. I do not have a copy of the transcript of that interview.

In 1989, after I received the Louisiana State Bar Association's Outstanding Young Lawyer Award, I recall the Shreveport Times doing a profile of me for which I was interviewed but I do not have a copy of the transcript of that interview.

Craig Lewis, "Time is Money: The Business of Law," Shreveport Business, Nov. 1986. 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 any judicial offices.

- 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 held any judicial offices.

- 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.

Downtown Shreveport Development Corporation
Board Member, Secretary (1988)
Appointed by the Mayor of the City of Shreveport and confirmed by the City Council

Shreveport Mayor's Women's Commission, 1992 – 1996
Appointed by the Mayor of the City of Shreveport

Louisiana Department of Environmental Quality Transition Team, Governor
Kathleen Blanco, 2003 – 2004
Appointed by Governor Kathleen Blanco

I have had no 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.

Between 1992 and 2008, I did occasional work for Democratic presidential
campaigns, such as phone banking and being a poll watcher. In the 1992 and
1996 campaigns, I performed voter protection work.

In Senator Mary Landrieu's campaigns for the U.S. Senate in 1996, 2002 and
2008, I did volunteer work as a poll watcher and provided voter protection work.
I provided legal services to Senator Landrieu in the election contest filed against
her after her 1996 campaign.

I recall being listed on event host committees for the following candidates:

Ravi Sangisetty for the U.S. House of Representatives, 2010
Caroline Fayard for Lieutenant Governor of Louisiana, 2010
Mitch Landrieu for Mayor of New Orleans, 2010
Mary Landrieu for U.S. Senate, 2008
Paul Carmouche for U.S. House of Representatives, 2008
Foster Campbell for Governor of Louisiana, 2007
Neil Abramson for Louisiana House of Representatives, 2007
Mary Landrieu for U.S. Senate, 2002
Mary Landrieu for U.S. Senate, 1996
Mary Landrieu for Governor, 1995
Foster Campbell for U.S. House of Representatives, 1990
Troy Bain for U.S. House of Representatives, 1988

I recall participating in neighborhood canvassing for the following candidates:

John Hussey for Mayor, Shreveport, Louisiana, 1986
Carolyn Whitehurst for City Council, Shreveport, Louisiana, 1986

I have never held a paid position with a political campaign or political entity.

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 served as a law clerk to Chief Judge Henry A. Politz, United States Court of Appeals for the Fifth Circuit, from August 1980 to June 1981.

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

I have never practiced alone.

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

1981 – 2005

Wiener, Weiss & Madison, APC

(also known as Wiener, Weiss, Madison & Howell from 1986 to 1996)

2350 AmSouth Bank Tower

333 Texas Street

Shreveport, Louisiana 71101

Partner (1985 – 2005)

Associate (1981 – 1985)

2005 – present

Phelps Dunbar, L.L.P.

365 Canal Street, Suite 2000

New Orleans, Louisiana 70130

Partner (2009 – present)

Counsel (2005 – 2008)

- 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.

After clerking for Judge Henry Politz, I joined a business law firm in Shreveport, Louisiana. I practiced there for 25 years focusing on complex civil litigation in state and federal courts. My areas of practice included ownership of minerals, disputes with respect to oil and gas operations, real property disputes and construction law disputes. The indigent defender office in Shreveport appointed private lawyers to represent criminal defendants to avoid conflicts. Over the years, I represented approximately 8 criminal defendants after appointment by the court under this system. I was also retained counsel for a criminal defendant in a federal case involving gaming and bookmaking.

In 2005 I relocated to New Orleans, Louisiana and joined a large Southeastern regional law firm and continued to focus on complex civil litigation. Hurricane Katrina occurred shortly after my move to New Orleans and I have spent much of the years since then involved in post-Katrina litigation. Most significantly, I represented the State of Louisiana in litigation involving the failure of the roof of the Louisiana Superdome in a case that lasted almost four years and was successfully resolved on the eve of trial. I also represent the State of Louisiana in lawsuits involving deaths at Memorial Medical Center and St. Rita's Nursing Home. Now that these suits are concluded or winding down, I am focusing on claims against directors and officers of banks closed by the Federal Deposit Insurance Corporation. I also represent an insurer of homebuilders in the Chinese Drywall Multi-District Litigation pending in the United States District Court for the Eastern District of Louisiana.

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

Over the years I have represented a wide variety of business and non-profit clients. In the thirty or so years of my practice, to the extent my work was concentrated in any one area it was centered on mineral law and real property. My typical clients were independent oil and gas producers and operators, as well as private and public landowners.

From 2006 through 2010 I spent most of my time representing the State of Louisiana in litigation involving the failure of the roof of the Louisiana Superdome during Hurricane Katrina. In 2011 I am representing the Federal Deposit Insurance Corporation with respect to claims against officers, directors and professionals in connection with failed banks. I am also representing homebuilders who built or repaired homes post-Katrina and unknowingly installed problematic Chinese drywall.

- 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.

Approximately 75 % of my practice has been in commercial litigation. Because of the nature of complex litigation, the cases ordinarily take years to advance through discovery and pre-trial exception and motion practice. This ordinarily results in infrequent trial appearances but frequent appearances for arguments and hearings. From 2006 through 2010, I appeared in court monthly and sometimes more often for hearings on discovery disputes, motions for summary judgment, and various exceptions.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 50% |
| 2. state courts of record: | 50% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 95% |
| 2. criminal proceedings: | 5% |

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

I have tried five cases to final decision, one of which involved three separate bifurcated trials. I was sole counsel for my client in four cases and chief counsel for my client in one case.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 20% |
| 2. non-jury: | 80% |

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

I have not practiced before the Supreme Court of the United States.

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

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *Louisiana Stadium Exposition District v. BFS Diversified*; Suit No. 2006-8927; Civil District Court for the Parish of Orleans, State of Louisiana; 2006 – 2010.

This litigation was the result of the catastrophic failure of the roof of the Louisiana Superdome during Hurricane Katrina. We represented the State of Louisiana and the insurer of the New Orleans Saints against the designers, manufacturer, suppliers and installers of the roof. The failure of the roof resulted in water intrusion that destroyed the entire interior of the facility causing over \$200,000,000 in damages. The case was litigated against fifteen defendants and took three and a half years to resolve. The numerous motions for summary judgment dealt generally with the design standards required for a unique structure such as the Louisiana Superdome constructed in a hurricane prone area, the standard of liability for the designers of the roof and whether the design was defective, the suitability of the roofing system manufactured and sold by Bridgestone Firestone for installation on the Superdome, the existence and terms of express and implied warranties, and the applicability of the Public Works Act. We eventually negotiated very favorable settlements with all defendants in the weeks prior to trial. I took the lead position in pre-trial discovery and trial preparation, including taking over 100 depositions of fact witnesses and approximately 25 expert witness depositions; identifying and working with plaintiffs' expert witnesses to gather and review the evidence and develop an effective deposition and trial strategy; handling all pre-trial discovery and developing a document management system for over one million documents; and researching and drafting extensive pre-trial exceptions and motions. The Honorable Rosemary Ledet presided.

I was one of two lead attorneys of record from my firm. The other lead attorney was Brent B. Barriere, Esq., Phelps Dunbar, L.L.P., 365 Canal Street, Suite 2000, New Orleans, LA 70130, (504) 566-1311. We represented the Louisiana Stadium Exposition District, the State of Louisiana, and St. Paul Travelers Insurance Company, as subrogee for the Louisiana Saints and SMG.

Co-counsel for the Louisiana Stadium Exposition District was Larry M. Roedel, Esq., Roedel, Parsons, Koch, Blache, Balhoff & McCollister, 8440 Jefferson Highway, Jefferson-Brentwood Building, Suite 301, Baton Rouge, LA 70809, (225) 341-4373.

Co-counsel for the State of Louisiana was Robert Harroun, Louisiana Department of Justice, Office of the Attorney General, 1885 North Third Street, Baton Rouge, LA 70802, (225) 326-6365.

Lead opposing counsel were:

Bridgestone Americas Holding, Inc.: Edward F. Kohnke, IV, Esq., Preis & Roy PLC, 601 Poydras Street, Suite 1700, New Orleans, LA 70130, (504) 581-6062.

Rooftech Consultants, Inc.: John A. Stewart, Jr., Esq., Baldwin Haspel Burke & Mayer LLC, 1100 Poydras Street, Floor 22, New Orleans, LA 70163, (504) 569-2900.

Shrenk & Peterson Consulting Engineers, Inc.: Michael A. Patterson, Esq., Long Law Firm, LLP, One United Plaza, Suite 500, 4041 Essen Lane, Baton Rouge, LA 70809, (225) 922-5110.

Professional Service Industries, Inc.: William Perry, Esq., William John Perry, PLC, 44084 Riverside Parkway, Suite 120A, Lansdowne, VA 20176, (571) 252-3518.

Horizon Group of New England, Inc.: Carl J. Hebert, Esq., Preis & Roy PLC, 601 Poydras Street, Suite 1700, New Orleans, LA 70130, (504) 581-6062.

National Fire Insurance Company of Hartford: Gary J. Rouse, Esq., Couhig Partners, LLC, 643 Magazine Street, Suite 300, New Orleans, LA 70130, (504) 588-1288.

State Farm Fire & Casualty Company: Raymond A. Pelleteri, Esq., Pelleteri & Wiedorn, 636 Carondelet Street, New Orleans, LA 70130, (504) 523-2650.

Admiral Building Products, Inc.: Patrick Fanning, Esq., 238 Huey P. Long Street, Gretna, LA 70053, (504) 368-7888.

Arthur Q. Davis: Alan Goodman, Esq., Lemle & Kelleher, Pan American Life Center, 21st Floor, 601 Poydras Street, New Orleans, LA 70130, (504) 586-1241.

JMN Specialties, Inc.: Eric B. Berger, Esq., Lobman, Carnahan, Batt, Angelle & Nader, 400 Poydras Street, Suite 2300, New Orleans, LA 70130, (504) 586-9292.

Eskew-Dumez-Ripple: Paul Andersson, Esq., Leake & Andersson, 1100 Poydras Street, Suite 1700, New Orleans, LA 70130, (504) 585-7500.

United States Fidelity & Guaranty Company: Reed Minkin, Esq., Lugenbuhl, Wheaton, Peck, Rankin & Hubbard, 601 Poydras Street, Suite 2775, New Orleans, LA 70130, (504) 568-1990.

North Carolina Foam Industries: Thomas L. Gaudry, Esq., Gaudry, Ranson, Higgins & Gremillion, 401 Whitney Avenue, Gretna, LA 70054, (504) 362-2466.

Barnhardt Manufacturing Company: Thomas L. Gaudry, Esq., Gaudry, Ranson, Higgins & Gremillion, 401 Whitney Avenue, Gretna, LA 70054, (504) 362-2466.

Tremco, Inc.: S. Gene Fendler, Esq., Liskow & Lewis, One Shell Square, 701 Poydras Street, Suite 6000, New Orleans, LA 70139, (504) 556-4122.

2. *City of Shreveport v. Noel Estate, Inc. and Quinn Red River, LLC*, 41,148 (La. App. 2 Cir. 9/27/06), 941 So. 2d 66, *cert. denied*, 2006-2774 (La. 1/26/07), 948 So. 2d 171; approximately 1990 – 2007.

In 1987, the City of Shreveport expropriated the Quinn family's lands at the intersection of the Red River and Cross Bayou in downtown Shreveport for the construction of the northern extension of a parkway. Ownership of the land and adequacy of compensation were at issue. The facts were incredibly complicated as the expropriated lands were located in subdivisions dedicated around 1905 but with streets that were never built, were inhabited at times by squatters, and were, at one time, covered and then uncovered by the waters of the adjacent Red River. Furthermore, the property had been acquired by the Quinns lot-by-lot over a number of years from many individual landowners. Finally, the City filed seventeen different expropriation actions naming multiple and overlapping defendants in each. Three trials were held (ownership of land taken, ownership of land damaged and compensation). My client prevailed at all three trials and on appeal. I was lead counsel in this case and was responsible for all aspects of the litigation. The trial judge was the Honorable Scott Crichton. The judges on the Second Circuit Court of Appeal were the Honorable Henry Brown, the Honorable Harmon Drew and the Honorable Larry Lolley.

I was chief counsel of record for Quinn Red River, LLC.

My co-counsel was Mark L. Hornsby, now a United States Magistrate Judge for the Western District of Louisiana. Magistrate Hornsby's current address is United States District Court Western District of Louisiana, 300 Fannin Street, Suite 1167, Shreveport, LA 71101, (318) 676 3265.

Opposing counsel were Charles G. Tutt and C. Gary Mitchell, both of whom represented the City of Shreveport. Mr. Tutt's address is 920 Pierremont Road, Shreveport, LA 71106, (318) 868-6633. Mr. Mitchell's address is 509 Milam Street, Shreveport, LA 71101, (318) 425-8155.

3. *Succession of Heck v. Amoco Prod. Co. and IP Petroleum Co., Inc.*, 2002-0448 (La. App. 1 Cir. 7/23/03), 852 So. 2d 1 (Table-Not reported); Case number 417,938, 19th Judicial District Court; East Baton Rouge Parish, Louisiana; 1995 – 2004.

The heirs of Mr. Heck brought suit against Amoco Production Company and IP Petroleum Co., Inc. claiming ownership of minerals underlying lands in the Tuscaloosa Trend. The heirs sought payment of past due royalties, interest, penalties and attorneys' fees. The litigation stemmed from a dispute over the proper interpretation of a mineral royalty deed executed in 1981. The Hecks contended that the deed conveyed their interest in production from only one well and that they retained the right to receive royalties on production from other wells in a reservoir-wide unit in the Tuscaloosa Trend. Amoco and IP contended that the deed conveyed the Heck interest in the entire

unit. The trial court judge granted summary judgment in favor of the Hecks, finding the Hecks were the owners of the mineral interest. Following a trial on damages, the trial judge held that the Hecks were entitled to over \$15,000,000 in damages. On appeal, the First Circuit Court of Appeals reversed the trial judge and ruled in my client's favor and remanded the case. The parties settled the matter favorably to my client after the remand. I was responsible for pre-trial discovery, trial preparation and trial of this matter. The trial court judge was the Honorable Janice Clark. The judges at the First Circuit Court of Appeal were the Honorable Vanessa Whipple, the Honorable Burrell J. Carter, and the Honorable Phillip C. Ciaccio.

I was sole counsel of record for IP Petroleum Co. Inc.

My co-counsel was James A. Barton, III who represented Amoco Production Company. Mr. Barton's address is 34 Glen Loop, Covington, LA 70435, (985) 871-8095.

Principal opposing counsel was Rudolph Estess, Jr. who represented the heirs of Mr. Heck. Mr. Estess' address is 5317 Trents Place, Baton Rouge, LA 70817, (225) 757-0696.

4. *Mathews v. Hixson Bros. Inc. and Central State Life Ins. Co.*; Suit No. 196,044; 9th Judicial District Court; Rapides Parish, Louisiana; 1999 – 2007.

Mrs. Mathews was the class representative for a class consisting of heirs and beneficiaries of decedents who purchased funeral benefits policies from Kilpatrick Life Insurance Company and who went to Hixson Brothers Funeral Home to make funeral arrangements. The benefits owed to the plaintiffs under the policies were at issue.

The first trial court judge (the Honorable Harry Randow) certified a class and his certification was upheld by the Third Circuit Court of Appeals. After Judge Randow recused himself, the Honorable Rae Swent stayed the case pending the Louisiana Supreme Court's ruling on the constitutionality of Act 589 of 2005 that dealt with benefits owed under funeral benefits policies. I submitted an amicus brief in the Supreme Court on behalf of Kilpatrick Life Insurance Company in that proceeding. The Louisiana Supreme Court's ruling was favorable to my client as the court held that funeral benefits policies of the type at issue in my client's case clearly and unambiguously limited the benefits owed to the dollar amount of coverage identified on the face of each policy. *Sims v. Mulhearn Funeral Home, Inc.*, 2007-0054 (La. 5/22/07), 956 So. 2d 583.

I was chief counsel of record for Kilpatrick Life Insurance Company, successor to Central State Life Insurance Company, and was responsible for all phases of this proceeding.

My co-counsel were Russell L. Potter and Andrew P. Texada who represented Hixson Brothers Funeral Home. The address for Mr. Potter is 1000 Windermere Boulevard, Alexandria, LA 71303, (318) 487-4910. The address for Mr. Texada is 5205 South Germain Boulevard, Alexandria, LA 71303, (318) 443-6304.

Opposing counsel were Robert John Diliberto and Linda S. Harang who represented the plaintiffs. The address for Mr. Diliberto is 3636 S-I 10 Service Road, Metairie, LA 70001, (504) 828-1600. The address for Ms. Harang is 5817 Citrus Boulevard, Suite H, Jefferson, LA 70123, (504) 734-2486.

5. *Hankamer v. Angelina Hardwood Lumber Co.*; Suit No. 89-5814-A; 14th Judicial District Court; Calcasieu Parish, Louisiana; 1992 – 2002.

The Hankamers filed a declaratory judgment action claiming that they had retained the ownership of minerals on a tract they sold to Angelina Hardwood Lumber Company in Calcasieu Parish. Angelina Hardwood Lumber Company argued that the Hankamers had lost ownership of the minerals through the passage of time because the property was divided into separate tracts by the existence of navigable bodies of water the bottoms of which were owned by the State of Louisiana. As a result, Angelina argued that the Hankamers failed to preserve their right to the minerals by drilling a well on each separate tract prior to the end of the ten year period allowed under Louisiana law. I was responsible for historical research and locating and interviewing witnesses knowledgeable about the property at issue and identifying and working with expert witnesses, including geographers, hydrologists and archeologists, to establish that the streams crossing the property were remnants of the Sabine River and therefore were capable of being used in commerce, i.e., were navigable, at the time Louisiana became a state. I took over 30 depositions of lay witnesses and over 15 depositions of expert witnesses. I also was responsible for researching, drafting and arguing pretrial discovery and dispositive motions. On the eve of trial, we negotiated a settlement for Angelina whereby my client received a substantial portion of the proceeds in the registry of the court, as well as future production. The judge was the Honorable Gregory D. Lyon.

I was chief counsel of record for Angelina Hardwood Lumber Company. My co-counsel of record was Larry Feldman, Jr. Mr. Feldman's address is McGlinchey Stafford, PLLC, 601 Poydras Street, 12th Floor, New Orleans, LA 70130, (504) 596-2887. (Mr. Feldman is my husband.)

Chief opposing counsel of record were Philip N. Asprodites, who represented the plaintiffs, and Robert L. Cables, who represented Union Oil Co. of California. Mr. Asprodites' address is 300 Catron Street, Suite B, Santa Fe, New Mexico 87501, (505) 629-4647. Mr. Cables' address is 101 La Rue France, Suite 200, Lafayette, LA 70508, (337) 232-3929.

6. *Miss Universe, Inc. v. Pitts*, 714 F. Supp. 209 (W.D. La. 1989); 1989.

Miss Universe, Inc. filed suit against the defendants alleging violation of trademark and trade name statutes and seeking a preliminary injunction against the defendants from using the names "Mrs. USA, Mrs. Universe and/or Mrs. [State or Locality] USA." In the early 1980s, Mr. Pitts began hosting preliminary pageants to the Miss Universe pageant, with the appropriate licensing agreements. Mr. Pitts hosted his first

unauthorized pageant when he held the first and only Mrs. Louisiana USA pageant in 1988. The court held that Mr. Pitts' use of the name Mrs. Louisiana USA was an infringement of Miss Universe, Inc.'s registered marks. The court granted an injunction against the use of the name, finding that its use was likely to create confusion and cause irreparable harm and that Miss Universe, Inc. had established that it was likely to prevail on the merits at trial. I was responsible for witness identification, interviews and preparation for testifying at the trial on the injunction. In addition, I participated in research and drafting pre-trial and appeal briefs. The trial court judge was the Honorable Thomas Stagg.

I was co-counsel for Miss Universe, Inc.

Principal co-counsel was Michael A. Cardoza who also represented Miss Universe, Inc. He currently serves as Corporation Counsel of the City of New York and his contact information is 100 Church Street, New York, NY 10007, (212) 788-0303.

Principal opposing counsel was E. Ray Kethley who represented the defendant. His contact information is 6121 Line Avenue, Shreveport, LA 71106, (318) 868-1928.

7. *United States v. Regents of the Univ. of Cal. and the Biomedical Research Found. of Nw. La.*, 363 F.3d 398 (5th Cir. 2004); 2001 – 2004.

The relator filed a *qui tam* action on behalf of the United States in the District Court for the Northern District of California alleging violation of the False Claims Act. The United States Government eventually declined to intervene. After discovery and depositions, the court dismissed the action against the Regents of the University of California and transferred the claim against my client to Louisiana. The suit ultimately was dismissed in Louisiana. On appeal, the Fifth Circuit held that the California court and the Louisiana court acted appropriately. The Fifth Circuit found that the Regents are an arm of the state and that the False Claims Act does not provide a cause of action against state agencies. The Fifth Circuit also found that the Louisiana court did not abuse its discretion in dismissing the action filed against the Biomedical Research Foundation of Northwest Louisiana because the complaint failed to plead fraud with specificity and that the trial court was not obligated to give the relator additional time to file amended pleadings. I was responsible for investigation of witnesses and location of documents, pre-trial discovery and depositions, and research and drafting of trial and appeal memoranda and briefs filed on behalf of my client. I also participated in oral argument at the Fifth Circuit. The trial judge was the Honorable Thelton E. Henderson. The judges at the Fifth Circuit were the Honorable Emilio M. Garza, the Honorable Harold R. DeMoss and the Honorable Joy Clement.

I was lead counsel for the Biomedical Research Foundation of Northwest Louisiana.

My co-counsel was Malcolm A. Heinicke who represented the Regents of the University of California. His contact information is Munger Tolles & Olsen, 560 Mission Street, # 27, San Francisco, CA 94105, (415) 512-4000.

Principal opposing counsel was Brian Clay Leighton who represented the relator. His contact information is 701 Pollasky Avenue, Clovis, CA 93612, (559) 297-6190.

8. *Birdwell v. Jeffery*, 486 So. 2d 1094 (La. App. 4th Cir. 1986); 1984 – 1986.

Mr. Birdwell sued his two sisters and the children of a deceased brother to partition by licitation, i.e., sale, property located in Bossier Parish. My client agreed that two lots in Bossier City should be partitioned by sale but contested the partition of the 40 acre tract, a family homestead, by sale. The trial court found for Mr. Birdwell and held that the property could not be divided in kind because there was no road frontage and a division in kind would require a servitude of passage on one of the lots, causing an inconvenience and a loss in value to the owner of one tract. The Second Circuit Court of Appeal reversed the trial court, finding that partition in kind is favored and that Mr. Birdwell had failed to establish that the property could not be divided in kind. The appellate court found that the map produced by my client's appraiser showed a dirt road traversing the entire tract such that the trial court's finding that there was no access to the property was in error. Furthermore, the appellate court found that there was insufficient evidence that improvements and timber on the property made it indivisible in kind. I was responsible for all phases of this litigation. The trial court judge was the Honorable Cecil P. Campbell, II. The judges at the Second Circuit Court of Appeal were the Honorable Fred W. Jones, the Honorable Fred Sexton, and the Honorable Charles Lindsay.

I was sole counsel for one of the defendants, Ms. Middleton.

Sam A. Smith was counsel for Mr. Birdwell. His contact information is 1611 Jimmie Davis Highway, Bossier City, LA 71112, (318) 742-4713.

9. *In Re: Chinese-Manufactured Drywall Prods. Liab. Litig.*; MDL No. 2047; United States District Court for the Eastern District of Louisiana; 2010 – present.

On June 15, 2009, the Judicial Panel on Multi District Litigation transferred actions filed by homeowners in various United States District Courts to the District Court for the Eastern District of Louisiana. At least five omnibus complaints, and numerous individual actions, are pending in the MDL with respect to thousands of homes across the Southeastern part of the United States. Hundreds of manufacturers, distributors, homebuilders and installers have been named as defendants. Active hurricane seasons in the Southeast led to a shortage of domestic drywall. Suppliers turned to imported Chinese drywall to meet repair and rebuilding needs. Unfortunately, the drywall imported from China has been blamed for damage to homes in which it was installed. I have been actively involved in the litigation representing State Farm and its insureds monitoring discovery, creating and populating our electronic database, drafting cross-claims and, where appropriate, motions to dismiss. The Honorable Eldon E. Fallon is presiding.

I am one of two lead attorneys of record from my firm. The other lead attorney is Brent B. Barriere, Esq., Phelps Dunbar, L.L.P., 365 Canal Street, Suite 2000, New Orleans,

LA 70130, (504) 566-1311. We represent State Farm Ins. Co., as insurer for defendant homebuilders in Louisiana, Mississippi and Florida.

Plaintiffs Liaison Counsel is Russ Herman. The attorney in his office with whom I have had the most contact is Leonard Davis. His contact information is Herman, Herman, Katz & Cotlar, 820 O'Keefe Avenue, New Orleans, LA 70113, (504) 581-4892.

Defendants Liaison Counsel is Kerry Miller. His contact information is Frilot, LLC, 1100 Poydras Street, Suite 3700, New Orleans, LA 70163, (504) 599-8194.

Homebuilders and Installers Liaison Counsel is Phillip Wittman. His contact information is Stone Pigman Walther Wittman, 546 Carondelet Street, New Orleans, LA 70130, (504) 581-3200.

10. *Rosenstein v. Eastern Mushroom Mktg. Coop., Inc.*; Suit No. 06-00620; United States District Court for the Eastern District of Pennsylvania; 2006 – present.

The plaintiffs are a class of direct purchasers of agaricus mushrooms in a class action filed against a mushroom cooperative and the members of the cooperative. The plaintiffs allege that the defendants engaged in price fixing and the suppression of competition in violation of the antitrust laws of the United States. The trial court granted my client's motion for summary judgment, holding that the mushroom cooperative is not entitled to antitrust immunity under the Capper-Volstead law because one of its members is not a grower. The case is now on appeal to the United States Court of Appeals for the Third Circuit. I am responsible for gathering and analyzing Associated Grocer's invoices and other records to establish first-purchaser status and damages, for investigation and deposition of certain members of the cooperative, and for researching and drafting certain portions of trial and appellate memoranda and briefs. The trial court judge is the Honorable Thomas O'Neill, Jr.

I am one of two lead attorneys of record from my firm. The other lead attorney is Brent B. Barriere, Esq., Phelps Dunbar, L.L.P., 365 Canal Street, Suite 2000, New Orleans, LA 70130, (504) 566-1311. We represent Associated Grocers, Inc., class representative, and Robert Grocers.

Lead co-counsel is Bruce Gerstein, Garwin Gerstein & Fisher, 1501 Broadway, Suite 1416, New York, NY 10036, (212) 398-0055.

Principal opposing counsel is William A. Destefano, Buchanan, Ingersoll, Rooney PC, 50 South 16th Street, Suite 3200, Philadelphia, PA 19103, (215) 665-3887.

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.)

Legal Activities:

International Paper Divestiture: From 2005 until 2007, I represented International Paper with respect to mineral issues involved in its divestiture of hundreds of thousands of acres of its real property in North America.

Louisiana District Court Rules: I have served as Chair of the Louisiana Supreme Court's Court Rules Committee since 1997. My work with the Joint Committee from 1997 to 2002 resulted in a set of statewide trial court rules being drafted and ultimately adopted and implemented by the Louisiana Supreme Court. The Louisiana District Court Rules were adopted by the Supreme Court and put in practice in 2002. The Committee continues to revise and update the District Court Rules and to educate the bench and the bar on this important topic. I spend many hours speaking at judicial conferences and continuing legal education seminars and meeting with lawyers and judges from all over the state to continue to improve the content of the District Court Rules and compliance with the Rules. I have invested well over a thousand hours in this project.

Lobbying Activities:

Bossier Parish Police Jury (2005 – 2010). My activities included assisting with the incorporation of, gaining tax-exempt status for, and construction of a facility for the Cyber Innovation Center, a Louisiana non-profit corporation located in Bossier City, Louisiana. I assisted Bossier Parish in preparing requests for federal funding for research and development activities at the Cyber Innovation Center, work-force training for cyber activities at the Center, and requests for funding for transportation projects.

Caddo Parish Commission (2007 – 2010). I also assisted Caddo Parish in promoting educational opportunities and workforce development for cyber-related activities at Barksdale Air Force Base and at the Cyber Innovation Center. In addition, I assisted Caddo Parish in preparing requests to Louisiana's Congressional delegation for funding for water projects and transportation projects.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

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

customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

I have no plans, commitments, or agreements to pursue outside employment.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My husband, Larry Feldman, Jr., is a partner in the law firm of McGlinchey Stafford PLLC in New Orleans, Louisiana. If confirmed, I will recuse myself from any case in which he appears as an attorney.

As to all other potential conflicts – including in cases where former clients and other attorneys with whom I have had a prior relationship are involved – I would abide by the Code of Conduct for United States Judges and recuse myself and/or disclose relationships as appropriate.

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

If confirmed, I will carefully review and address any real or potential conflicts in accordance with the Code of Conduct for United States Judges and recuse myself where necessary and/or disclose relationships as appropriate to the parties. I will

endeavor at the outset of each case to identify any potential conflict or appearance of conflict. I will also seek the advice of colleagues and the Judicial Conference as needed in handling such conflict or appearance of conflict.

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.

Louisiana District Court Rules

I have chaired the Louisiana Supreme Court's Court Rules Committee since 1997. My work with this Committee from 1997 to 2002 resulted in a set of statewide trial court rules being drafted and ultimately adopted and implemented by the Louisiana Supreme Court. As Chair of this Committee, I worked with the Louisiana State Bar Association Access to Justice Director Monte Mollere, Louisiana Legal Services Corporations, and local pro bono projects to develop a standard *In Forma Pauperis* affidavit to be used in all Louisiana trial courts. I am now working with the Supreme Court's Pro Se Litigant Task Force to ensure that the Louisiana District Court Rules are accessible to self-represented parties, that they are written in the clearest and easiest to understand language possible, and that explanations are provided that will be of assistance to self-represented parties. Over the last thirteen years I have spent over one thousand hours on the District Court Rules. I continue to expend approximately 100 hours a year on this project.

Post-Katrina Activities

After the devastation of Hurricanes Katrina and Rita, I assisted in forming the Katrinarita Gras Foundation and acquiring 501(c)(3) tax-exempt status for the organization. The Foundation raises funds to assist needy individuals in Louisiana and the Gulf South region. I estimate that I devoted approximately 30 hours to this activity.

Domestic Violence Issues

During the time that I was a Board member and President of the YWCA of Northwest Louisiana, the YWCA operated a shelter for battered women and their children. I developed a standard form for requesting restraining orders and ensured that local clerks of court made the form available to women requesting help. I also served from 1994 until 1997 on a Domestic Violence Task Force created by the Shreveport Police Department.

Pro Bono Cases

I am a volunteer for the New Orleans Pro Bono Project. Most significantly, during 2010 I represented the Community Center of St. Bernard in an eviction proceeding brought against it. I was successful in getting additional time for the Community Center to stay in

the premises and securing them the right to remove more of their property from the premises. I spent approximately 35 hours on this representation.

I have now accepted another assignment from the New Orleans Pro Bono Project, representing a homeowner on a fixed income in negotiations with her mortgage company, over recent excessive increases in her escrow obligations. I have just begun this representation.

I also am a volunteer at the Homeless Experience Legal Protection (“HELP”) program to assist the homeless at the Ozanam Inn and at the St. Joseph’s/Father Harry Tompson Center. Volunteers go to homeless shelters on a monthly basis to assist residents with legal problems. I estimate that I have devoted approximately ten hours to this activity thus far.

Miscellaneous

I have participated in various Law Day programs, “ask a lawyer” call-in programs for consumers, and judged moot court and other advocacy training programs for high school students. I also organized the first annual Easter Party for children in the YWCA’s shelter for battered women and children.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In February 2009, I wrote to Senator Mary Landrieu requesting consideration for nomination to a seat on the United States District Court for the Eastern District of Louisiana. I met with Senator Landrieu in New Orleans during June 2009 to discuss my interest in this seat. Senator Landrieu eventually recommended another candidate for this position.

In June 2010, I again wrote to Senator Landrieu requesting consideration for a nomination to the Eastern District of Louisiana in light of the fact that another seat was open on the bench. In July 2010, I was interviewed by three representatives of Senator Landrieu regarding my background and qualifications. In October 2010 I was interviewed by Senator Landrieu in New Orleans. In December 2010 I had a telephone conversation with Senator Landrieu during

which she informed me that my name had been submitted to the White House as a finalist for one of the open judicial positions in the Eastern District of Louisiana.

Since February 14, 2011, I have been in contact with pre-nomination officials at the Department of Justice. On March 17, 2011, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On June 7, 2011, the President submitted my nomination to the Senate.

There is no judicial selection commission in Louisiana.

- 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, Donna Sue Morgan, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

June 6, 2011
(DATE)

Donna Sue Morgan
Donna Sue Morgan

Stephanie Villagomez Lemoine
(NOTARY)



STEPHANIE VILLAGOMEZ LEMOINE
NOTARY PUBLIC, ID #88295
STATEWIDE JURISDICTION
MY COMMISSION IS FOR LIFE