

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Elizabeth Lee Branch. My nickname is Lisa Branch.

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

United States Circuit Judge for the Eleventh Circuit

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.

Court of Appeals of Georgia
47 Trinity Avenue, Southwest
Suite 501
Atlanta, Georgia 30334

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

1968; Atlanta, Georgia

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.

1991 – 1994 Emory University School of Law, J.D., 1994

1986 – 1990 Davidson College, B.A. in English, 1990

1988 Hollins College Abroad, Paris, France, September to December 1988, No degree received (it was a semester abroad program)

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.

2012 – Present

Court of Appeals of Georgia
47 Trinity Avenue, Southwest
Suite 501
Atlanta, Georgia 30334
Judge

2008 – 2012
Smith, Gambrell & Russell, LLP
1230 Peachtree Street, Suite 3100
Atlanta, Georgia 30309
Partner

2005 – 2008
Office of Information and Regulatory Affairs
U.S. Office of Management and Budget
Washington, D.C. 20503
Special Assistant to the Administrator, 2005 – 2006
Counselor to the Administrator, 2006 – 2008

2004 – 2005
Office of the General Counsel
U.S. Department of Homeland Security
Washington, D.C. 20528
Associate General Counsel for Rules and Legislation

1996 – 2004
Smith, Gambrell & Russell, LLP
1230 Peachtree Street, Suite 3100
Atlanta, Georgia 30309
Associate, 1996 – 2002
Partner, 2003 – 2004

1994 – 1996
U.S. Court for the Northern District of Georgia
75 Spring Street, Southwest
Atlanta, Georgia 30303
Judicial clerk to the Honorable J. Owen Forrester

Summer 1994
Smith, Gambrell & Russell, LLP
1230 Peachtree Street, Suite 3100
Atlanta, Georgia 30309
Summer law clerk

Summer 1993
Smith, Gambrell & Russell, LLP

1230 Peachtree Street, Suite 3100
Atlanta, Georgia 30309
Summer law clerk

Summer 1993
Jones Day
1420 Peachtree Street, Suite 800
Atlanta, Georgia 30309
Summer law clerk

Summer 1992
Jones Day
1420 Peachtree Street, Suite 800
Atlanta, Georgia 30309
Summer law clerk

1990 – 1991
Emory University School of Law
Office of Career Services
1722 North Decatur Road
Atlanta, Georgia 30322
Career Services Office Assistant

1990
Norrel Services (no longer in business)
3500 Piedmont Road
Atlanta, Georgia 30305
Temporary assistant

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 did not serve in the military. I am female and am 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.

Emory Law 100 Alumni Award, 2017

Georgia Super Lawyers, 2012

Emory University School of Law

Graduated With Distinction, 1994
Order of the Coif, 1994
Henry Quillian Prize for Contracts, 1994
Charles E. Watkins, Jr. Merit Scholarship, 1993 – 1994
Emory Law Journal, Notes and Comments Editor, 1993 – 1994

Davidson College
B.A., cum laude, 1990

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, approximately mid-1990s and 2008 to 2017
Annual Homeland Security Law Institute, Vice Chair, 2009 to 2013
Homeland Security Coordinating Committee, Vice Chair, 2009 to 2013
Section of Administrative Law and Regulatory Practice
Homeland Security and National Defense Subcommittee, Co-Chair, 2009 to 2013

Atlanta Bar Association, 2011 to present

Bleckley American Inn of Court
Master, 2012 to present

Court of Appeals of Georgia
Disqualifications and Recusals Committee
Member, 2017 to present
Internal Operating Manual Committee
Member, 2015 to 2017
Chair, 2013 to 2015
Legislation Committee
Member, 2015 to present
Planning, Facilities Management, and Court Security
Chair, 2015 to present
Strategic Planning/Court Futures Committee
Member, 2015 to present
Chair, 2013 to 2015

Federal Bar Association, 2008 to 2012

The Federalist Society for Law and Public Policy Studies, 2001 to present
Atlanta Lawyers Chapter
Board of Advisors, 2012 to present
Executive Board, approximately 2009 to 2012

Georgia Bar Journal
Editorial Board, 2002 to 2004

Georgia Child Support Commission, Commissioner, 2013 to 2017

Judicial Council of Georgia, Administrative Office of the Courts
Standing Committee on Grants, 2017

Lamar American Inn of Court
Master, 2012 to present

Lawyers Club of Atlanta, 2012 to present

Republican National Lawyers Association, approximately 2001 to approximately 2003;
2006 to 2009

State Bar of Georgia
Risk Management and Disaster Preparedness Committee, 2011 to 2012
Wellness Committee, 2015 to present
Physical Wellbeing Subcommittee, Co-Chair, 2015 to present

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Georgia, 1994

I took inactive status from 1994 to 1996 while serving as a judicial clerk to Judge Forrester. 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.

U.S. Supreme Court, 2009

U.S. Court of Appeals for the Eleventh Circuit, approximately late 1990s to 2005 (admission lapsed during my service in Washington, D.C.); 2011 to March 2017 (admission lapsed during my service on the Court of Appeals of Georgia)

U.S. District Court for the Middle District of Georgia, 2008

U.S. District Court for the Northern District of Georgia, 1996

All of the State and Superior Courts of Georgia, 1994

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.

Emory University Board of Visitors, 2015 to present
Executive Committee, 2016 to 2017

Fernbank Museum of Natural History, Corporate Leadership Council, 2010 to 2012

Fulton County Republican Party, Chairman's Council, approximately 2011 to 2012

Georgia Republican Foundation, 2012

National Rifle Association, 2009 to 2014

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

12. Published Writings and Public Statements:

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

“Judge J. Owen Forrester, 1939-2014,” *Emory Lawyer*, Winter 2015. Copy supplied.

“Taking Charge of Your Own Career,” Judge’s Corner, *The YLD Review*, State Bar of Georgia, vol. 54, issue 4, Summer 2013. Copy supplied.

2010 to 2011: I served as one of the editors for *Nonprofit News*, a newsletter published by Smith, Gambrell & Russell, LLP. I have supplied copies of three issues published during my tenure.

Client Alert: “Executive Reimbursement for Personal Flights,” July 22, 2010. Copy supplied.

Client Alert: “DOT and EPA Issue Joint Proposed Rule for Fuel Economy and Greenhouse Gas Emission Standards for Light Duty Vehicles,” October 19, 2009. Copy supplied.

Client Alert: “TSA Finalizes Cargo Screening Rule for Passenger Aircraft,” October 12, 2009. Copy supplied.

Client Alert: “FAA Seeks Public Comment on Potential Rulemaking on Safety Management Systems,” October 7, 2009. Copy supplied.

“Homeland Security: A Corporate Concern,” *Trust the Leaders*, Summer 2009, volume 24. Copy supplied.

“The SAFETY Act: Risk Management for Anti-Terrorism Products and Services,” *Trust the Leaders*, Summer 2009, volume 24. Copy supplied.

Client Alert: “EPA’s Proposed Rule Requiring Mandatory Reporting of Greenhouse Gas Emissions is the First Step in an Expensive Regulatory Program That Will Affect Most Industries,” March 24, 2009. Copy supplied.

Client Alert: “Cargo Security ISF (“10+2”) Rule Takes Effect January 26, 2009,” February 9, 2009. Copy supplied.

Client Alert: “Department of Homeland Security’s Proposed Voluntary Private Sector Preparedness Program,” January 12, 2009. Copy supplied.

Client Alert: “Security Rule Would Burden General Aviation,” December 4, 2008. Copy supplied.

“Managing the Regulatory State: The Experience of the Bush Administration,” 33 *Fordham Urb. L.J.* 953 (2006) (co-author with John D. Graham and Paul R. Noe). Copy supplied.

“Dispute Resolution: When to Take An Alternative Path,” *Trust the Leaders*, Winter 2003, volume 6. Copy supplied.

2002 to 2004: I served as a member of the editorial board for the Georgia Bar Journal for Volume 8 (2002 – 2003) and Volume 9 (2003 – 2004). Archived copies of those volumes are available at:
<https://www.gabar.org/newsandpublications/georgiabarjournal/archive.cfm>.

There are other client alerts that appear on the Smith, Gambrell & Russell, LLP website (not listed here) related to EPA actions that include me as a point of contact. I did not author these client alerts.

- 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.

Georgia Commission on Child Support, Final Report 2014. Copy supplied.

Office of the General Counsel Annual Report 2004, U.S. Department of Homeland Security. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have not issued or provided any such statements and others have not presented such statements on my behalf. However, I have provided legal advice to clients who have made such statements on their own behalf. Additionally, I serve as Commissioner on the Georgia Commission on Child Support and it has made the following legislative proposals to the Georgia General Assembly during my tenure:

2017: Senate Bill 137 (passed) and House Bill 308 for various changes to child support statutes

2016: Senate Bill 64 (passed) and House Bill 264 to repeal administrative legitimation (passed)

2015: Proposed Senate Bill 64 (did not pass) and Proposed House Bill 264 (did not pass) to repeal administration legitimation

2014: Senate Bill 282 (passed) and House Bill 701 for various changes to child

support statutes

I have supplied a copy of each proposal, as well as available news releases and meeting minutes.

- 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.

Since I became a judge, I have spoken to many classes, civic groups, and legal groups each year. I have not always kept notes or information about the presentations. I compiled the list below by reviewing my records and searching publicly available databases, although there may be additional events that I am unable to recall.

August 7, 2017: Panelist, "Court of Appeals of Georgia," Georgia Association of Women Lawyers Leadership Academy. I was one of seven female judges and justices who described our career paths. I have no notes, transcript, or recording. The address is Georgia Association of Women Lawyers, Post Office Box 79308, Atlanta, GA 30357.

June 21, 2017: Speaker, Recognition of Special Guests, Pledge of Allegiance, and Introduction of Max Thelan, Investiture of The Honorable Stephen Louis A. Dillard as Chief Judge of the Court of Appeals of Georgia, Atlanta, GA. Notes supplied. The video is available at <http://www.gaappeals.us/history/dillardinvestiture.php>.

June 10, 2017: Speaker, "Administration of Oath of Office to President Buck Rogers," State Bar of Georgia Annual Meeting, Jekyll Island, Georgia. Because I was called away from the meeting due to a family medical emergency, I was unable to deliver my remarks; Judge Stephen Dillard delivered my remarks on my behalf. Copy supplied.

May 31, 2017: Speaker, "A Day At the Court of Appeals of Georgia," Smith, Gambrell & Russell, LLP Summer Program Event, Atlanta, GA. I discussed my career path and the procedures of the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Smith, Gambrell & Russell, LLP, 1230 Peachtree Street, Suite 3100, Atlanta, GA 30309.

May 15, 2017: Panelist, "Court of Appeals of Georgia," Court of Appeals of

Georgia, Atlanta, GA. Several judges on my court met with Judge Takashi Usukura from Japan to discuss the procedures of the Court of Appeals of Georgia. He was visiting the United States through the Fulton County Superior Court. I have no notes, transcript, or recording. The address is Fulton County Superior Court, 136 Pryor Street C155, Atlanta, GA 30303.

May 12, 2017: Speaker, "Fourteenth Amendment: Transforming American Democracy," Law Day, The Gainesville-Northeastern Bar Association, Gainesville, Georgia. Notes supplied.

April 11, 2017: Speaker, "My Career Path to Becoming a Judge on the Court of Appeals of Georgia," Gainesville Kiwanis Club, Gainesville, GA. Notes supplied.

April 10, 2017: Panelist, "Panel Discussion of Appellate Practice," The University of Georgia School of Law Student Chapter, The Federalist Society for Law and Public Policy Studies. A copy of the moderator's questions supplied. I have no notes, transcript, or recording. The address is University of Georgia School of Law, Student Chapter, The Federalist Society for Law and Public Policy Studies, 225 Herty Drive, Athens, GA 30602.

February 24, 2017: Speaker, "Professionalism: A View from the Bench," Criminal Practice CLE, Institute of Continuing Legal Education in Georgia, Kennesaw State University, Kennesaw, GA. Notes supplied.

February 17, 2017: Panelist, "Georgia Court of Appeals Panel," Gwinnett County General Practice CLE, Institute of Continuing Legal Education in Georgia, Lawrenceville, GA. Notes supplied.

February 9, 2017: Panelist, "Frivolous Appeal Penalties Under Georgia Court of Appeals Rule 15(b)," Abusive Litigation, Institute of Continuing Legal Education in Georgia, Atlanta, GA. Copies of draft questions from moderator supplied. I have no notes, transcript, or recording. The address is Institute of Continuing Education in Georgia, Post Office Box 117210, Atlanta, GA 30368.

February 6, 2017: Panelist, "An Overview of Georgia Appellate Courts: New Jurists, an Expanded Bench, and What it Means Practically," Emory University School of Law, joint program sponsored by the Federalist Society for Law and Public Policy Studies and the American Constitution Society for Law and Policy. Draft questions from the moderator supplied. I have no notes, transcript, or recording. The address is Emory University School of Law, 1301 Clifton Road, Atlanta, GA 30322.

December 8, 2016: Panelist, "A Day with the Judiciary," Georgia Trial Lawyers Association, Leadership Education & Advanced Direction Program. The three Court of Appeals judges on the panel discussed how the Court of Appeals

functions. I have no notes, transcript, or recording. The address is Georgia Trial Lawyers Association, 101 Marietta Street Northwest, Suite 3350, Atlanta, GA 30303.

November 30, 2016: Panelist, "Working in Washington, D.C.: Experiences from the Judicial and Executive Branches," 2016 Legislative Branch CLE. I have no notes, transcript, or recording. The address is Office of the Lieutenant Governor, 240 State Capitol Southwest, Atlanta, GA 30334.

September 22, 2016: Speaker, "Court of Appeals of Georgia," East Cobb Civitan's 30th Anniversary Celebration. I spoke about what my day is like at the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is East Cobb Civitan, 4950 Olde Towne Parkway, Marietta, GA 30068.

September 16, 2016: Panelist, "Georgia Appellate Courts," Law Academy, High School Mock Trial Competition Program. Panelists discussed the procedures of the Court of Appeals of Georgia and the Supreme Court of Georgia. I have no notes, transcript, or recording. The address is Michael Nixon, High School Mock Trial Competition Program, 104 Marietta Street Northwest, Suite 100, Atlanta, GA 30303.

August 15, 2016: Panelist, "Georgia Court of Appeals," Georgia Association of Women Lawyers. Panelists discussed the procedures of the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Georgia Association of Women Lawyers, Post Office Box 79308, Atlanta, GA 30357.

June 1, 2016: Speaker, "A Day At the Court of Appeals of Georgia," Smith, Gambrell & Russell, LLP Summer Program Event, Atlanta, GA. I discussed my career path and the procedures of the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Smith, Gambrell & Russell, LLP, 1230 Peachtree Street, Suite 3100, Atlanta, GA 30309.

February 26, 2016: Panelist, "Professionalism Panel Discussion," Freeman Mathis & Gary, LLP. Panelists discussed the procedures of the Court of Appeals of Georgia and the Supreme Court of Georgia. Draft questions from the moderator supplied. I have no notes, transcript, or recording. The address is Freeman Mathis & Gary, LLP, 100 Galleria Parkway, Suite 1600, Atlanta, GA 30339.

February 17, 2016: Panelist, "Judges Panel," Georgia Attorney General Appellate Advocacy Seminar. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Office of the Georgia Attorney General, Georgia Department of Law, 40 Capitol Square Southwest, Atlanta, GA 30334.

February 10, 2016: Panelist, "Court of Appeals of Georgia," Emory Scholars Program. Panelists discussed the procedures of the Court of Appeals of Georgia

and the Supreme Court of Georgia. I have no notes, transcript, or recording. The address is Emily Fisher, Director of Research and Projects, Government and Community Affairs, Emory University, 1599 Clifton Road Northeast, Fifth Floor, Atlanta, GA 30322.

February 4, 2016: Speaker, "Objections and Perfecting the Record/Proceeding to Trial," Foundations and Objections Update, Institute of Continuing Legal Education in Georgia, Atlanta, GA. Notes supplied.

February 3, 2016: Guest Lecturer, "Effective Brief Writing for the Court of Appeals," Georgia State College of Law, Georgia Appellate Practice. Notes supplied.

December 8, 2015: Panelist (Video Replay), "Frivolous Appeal Penalties Under Georgia Court of Appeals Rule 15(b)" (Part 1), Abusive Litigation, Institute of Continuing Legal Education in Georgia, Atlanta, GA. Video available at <http://www.iclega.org/online/asx/gu38ocbYRdtWhXxZn5wLDzHX.html>. The event is listed at <http://www.iclega.org/programs/9047.html>.

December 1, 2015: Panelist, "Panel on Professionalism," 2015 Legislative Attorneys CLE. Panelist discussed best practices before the Court of Appeals of Georgia. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Office of the Lieutenant Governor, 240 State Capitol Southwest, Atlanta, GA 30334.

October 28, 2015: Panelist, "Judicial Panel Discussion, Nuts and Bolts of Civil Appellate Practice," Institute of Continuing Legal Education in Georgia, Atlanta, GA. Panelists discussed best practices before the Court of Appeals of Georgia. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Institute of Continuing Legal Education in Georgia, Post Office Box 11720, Atlanta, GA 30368.

October 14, 2015: Panelist, "Nuts and Bolts of Georgia Appellate Practice," Emory Law School Student Chapter, The Federalist Society for Law and Public Policy Studies. Panelists discussed best practices before the Court of Appeals of Georgia and the Georgia Supreme Court. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Emory University School of Law, Emory Law Student Chapter, The Federalist Society for Law and Public Policy Studies, 1301 Clifton Road, Atlanta, GA 30322.

July 23, 2015: Speaker, "A Day in the Life of A Judge on the Court of Appeals of Georgia," Marietta Kiwanis Club, Marietta, GA. I spoke about being a judge on the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Kiwanis Club of Marietta, Inc., Post Office Box 3191, Marietta, GA 30061.

June 3, 2015: Speaker, "A Day At the Court of Appeals of Georgia," Smith, Gambrell & Russell, LLP Summer Program Event, Atlanta, GA. I discussed my career path and the procedures of the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Smith, Gambrell & Russell, LLP, 1230 Peachtree Street, Suite 3100, Atlanta, GA 30309.

April 29, 2015: Panelist, "A Day With The Judges," Morehouse-Spelman Pre-Law Society, Atlanta, GA. I spoke about being a judge on the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Spellman College, Pre-Law Society, 350 Spelman Lane Southwest, Atlanta, GA 30314.

April 13, 2015: Guest Lecturer, "State Appellate Practice in Georgia," Federal Criminal Post-Conviction Practice and Procedure, Mercer School of Law. I have no notes, transcript, or recording. The address is Mercer School of Law, 1021 Georgia Avenue, Macon, GA 31207.

March 19, 2015: Speaker, "Georgia Courts," Citizenship in Community Merit Badge Class, Atlanta Boy Scouts, Atlanta, GA. I spoke about being a judge on the Court of Appeals of Georgia and the Georgia court system generally. I have no notes, transcript, or recording. The address is Atlanta Area Council, 1800 Circle 75 Parkway, Atlanta, GA 30339.

March 5, 2015: Panelist, "Panel Discussion on Professionalism: Handling Big Cases" (Part 4), Institute of Continuing Legal Education in Georgia, Atlanta, GA. Video available at <http://www.iclega.org/online/asx/r3g9ngkMCTiiMVEkAn9HPELX.html>.

February 20, 2015: Panelist "Discretionary Relief: Crafting the Best Application on Appeal," Georgia Appellate Practice, Institute of Continuing Legal Education in Georgia, Atlanta, GA. Draft moderator questions including my notes supplied.

February 11, 2015: Speaker, "My Path to the Court of Appeals," Teneo, Atlanta, GA. I discussed my career path. I have no notes, transcript, or recording. The address is Teneo, 2605 West 8th Street, Austin, TX 78703.

February 4, 2015: Panelist, "Frivolous Appeal Penalties Under Georgia Court of Appeals Rule 15(b)" (Part 1), Abusive Litigation, Institute of Continuing Legal Education in Georgia, Atlanta, GA. Video available at <http://www.iclega.org/online/asx/gu38ocbYRdtWhXxZn5wLDzHX.html>.

June 17, 2014: Speaker, "On Being a Judge on the Court of Appeals of Georgia," The Legal Club, The Commerce Club, Atlanta, GA. Notes provided.

June 11, 2014: Panelist, "Judges Panel," Emory Law Summer Program for City University of Hong Kong (program for visiting Chinese judges), Emory University School of Law, Atlanta, GA. Draft moderator questions supplied. I

have no notes, transcript, or recording. The address is Emory University School of Law, 1301 Clifton Road, Atlanta, GA 30322.

May 28, 2014: Speaker, "My War Stories," State Bar of Georgia, Young Lawyers Division, Atlanta, GA. Notes supplied.

May 7, 2014: Speaker, "The Judicial Branch," Presentation to Davis Elementary School Students. I spoke to the students about being a judge on the Court of Appeals of Georgia and Georgia courts generally. I have no notes, transcript, or recording. The address is Davis Elementary School, 2433 Jamerson Road, Marietta, GA 30066.

April 16, 2014: Panelist, "Diversity Panel," Young Lawyers Division Leadership Academy, State Bar of Georgia. Panelists discussed various diversity issues. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Young Lawyers Division, State Bar of Georgia, 104 Marietta Street Northwest, Suite 100, Atlanta, GA 30303.

April 15, 2014: Speaker, "Appellate Judges on Professionalism," Georgia Defense Lawyers Association, Atlanta, GA. Notes supplied.

April 10, 2014: Panelist, "Professionalism," Atlanta Trial Lawyers Association CLE, Atlanta, GA. Panelists discussed best practices before the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Georgia Trial Lawyers Association, 101 Marietta St Northwest, Suite 3350, Atlanta, GA 30303.

March 7, 2014: Speaker, "Professionalism in Georgia Courts," Malpractice Avoidance, Ethics, and Professionalism, Institute of Continuing Legal Education in Georgia, Georgia Public Broadcasting Studio, Atlanta, GA. Notes supplied.

March 4, 2014: Panelist "Appellate Judicial Luncheon," Georgia Public Defender Standards Council, Atlanta, GA. Panelists discussed best practices before the Court of Appeals of Georgia. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Georgia Public Defender Standards Council, 104 Marietta Street Northwest, Suite 600, Atlanta, GA 30303.

February 26, 2014: Speaker, Fundraiser Event, Atlanta, GA. While a candidate for re-election to the Court of Appeals, I had a fundraiser event at Womble Carlyle Sandridge & Rice, LLP. I discussed my candidacy. I have no notes, transcript, or recording. The address is Womble Carlyle Sandridge & Rice, LLP, Atlantic Station 271, 17th Street, Northwest, Suite 2400, Atlanta, GA 30363.

February 25, 2014: Speaker, "Professionalism in the Appellate Practice," Appellate Practice Seminar, Institute of Continuing Legal Education in Georgia, Atlanta, GA. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Institute of Continuing Legal Education in Georgia,

Post Office Box 117210, Atlanta, GA 30368.

February 21, 2014: Panelist, "Court of Appeals Judges," Georgia Federation of Republican Women, Atlanta, GA. Panelists discussed the Court of Appeals of Georgia and our backgrounds. I have no notes, transcript, or recording. The address is Georgia Federation of Republican Women, 5607 Vinings Place Trail, Mableton, GA 30126.

February 11, 2014: Speaker, Fundraiser Event, Augusta, GA. While a candidate for re-election to the Court of Appeals, I had a fundraiser event at The David Bell Law Firm. I discussed my candidacy. I have no notes, transcript, or recording. The address is The David Bell Law Firm, 619 Greene Street, Augusta, GA 30901.

February 6, 2014: Speaker, Fundraiser Event, Atlanta, GA. While a candidate for re-election to the Court of Appeals, I had a fundraiser event at Hall Booth Smith P.C. I discussed my candidacy. I have no notes, transcript, or recording. The address is Hall Booth Smith P.C., 191 Peachtree Street Northeast, Suite 2900, Atlanta, GA 30303.

January 29, 2014: Speaker, "Professionalism," Appellate CLE, Georgia Defense Lawyers Association, Atlanta, GA. I discussed best practices before the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Georgia Defense Lawyers Association, Post Office Box 191074, Atlanta, GA 31119.

January 27, 2014: Speaker, "Professionalism Program," Emory University School of Law, Atlanta, GA. Various speakers provided insight to law students regarding ethical and professional dilemmas. I have no notes, transcript, or recording. The address is Emory University School of Law, 1301 Clifton Road, Atlanta, GA 30322.

January 23, 2014: Speaker, Fundraiser Event, Macon, GA. While a candidate for re-election to the Court of Appeals, I had a fundraiser event hosted by one of the partners at Reynolds, Horne & Survant. I discussed my candidacy. I have no notes, transcript, or recording. The address is Reynolds, Horne & Survant, 6320 Peake Road, Macon, GA 31210.

December 20, 2013: Panelist, "Advice From the Bench: Professionalism and Ethics," Update on Georgia Law, Institute of Continuing Legal Education in Georgia, Augusta, GA. Panelists discussed best practices before the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Institute of Continuing Legal Education in Georgia, Post Office Box 117210, Atlanta, GA 30368.

December 17, 2013: Speaker, Fundraiser Event, Atlanta, GA. While a candidate for re-election to the Court of Appeals, I had a fundraiser event at Greenberg

Traurig LLP. I discussed my candidacy. I have no notes, transcript, or recording. The address is Greenberg Traurig LLP, 3333 Piedmont Road Northeast, Suite 2500, Atlanta, GA 30305.

December 5, 2013: Guest Lecturer, "The Court System in Georgia," Lakeview Academy. I discussed Georgia courts. I have no notes, transcript, or recording. The address is Lakeview Academy, 796 Lakeview Drive, Gainesville, GA 30501.

November 13, 2013: Speaker, Fundraiser Event, Atlanta, GA. While a candidate for re-election to the Court of Appeals, I had a fundraiser event hosted by a partner at Fried Rogers Goldberg LLC. I discussed my candidacy. I have no notes, transcript, or recording. The address is Fried Rogers Goldberg LLC, 3550 Lenox Road Northeast, Suite 1500, Atlanta, GA 30326.

October 24, 2013: Panelist, "Appellate Courts of Georgia," Mercer University School of Law, Federalist Society for Law and Public Policy Studies, Student Chapter, Macon, GA. Panelists discussed the procedures of the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Student Chapter, Federalist Society for Law and Public Policy Studies, Mercer University School of Law, 1201 Georgia Avenue, Macon, GA 31207.

October 18, 2013: Panelist, "The Rule of Law and the Court of Appeals' Role in Our Constitutional System of Government," National Association for Legal Professionals, Atlanta, GA. Notes supplied.

October 15, 2013: Panelist, "How Not to Get Reversed," 2013 Fall Conference, Council of State Court Judges of Georgia, Jekyll Island, GA. Panelists discussed best practices for trial court judges. Notes supplied.

October 4, 2013: Panelist, "Court of Appeals of Georgia," Rockdale County Bar Association, Conyers, GA. Panelists discussed the procedures of the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Rockdale County Bar Association, Post Office Box 426, Conyers, GA 30012.

September 5, 2013: Panelist, "Georgia Courts," Lunch & Learn, Fayette County Bar Association, Fayetteville, GA. Panelists discussed the Court of Appeals of Georgia and the Supreme Court of Georgia. I have no notes, transcript, or recording. The address is Fayette County Bar Association, Post Office Box 390, Fayetteville, GA 30214.

August 23, 2013: Speaker, "Commencement Speech Before the Law Enforcement Academy of the Piedmont Technical College," Atlanta, GA. Copy supplied.

August 7, 2013: Panelist, "Georgia Courts," Lunch & Learn, Fisher & Phillips, Atlanta, GA. Panelists discussed the Court of Appeals of Georgia and the

Supreme Court of Georgia. I have no notes, transcript, or recording. The address is Fisher & Phillips LLP, 175 Peachtree Street Northeast, Suite 3500, Atlanta, GA 30309.

July 25, 2013: Panelist, "Court of Appeals," Lunch & Learn, Balch & Bingham, Atlanta, GA. Panelists discussed the Court of Appeals of Georgia and the Supreme Court of Georgia. I have no notes, transcript, or recording. The address is Balch & Bingham LLP, 30 Ivan Allen Jr. Boulevard Northwest, Suite 700, Atlanta, GA 30308.

June 27, 2013: Speaker, "Court of Appeals," Lunch & Learn, Kilpatrick Townsend, Atlanta, GA. I discussed the procedures of the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Kilpatrick Townsend & Stockton, LLP, 1100 Peachtree Street Northeast, Suite 2800, Atlanta, GA 30309.

June 20, 2013: Moderator, "Homeland Security: Regulatory and Legislative Developments 2013," Eighth Annual Homeland Security Law Institute, American Bar Association, Section of Administrative Law and Regulatory Practice, Washington, D.C. I moderated a panel discussing regulatory and legislative developments in homeland security. I have no notes, transcript, or recording. The address is American Bar Association, 1050 Connecticut Avenue Northwest, Suite 400, Washington, D.C. 20036.

June 12, 2013: Speaker, Fundraiser Event, Atlanta, GA. While a candidate for re-election to the Court of Appeals, I had a fundraiser event at The Commerce Club. I discussed my candidacy. I have no notes, transcript, or recording. The address is The Commerce Club, 191 Peachtree Street Northeast, 49th Floor, Atlanta, GA 30303.

June 11, 2013: Panelist, "Court of Appeals," Lunch & Learn, Smith, Gambrell & Russell, LLP, Atlanta, GA. Panelists discussed the Court of Appeals of Georgia and the Supreme Court of Georgia. Notes supplied.

June 6, 2013: Panelist, "Court of Appeals," Lunch & Learn, Eversheds Sutherland, (US), LLP, Atlanta, GA. The panelists discussed the Court of Appeals of Georgia and the Supreme Court of Georgia. I have no notes, transcript, or recording. The address is Eversheds Sutherland (US), LLP, 999 Peachtree Street Northeast, Suite 2300, Atlanta, GA 30309.

June 5, 2013: Panelist, "Court of Appeals," Justice Benham Legal Summer Camp, Atlanta, GA. The panelists discussed the Court of Appeals of Georgia and the Georgia Supreme Court. I have no notes, transcript, or recording. The address is Justice Robert Benham, Supreme Court of Georgia, 40 Capitol Square Southwest, Suite 507, Atlanta, GA 30334.

May 28, 2013: Speaker, "What is the Court of Appeals of Georgia," Piedmont Technical College Criminal Justice Students, Atlanta, GA. Notes supplied.

May 21, 2013: Panelist, "Judicial Panel," Federalist Society for Law and Public Policy Studies, Atlanta Lawyers Chapter, Atlanta, GA. I have no notes, transcript, or recording. The address is Federalist Society for Law and Public Policy, Atlanta Lawyers Chapter, c/o Frank Strickland, Strickland Brockington Lewis LLP, 1170 Peachtree Street Northeast, Suite 2200, Atlanta, GA 30309.

May 17, 2013: Speaker, "Professionalism: Your Permanent Record," 2013 Solicitor General's Spring Conference, Savannah, GA. Notes supplied.

April 17, 2013: Speaker, "Introducing Judge Lisa Branch," informal group of plaintiffs' attorneys, Atlanta, GA. I discussed being a judge on the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Adam Malone, Malone Law Office, 2 Ravinia Drive, Suite 300, Atlanta, GA 30346.

April 1, 2013: Panelist, "Effective Appellate Advocacy," Bleckley American Inn of Court panel presentation, Atlanta, GA. Draft moderator questions and my notes supplied.

March 28, 2013: Panelist, "Ethical and Professional Dilemmas in Litigation" (Part 4), Institute of Continuing Legal Education in Georgia, Atlanta, GA. Video available at <http://www.iclega.org/online/asx/DQKNDsNdQRY57xQqdK6mssxj.html>

March 26, 2013: Panelist, "Georgia Appellate Litigation from the Judges' Perspectives," Atlanta Bar Association Litigation Section CLE, Atlanta, GA. Panelists discussed the Court of Appeals of Georgia and the Supreme Court of Georgia. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Atlanta Bar Association, 229 West Peachtree Street Northwest, Suite 400, Atlanta, GA 30303.

March 15, 2013: Speaker, "What To Do and What Not to Do on Appeal," Trial and Error, Institute of Continuing Legal Education in Georgia, Atlanta, GA. Notes supplied.

March 1, 2013: Speaker, "Perspectives from the Newest Georgia Appellate Jurists: Observations on Best Practices Before the Georgia Court of Appeals," Georgia Appellate Practice, Institute of Continuing Legal Education in Georgia, Atlanta, GA. Draft moderator questions supplied. I have no notes, transcript, or recording. The address is Institute of Continuing Legal Education in Georgia, Post Office Box 11720, Atlanta, GA 30368.

January 28, 2013: Speaker: "Court of Appeals," Lunch & Learn, Ogletree

Deakins, Atlanta, GA. I discussed the Court of Appeals of Georgia. I have no notes, transcript, or recording. The address is Ogletree Deakins, 191 Peachtree Street Northwest, Suite 4800, Atlanta, GA 30308.

January 11, 2013: Panelist, "Appellate Practice Section Panel Discussion," State Bar of Georgia Mid-Year Meeting, Atlanta, GA. Video available at <https://www.youtube.com/watch?v=i0e3uSXIIIRA>.

September 4, 2012: Speaker, "Appointment to the Georgia Court of Appeals," Atlanta, GA. Video available at <http://www.dailyreportonline.com/id=1202570216447>.

March 29, 2012: Speaker, "What Corporate Counsel Need to Know About the Foreign Corrupt Practices Act," Association of Corporate Counsel, Atlanta, GA. I have no notes, transcripts or recording. The address is Association of Corporate Counsel, 1025 Connecticut Avenue Northwest, Suite 200, Washington, DC 20036.

March 22, 2012: Program Vice Chair and Moderator, "Homeland Security: Regulatory and Legislative Developments 2012," Seventh Annual Homeland Security Law Institute, American Bar Association, Section of Administrative Law and Regulatory Practice, Washington, D.C. I provided opening remarks for the institute and my panel discussed regulatory and legislative developments in homeland security. I have no notes, transcript, or recording. The address is American Bar Association, 1050 Connecticut Avenue Northwest, Suite 400, Washington, D.C. 20036.

March 2, 2011: Program Vice Chair and Moderator, "Homeland Security: Regulatory and Legislative Developments 2011," Sixth Annual Homeland Security Law Institute, American Bar Association, Section of Administrative Law and Regulatory Practice, Washington, D.C. My panel discussed regulatory and legislative developments in homeland security. I have no notes, transcript, or recording. The address is American Bar Association, 1050 Connecticut Avenue Northwest, Suite 400, Washington, D.C. 20036.

October 26, 2010: Speaker, "Introduction of Dr. Jim Carafano," Federalist Society of Law and Public Policy Studies, Atlanta Lawyers Chapter, Atlanta, GA. Copy supplied.

September 23, 2010: Speaker, "Protecting Your Company: Foreign Corrupt Practices Act, Restricted Party Screening, and the SAFETY Act," Financial Executives International, Dallas, TX. Copy supplied.

April 24, 2010: Panelist, Davidson College Class of 1990 20th Reunion, Davidson, NC. I discussed my experience in the Bush Administration. I have no notes, transcript, or recording. The address is Davidson College, 405 North Main

Street, Davidson, NC 28035.

March 3, 2010: Program Vice Chair and Moderator, "Regulatory Developments for 2010," Fifth Annual Homeland Security Law Institute, American Bar Association, Section of Administrative Law and Regulatory Practice, Washington, D.C. My panel discussed regulatory developments in homeland security. I have no notes, transcript, or recording. The address is American Bar Association, 1050 Connecticut Avenue Northwest, Suite 400, Washington, D.C. 20036.

September 3, 2009: Speaker, "Chemical Facility Legislation: Past, Present, and Future," General Counsel's Resource Committee, American Forest & Paper Association, Washington, D.C. Copy supplied.

February 26, 2009: Program Vice Chair and Moderator, "Regulatory Developments for 2009," Fourth Annual Homeland Security Law Institute, American Bar Association, Section of Administrative Law and Regulatory Practice, Washington, D.C. My panel discussed regulatory developments in homeland security. I have no notes, transcript, or recording. The address is American Bar Association, 1050 Connecticut Avenue Northwest, Suite 400, Washington, D.C. 20036.

March 13, 2008: Guest Lecturer, "Office of Information and Regulatory Affairs: Implementing Federal Regulations," 2008 Consortium MBA Seminar for Strategic Leadership on Business and the Public Policy Process, The Washington Campus. I have no notes, transcript, or recording. The address is The Washington Campus, 1150 18th Street Northwest, Suite 400, Washington, DC 20036.

January 22, 2008: Guest Lecturer, "Introduction to Regulatory Analysis in the Public Interest," George Mason University School of Law (now the Antonin Scalia Law School). I discussed regulatory analysis. I have no notes, transcript, or recording. The address is Antonin Scalia Law School, 3301 Fairfax Drive, Arlington, VA 22201.

January 17, 2008: Moderator, "Regulatory Developments for 2008," Third Annual Homeland Security Law Institute, American Bar Association, Section of Administrative Law and Regulatory Practice, Washington, D.C. My panel discussed regulatory developments in homeland security. I have no notes, transcript, or recording. The address is American Bar Association, 1050 Connecticut Avenue Northwest, Suite 400, Washington, D.C. 20036.

October 23, 2007: Guest Lecturer, "The Mission and Function of the Office of Information and Regulatory Affairs," Perspectives on Regulation Seminar, George Mason University School of Law (now the Antonin Scalia Law School). I discussed my experience at the Office of Information and Regulatory Affairs. I

have no notes, transcript, or recording. The address is Antonin Scalia Law School, 3301 Fairfax Drive, Arlington, VA 22201.

January 18, 2007: Moderator, "Regulatory Developments for 2007," Second Annual Homeland Security Law Institute, American Bar Association, Section of Administrative Law and Regulatory Practice, Washington, D.C. My panel discussed regulatory developments in homeland security. I have no notes, transcript, or recording. The address is American Bar Association, 1050 Connecticut Avenue Northwest, Suite 400, Washington, D.C. 20036.

February 23, 2006: Panelist, "Looking Back, Moving Forward: The Future of the Regulatory State," Fordham Urban Law Journal Symposium on the Contemporary Regulatory State, New York, New York. Panelists discussed administrative law issues during the Bush Administration. I have no notes, transcript, or recording. The address is Fordham Urban Law Journal, Fordham University School of Law, 150 West 62nd Street, LL-128, New York, NY 10023.

January 20, 2006: Panelist, "Homeland Security 101: Regulations," First Annual Homeland Security Law Institute, American Bar Association, Section of Administrative Law and Regulatory Practice, Washington, D.C. Panelists discussed regulatory developments in homeland security and how such regulations are reviewed within the Executive Branch prior to publication. I have no notes, transcript, or recording. The address is American Bar Association, 1050 Connecticut Avenue Northwest, Suite 400, Washington, D.C. 20036.

November 19, 2004: Speaker, "Judge J. Owen Forrester," Ceremony Commemorating Senior Status and Portrait Presentation of the Honorable J. Owen Forrester, Senior United States District Court Judge, Atlanta, GA. Transcript 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.

Kerry Mateo, "A Legacy of Law," Emory Lawyer, Spring 2017. Copy supplied.

In 2016, I provided a written quote to Women Looking Ahead Publications on behalf of Dana M. Richens, a former law partner of mine at Smith, Gambrell & Russell, LLP who was being honored at the "Law and Justice Woman of the Year Awards Ceremony." I understand that the following quote appeared in a video used in the ceremony and was attributed to me: "Dana was the head of the summer program when I was a summer clerk and her enthusiasm and sense of humor convinced many of us to join the firm." I was unable to locate a copy of this video.

Alyson M. Palmer, "New Judge says she feels influence of her grandfather's

values,” Fulton County Daily Report, October 11, 2012. Copy supplied.

“A Wildcat on the Bench,” Wildcat Express, October 10, 2012. This is a middle school newsletter published by my alma mater, The Westminster Schools. I have been unable to locate a copy of the newsletter.

“Judge, Lawyer named to Ga. appeals court,” Atlanta Journal-Constitution, July 26, 2012. Copy supplied.

“Lawyers try to keep homeland security in the forefront,” Fulton County Daily Report, March 1, 2010. Copy supplied.

“In the Trenches,” Fulton County Daily Report, February 19, 2004. Copy supplied.

“Ira Genberg: In a League of His Own,” Construction Business Review, vol. 7 no. 2 (1997). Copy supplied.

I participated in several radio interviews on litigation and regulatory topics of general interest sometime between 2009 and 2012. I do not recall the name of the radio program or the host (I believe he was based in Michigan). I have not been able to locate any recordings, transcripts, or other records of these interviews.

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.

2012 – Present: Judge, Court of Appeals of the State of Georgia. This Court is the intermediate appellate court in Georgia and has statewide appellate jurisdiction of all cases except those involving constitutional questions, murder, and habeas corpus where original appellate jurisdiction lies with the Supreme Court of Georgia.

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

Because I have not served as a trial judge, I have not presided over any cases that have gone to verdict or judgment. As a judge on the Court of Appeals of Georgia, I have participated in over 1,500 cases (both as author of an opinion and as a voting judge); roughly 46% in criminal cases and 54% in civil cases.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	0%
civil proceedings:	54%
criminal proceedings:	46%

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

See attached list of cases.

- 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Norwich v. Shrimp Factory, Inc.*, 332 Ga. App. 159 (2013), *cert. denied*, 2015 Ga. LEXIS 555 (Sept. 8, 2015).

I authored the 5-2 majority opinion affirming the trial court's grant of summary judgment in favor of the defendant restaurant in a slip and fall case. In this case, the plaintiff patron of the restaurant, having moments before ascended a platform to access the toilet stall in the women's restroom, fell while descending from that same platform, suffering an ankle injury. In opposing summary judgment, Ms. Norwich introduced affidavits from two experts: an engineer who opined that code violations contributed to her fall and a professor of psychology who testified that physical features of the platform design created an "apparent continuity" between the platform and the floor, thereby causing her fall. We noted that cases involving static defects differ from other slip and fall cases because "when a person has successfully negotiated an alleged dangerous condition on a previous occasion, that person is presumed to have equal knowledge of it and cannot recover from a subsequent injury resulting therefrom." We also noted the cases in which the court had embraced this principle and either distinguished or noted the lack of precedential value of other cases cited by the dissent, which would have reversed the grant of summary judgment.

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2. *Zaldivar v. Prickett*, 328 Ga. App. 359, *rev'd*, 297 Ga. 589 (2015).

I wrote the dissent in this 6-1 opinion. The issue was “whether, pursuant to O.C.G.A. § 51-12-33(c) of Georgia’s apportionment statute, a defendant may ask a jury to determine that a non-party plaintiff’s employer shares a percentage of the fault for the plaintiff’s injuries because the employer negligently entrusted the plaintiff with one of its vehicles.” Mr. Prickett and Ms. Zaldivar collided at an intersection and both were injured. Mr. Prickett, who had been driving a company car, later sued Ms. Zaldivar. Ms. Zaldivar asserted that Mr. Prickett’s employer, a non-party, was wholly or partially at fault because it allowed Mr. Prickett to use its vehicle after receiving several anonymous complaints about his driving. Ms. Zaldivar thus sought to have the trier of fact consider the fault of the non-party when assessing percentages of fault for the accident. Mr. Prickett moved for partial summary judgment on Ms. Zaldivar’s defense of non-party fault and the trial court granted it. The majority held that because Mr. Prickett’s own negligence broke the causal connection between him and his employer based on *Ridgeway v. Whisman*, 210 Ga. App. 169 (1993), “the actions of the plaintiff’s employer did not ‘contribute’ to the plaintiff’s alleged injury or damages,” and O.C.G.A. § 51-12-33(c) is not applicable (thereby affirming the trial court). In my dissent, I argued, among other things, that we should not apply the holding of *Ridgeway* in this context to defeat the plain meaning of the statute and that, instead, we should hold that the trial court erred by dismissing Ms. Zaldivar’s assertion of nonparty fault. The Supreme Court reversed the majority, holding that O.C.G.A. § 51-12-33(c) requires the trier of fact in cases to which the statute applies to “‘consider the fault of all persons or entities who contributed to the alleged injury or damages,’ ... includ[ing] ... every other tortfeasor whose commission of a tort as against the plaintiff was a proximate cause of his injury, regardless of whether such tortfeasor would have actual liability in tort to the plaintiff.” The Supreme Court also concluded that *Ridgeway* is “simply wrong.”

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3. *Georgia-Pacific Consumer Prods., LP v. Ratner*, 323 Ga. App. 203 (2013), *rev'd*, 295 Ga. 524 (2014).

I wrote the dissent in this 4-3 opinion. In this case, four property owners sued Georgia-Pacific for nuisance, trespass, and negligence arising out of releases of hydrogen sulfide gas onto their properties from a nearby plant. The trial court certified a class consisting of 65 additional properties neighboring the plant. The majority affirmed the trial court, noting that it was extensively quoting almost verbatim the analysis of the trial court of the factors required by O.C.G.A. § 9-11-23. In the dissent, I noted that the plaintiffs, having suffered individualized injuries, had failed to demonstrate commonality and typicality. For that reason and others, I argued that the trial court had abused its discretion in certifying the class. The Supreme Court reversed the majority opinion, holding that the plaintiffs had failed to demonstrate commonality and that the Court of Appeals should have reversed the trial court's certification of the class for reasons including those stated in my dissent.

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4. *Corey v. State*, 320 Ga. App. 350 (2013).

I wrote the (unanimous) majority opinion in this case, which reversed the trial court's denial of Ms. Corey's motion to suppress evidence relating to her DUI and other traffic violation charges. In this case, an officer received a radio dispatch that an off-duty officer witnessed an erratic driver who might be intoxicated. The on-duty officer drove to the residential location where the off-duty officer witnessed the

driver pull into a driveway. The officer saw Ms. Corey inside the open garage at the end of the driveway, halfway between her vehicle and the interior entrance to her home. Once he reached the top of the driveway, the officer noticed that Ms. Corey had her hand on the door handle, her foot on the step, and was preparing to enter her home and close the garage door. The officer walked into the garage, asked if he could talk to her, and began telling her how she had been driving erratically. Based on his conversation with Ms. Corey and his observations of her, he conducted field sobriety tests on her and arrested her. The officer did not have a warrant and he neither asked for nor received consent to enter the garage. We held that Ms. Corey's connected garage was entitled to full Fourth Amendment protection either as part of the home itself or the curtilage. Accordingly, the officer did not have authority to enter the garage and the motion to suppress all the evidence obtained in her garage should have been granted.

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5. *Gary v. State*, 338 Ga. App. 403 (2016), *cert. denied*, 2017 Ga. LEXIS 265 (April 17, 2017).

I wrote the 6-3 majority opinion in this case, reversing the criminal defendant's conviction. Mr. Gary engaged in "reprehensible conduct," taking cell phone camera photographs underneath the skirt of the female victim who was shopping in the aisles at a Publix. Mr. Gary was convicted of criminal invasion of privacy in violation of O.C.G.A. § 16-11-62(2) which makes it illegal for "[a]ny person, through the use of any device, without the consent of all persons involved, to observe, photograph, or record the activities of another which occur in any private place and out of public view." The majority's analysis centered on the text of the statute and, after examining the plain meaning of "private place" as well as the context in which the statute uses those words, concluded that the term referred to a

physical location out of public view rather than a specific area of a person's body. Accordingly, the majority noted that there is a gap in Georgia's criminal statutory scheme due to ever-advancing technology and urged the General Assembly to address this issue immediately. As the opinion stated, "our constitutional system of government and the law of this State prohibit the judicial branch from amending a statute by interpreting its language so as to change the otherwise plain and unambiguous provisions thereof." A final footnote referenced the many jurisdictions confronted with the same technology gap that subsequently amended their statutes to prohibit such conduct expressly.

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6. *Randolph v. State*, 334 Ga. App. 475 (2015).

In this case, the criminal defendant challenged his conviction under the Georgia Street Gang and Terrorism Prevention Act, arguing, among other things, that there was insufficient evidence of the gang crime. Under state law, it is not enough for the state to show that gang members committed a criminal act; rather there must be a nexus between the act and an intent to further gang activity. Finding that the state failed to present evidence of the statutorily required nexus between the defendant's drug crimes and an intent to further gang interests, we reversed the conviction.

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7. *In re Feldhaus, In re Baumert*, 340 Ga. App. 83 (2017).

In these cases, the person formerly known as Rebecca Feldhaus brought a petition seeking a name change to “Rowan Elijah Feldhaus” and the person formerly known as Delphine Baumert brought a petition seeking a change of name to “Andrew Norman Baumert.” The trial court denied both petitions. Under state law, any person seeking to change his or her name may present a verified petition to the superior court setting forth the reasons why the change is sought. Both petitioners followed the statutory provisions. Further, the petitions were unopposed and there was no evidence of fraud or other improper motive. Accordingly, we reversed the trial court’s orders and directed the court to enter orders changing the petitioners names.

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8. *Kautz v. Powell*, 326 Ga. App. 816 (2014), *rev’d*, 297 Ga. 283 (2015).

In this case, the mayor of the City of Snellville sued the city council and city attorney seeking a declaratory judgment that she, as mayor, had the sole authority to terminate the employment of the city attorney. The trial court ruled that the city’s charter vested such authority in the city council. The majority affirmed the

trial court. I wrote the dissent, which explained that the mayor did have such authority to remove the city attorney under longstanding Georgia law and the clear language of the city charter. The Supreme Court of Georgia reversed the majority opinion, concluding that as the city charter provided that the mayor had the power to appoint the city attorney, the mayor necessarily had the power to remove the city attorney.

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9. *Cook v. Bottesh, Cook v. Shorey, Glover v. Cook, Cook v. Robertson*, 320 Ga. App. 796 (2013), *rev'd*, 295 Ga. 495 (2014).

In these consolidated cases, we had to determine whether Georgia properly implemented a certain asset transfer penalty dictated by the federal Medicaid statute in connection with coverage for long-term care. We ruled for the State in all but one case, which had distinguishing facts. In that case, we held that the State incorrectly followed federal agency guidance that was not entitled to

Chevron deference because it contravened the plain meaning of the statute. The Supreme Court of Georgia reversed, concluding that the statute was ambiguous and that Georgia's interpretation was reasonable and entitled to deference.

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10. *Miller v. GGNSC Atlanta, LLC*, 323 Ga. App. 114 (2013).

In this case, upon the plaintiff's admission to a nursing home, he executed a number of forms, one of which contained an arbitration provision in which he purported to agree to arbitrate all claims regarding his care at the nursing home in accordance with the National Arbitration Forum (NAF) Code of Procedure. The NAF Code of Procedure provided that the NAF Code shall be administered only by the NAF. At the time the plaintiff signed the arbitration agreement, however, NAF had entered into a consent judgment with the Minnesota Attorney General in which it agreed not to participate in consumer arbitrations. After the plaintiff filed a lawsuit against the nursing home, the nursing home sought to compel arbitration. The trial court denied the nursing home's motion. We affirmed (on other grounds) because neither the selected arbitral forum nor its Code of Procedure was available at the time the contract was signed thereby rendering the arbitration agreement impossible to enforce.

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

1. *Norwich v. Shrimp Factory, Inc.*, 332 Ga. App. 159 (2013), *cert. denied*, 2015 Ga. LEXIS 555 (September 8, 2015).

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2. *Zaldivar v. Prickett*, 328 Ga. App. 359, *rev'd*, 297 Ga. 589 (2015).

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3. *Georgia-Pacific Consumer Prods., LP v. Ratner*, 323 Ga. App. 203 (2013), *rev'd*, 295 Ga. 524 (2014).

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4. *Corey v. State*, 320 Ga. App. 350 (2013).

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5. *Gary v. State*, 338 Ga. App. 403 (2016), *cert. denied*, 2017 Ga. LEXIS 265 (April 17, 2017).

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6. *Randolph v. State*, 334 Ga. App. 475 (2015).

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7. *In re Feldhaus, In re Baumert*, 340 Ga. App. 83 (2017).

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8. *Kautz v. Powell*, 326 Ga. App. 816 (2014), *rev'd*, 297 Ga. 283 (2015).

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9. *Cook v. Bottesh, Cook v. Shorey, Glover v. Cook, Cook v. Robertson*, 320 Ga. App. 796 (2013), *rev'd*, 295 Ga. 495 (2014).

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10. *Miller v. GGNCS Atlanta, LLC*, 323 Ga. App. 114 (2013).

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

Butler v. Georgia, unpublished opinion (Oct. 31, 2016), *cert. denied*, 2017 Ga. LEXIS 597 (June 30, 2017), filed notice of intent to seek writ of certiorari (July 20, 2017).

Cruz-Hernandez v. Georgia, unpublished opinion (Sept. 26, 2016), *cert. denied*, 2017 Ga. LEXIS 336 (May 1, 2017), extension to file writ granted.

Tricoli v. Watts, 336 Ga. App. 837 (2016), *cert. denied*, 2016 Ga. LEXIS 745 (Nov. 7, 2016), *cert. denied*, 137 S. Ct. 2171 (2017).

Brewer v. Georgia, unpublished opinion (Sept. 2, 2015), *cert. denied*, 2016 Ga. LEXIS 61 (Jan. 11, 2016), *cert. denied*, 136 S. Ct. 2516 (2016).

Harper v. Hart, unpublished order (Nov. 5, 2015), *cert. denied*, 2016 Ga. LEXIS 185 (Feb. 22, 2016), *cert. denied*, 137 S. Ct. 335 (2016).

Banks v. Ga. Dep't of Corr., unpublished order (Mar. 27, 2015), *cert. denied*, 2015 Ga. LEXIS 552 (Sept. 8, 2015), *cert. denied*, 136 S. Ct. 2431 (2016).

Lima Delta Co. v. Global Aerospace, unpublished opinion (Nov. 21, 2013), *cert. denied*, 2014 Ga. LEXIS 276 (Mar. 28, 2014), *cert. denied*, 135 S. Ct. 166 (2014).

Lima Delta Co. v. Global Aerospace, Inc., 325 Ga. App. 76 (2013), *cert. denied*,

2014 Ga. LEXIS 279 (Mar. 28, 2014), *cert. denied*, 135 S. Ct. 166 (2014).

Whitfield v. Georgia, unpublished opinion (May 23, 2013), *cert. denied*, 2013 Ga. LEXIS 1021 (Nov. 18, 2013), *cert. denied*, 134 S. Ct. 2699 (2014).

Castaneira v. Georgia, 321 Ga. App. 418 (2013), *cert. denied*, 2013 Ga. LEXIS 924 (Oct. 7, 2013), *cert. denied*, 134 S. Ct. 1797 (2014).

- 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.

Opinions I authored

I have served as a judge on the Court of Appeals of Georgia for five years and have authored the majority opinion in more than 350 published opinions and approximately 275 unpublished opinions. Of those more than 625 opinions, the Supreme Court of Georgia reversed, in whole or in part, or affirmed using a different rationale in the following 12 cases:

State v. Williams, 336 Ga. App. 97 (2016), *rev'd*, 301 Ga. 60 (2017). The Supreme Court reversed, holding that the Court of Appeals erred in reversing the trial court's decision to suppress the defendant's post-arrest statement because we erred by assuming that the trial court accepted the police officer's testimony as true.

Morrow v. State, 335 Ga. App. 73 (2015), *aff'd*, 300 Ga. 403 (2016). The Supreme Court affirmed the Court of Appeals' judgment reversing the sexual assault conviction of the school's paraprofessional but based on a different subsection of the statute.

Johnson v. Bank of America, N.A., 333 Ga. App. 539 (2015), *rev'd*, 299 Ga. 861 (2016). After the property owner made concessions to the Supreme Court during oral argument that he had not made before, the Supreme Court reversed the Court of Appeals.

Ga. Dep't of Cmty. Health v. Neal, 334 Ga. App. 851 (2015), *vacated* 2016 Ga. LEXIS 340 (Apr. 26, 2016). The Supreme Court vacated the decision and remanded for reconsideration in light of *Rivera v. Washington*, 298 Ga. 770 (2016). *See also Ga. Dep't of Cmty. Health v. Neal*, 340 Ga. App. 94 (2017) (dismissing the appeal).

Rivera v. Washington, order dismissing (unpublished), *aff'd*, 298 Ga. 770 (2016). The Supreme Court affirmed the result reached by the Court of Appeals (dismissal of the direct appeals) but criticized our consideration of the collateral

order doctrine in an immunity case and overruled the cases relied on by the Court of Appeals. Copy of the unpublished order supplied.

Barrow v. Mikell, 331 Ga. App. 547 (2015), *rev'd*, 298 Ga. 429 (2016). The Supreme Court reversed the Court of Appeals, holding that we erred in dismissing as untimely Mr. Barrow's petition for review of the revocation of his driver's license.

Easter v. State, 327 Ga. App. 754 (2014), *rev'd*, 297 Ga. 171 (2015). The Supreme Court reversed the Court of Appeals, holding that the trial court did not charge the jury in a manner not alleged in the indictment.

Alexander v. State, 328 Ga. App. 300 (2014), *rev'd*, 297 Ga. 59 (2015). The Supreme overruled one of its prior decisions, which had bound the Court of Appeals, and directed us to remand to the trial court to evaluate defendant's motion to withdraw his guilty plea.

Metro Atlanta Rapid Transit Auth. v. Reid, 323 Ga. App. 523 (2013), *rev'd*, 295 Ga. 863 (2014). The Supreme Court held that the Court of Appeals erred in our choice between two statutes of limitation.

Glover v. Cook, 320 Ga. App. 796 (2013), *rev'd*, 295 Ga. 495 (2014). The Supreme Court held that the Court of Appeals erroneously concluded that a federal statute was plain and unambiguous and erred in failing to defer to an agency decision.

Hargis v. State, 319 Ga. App. 432 (2012), *rev'd*, 294 Ga. 818 (2014). The Supreme Court held that the Court of Appeals never should have reached the merits of the issue of recusal for the trial court judge because the defendant knew of the basis for recusal but failed to file such a motion.

Synovus Bank d/b/a Bank of North Georgia v. Griner, 321 Ga. App. 359, *vacated* 2013 Ga. LEXIS 838 (Oct. 7, 2013). The Supreme Court vacated the judgment of the Court of Appeals with direction to remand to the trial court in further consideration of the effect, if any, of the June 2013 Declaratory Order issued by the Georgia Department of Banking and Finance.

Opinions of the Court of Appeals of Georgia where I had concurred with the majority

I have served as a judge on the Court of Appeals of Georgia for five years and have joined the majority opinion written by a colleague in more than 650 published opinions and more than 550 unpublished opinions. Of those more than 1,200 cases, on direct further review, the Supreme Court of Georgia reversed, in whole or in part, or affirmed using a different rationale in the following 25 cases:

In re: The Estate of Joe Leonard, Jr., 336 Ga. App. 768 (2016), *rev'd*, *Croy v. Whitfield Cty.*, 301 Ga. 380 (2017). I concurred only in the judgment, not the analysis of the majority. The Supreme Court reversed, holding that service of claims on counties is satisfied with service on both in-house and outside county attorneys.

Jones v. State, 335 Ga. App. 563 (2016), *aff'd*, 802 S.E.2d 234 (Ga. 2017). The trial court admitted the defendant's prior DUI to show intent and knowledge. The Court of Appeals (on remand from a prior Supreme Court opinion vacating the Court of Appeals first opinion in this case) affirmed the trial court. The Supreme Court held that the Court of Appeals erred by failing to consider fully whether the trial court's application of the probative versus prejudicial balancing test but that any such error was harmless.

Six Flags Over GA II, LP v. Martin, 335 Ga. App. 350 (2015), *aff'd in part, rev'd in part*, 301 Ga. 323 (2017). The Supreme Court affirmed the Court of Appeals' findings on liability, although on different grounds, and reversed the holding that the appointment of damages error demanded a retrial of the entire case.

Jackson v. State, 335 Ga. App. 597 (2016), *rev'd*, 301 Ga. 137 (2017). The Supreme Court reversed, holding that the sex offender's indictment was defective.

DLT List v. M7Ven Supportive Housing & Dev. Group, 335 Ga. App. 318 (2015), *aff'd*, 301 Ga. 131 (2017). The Court of Appeals affirmed the trial court's award of excess tax-sale funds. The Supreme Court affirmed but disagreed with our reliance on a specific case involving the status of liens following a tax sale.

Toyo Tire v. Davis, 333 Ga. App. 211 (2015), *aff'd*, 299 Ga. 155 (2016). The trial court denied Toyo Tire's motion for summary judgment in this case involving trespass, continuing trespass, and nuisance arising out of the operation of a tire manufacturing facility near a residential neighborhood. The Court of Appeals affirmed the trial court's denial of summary judgment. I concurred fully in all Divisions except that I joined the dissent as to Division 2. While it affirmed the majority opinion, the Supreme Court declined to endorse the Court of Appeals' alternative holding in Division 4 that the limitation of damages issue was premature.

Carter v. State, 331 Ga. App. 212 (2015), *aff'd*, 298 Ga. 867 (2016). The Court of Appeals affirmed the defendant's conviction for voluntary manslaughter and aggravated assault, finding that the verdict was not legally repugnant and his trial counsel was not ineffective. While it disapproved of that part of the Court of Appeals' opinion that implied a defendant who acted without an intent to kill could be found guilty of voluntary manslaughter as a lesser included offense of malice murder, the Supreme Court nonetheless affirmed the defendant's conviction for voluntary manslaughter.

Kelley v. State, 331 Ga. App. 758 (2015), *rev'd*, 298 Ga. 527 (2016). The Supreme Court reversed, holding that the State is entitled to withdraw its consent to a plea agreement and demand a trial when the trial court rejects the negotiated settlement.

State v. Andrade, 330 Ga. App. 549 (2015), *rev'd*, 298 Ga. 464 (2016). The Supreme Court reversed, holding that the State's appeal was timely.

Rollins v. Rollins, 329 Ga. App. 768 (2014), *rev'd*, 298 Ga. 161 (2015). The Supreme Court reversed and remanded, directing the Court of Appeals to apply different standards of care when evaluating the claims.

Shirley v. State, 330 Ga. App. 424 (2014), *rev'd*, 297 Ga. 722 (2015). The Supreme Court reversed, holding that the warrant application did not support probable cause.

Eshleman v. Key, 326 Ga. App. 883 (2014), *rev'd*, 297 Ga. 364 (2015). The Supreme Court reversed, holding that the police officer was entitled to immunity.

Frost v. State, 328 Ga. App. 337 (2014), *rev'd*, 297 Ga. 296 (2015). The Supreme Court reversed, holding that the criminal defendant's prior convictions for DUI were admissible.

Jones v. State, 326 Ga. App. 658 (2014), *rev'd*, 297 Ga. 156 (2015). The Supreme Court reversed, holding that the criminal defendant's prior convictions for DUI were admissible.

Oliver v. McDade, 328 Ga. App. 368 (2014), *aff'd*, 297 Ga. 66 (2015). In this personal injury case involving a motor vehicle, the Court of Appeals affirmed the trial court's denial of a defense motion for summary judgment due to disputes of fact on the issue of whether the plaintiff may recover certain damages under Georgia law. I concurred fully in Division 1 (the allocation of plaintiff's damages) and in judgment only in Division 2 (emotional distress). The Supreme Court affirmed Division 1 but vacated Division 2, which assumed facts not yet developed.

MCG Health, Inc. v. Kight, 325 Ga. App. 349 (2013), *aff'd*, 296 Ga. 687 (2015). The Court of Appeals held that the hospital was not precluded from filing a hospital lien to collect charges associated with the treatment of a patient. The Supreme Court held that, while the Court of Appeals correctly determined that the trial court erred by granting partial summary judgment to the patient, its wide-ranging discussion of the applications of the hospital lien law was dicta that the Supreme Court did not adopt.

City of Atlanta v. Mitcham, 325 Ga. App. 481 (2013), *rev'd*, 296 Ga. 576 (2015). The Supreme Court reversed, holding that the city and police chief were entitled

to governmental immunity. While I concurred in the judgment of the Court of Appeals, I filed a separate opinion to express my disagreement with the reasoning articulated by the majority.

Deal v. Miller, 321 Ga. App. 220 (2013), *aff'd*, 295 Ga. 504 (2014). In this class action lawsuit, the named plaintiffs were fathers who were held in criminal contempt for willfully violating child support orders. The trial court certified the class. The Court of Appeals reversed, holding that the plaintiffs had failed to prove commonality and typicality. I concurred in the judgment but not the rationale of the majority. Disagreeing with the Court of Appeals' analysis on the constitutional right to counsel, the Supreme Court nonetheless agreed that we reached the right result.

Agnes Scott College v. Hartley, 321 Ga. App. 74 (2013), *rev'd*, 295 Ga. 458 (2014). The Supreme Court reversed, holding that private college campus officers are not entitled to qualified immunity.

Murphy v. Murphy, 322 Ga. App. 829 (2013), *aff'd*, 295 Ga. 376 (2014). In this change of custody case, the trial court denied the motion to recuse filed by the child's mother. The Court of Appeals dismissed her appeal due to lack of jurisdiction. While the Supreme Court disagreed with the analysis regarding retroactive application of a legislative amendment to a statute, it agreed that dismissal of the appeal was proper.

Dailey v. Abdel-Samed, 319 Ga. App. 380 (2012), *aff'd*, 294 Ga. 758 (2014). The Court of Appeals held that a question of fact prevented the grant of summary judgment to the defendant doctors in this emergency room medical malpractice case. I concurred in the majority opinion's judgment only, not the rationale. The Supreme Court agreed that summary judgment was inappropriate but for different reasons.

Rollins v. Rollins, 321 Ga. App. 140 (2013), *rev'd*, 294 Ga. 711 (2014). The Supreme Court reversed in part and remanded, directing the Court of Appeals to apply a more deferential standard of care to the trustees.

Johnson v. Omondi, 318 Ga. App. 787 (2012), *rev'd*, 294 Ga. 74 (2013). The Supreme Court reversed, holding that fact issues precluded summary judgment in an emergency room/gross negligence case.

Williams v. State, 317 Ga. App. 658 (2012), *rev'd*, 293 Ga. 883 (2013). The Supreme Court reversed, declaring the roadblock unconstitutional.

Hudson v. State, 318 Ga. App. 54 (2012), *rev'd*, 293 Ga. 656 (2103). The Supreme Court reversed, overruling one of its prior cases, and adopting an aggregate approach to analyzing the issue of vindictiveness on resentencing.

- 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.

Since I became a judge on the Court of Appeals, approximately 58% of my cases are published and 42% are unpublished. I have authored approximately 275 unpublished opinions and have voted in more than 550 unpublished opinions.

If two of the three judges on a panel agree, any opinion of that panel may be unpublished. These opinions do not constitute precedent of the court. They are maintained in the public files of the case in the offices of the Clerk of Court and are available for inspection. Unpublished opinions are maintained in paper and digital form. My practice has been to designate opinions as unpublished that do not add to the body of law or which have novel facts affecting the outcome and are not likely to recur in future cases. When the Court of Appeals reverses the trial court or whenever a judge on the panel files a dissent or concurring opinion, the opinion in that case is normally published.

- 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.

In Georgia, appellate jurisdiction for cases involving the constitutionality of a statute, whether under the U.S. Constitution or the Georgia Constitution, is reserved for review by the Supreme Court of Georgia. At the Court of Appeals, we have jurisdiction to address constitutional issues when they are well-settled as a matter of law. Many criminal appeals raise constitutional issues. I have provided some examples of opinions in which I have addressed federal or state constitutional issues.

In the interest of E.T., a child, A16A1575 (Sixth Amendment) (publication pending). Copy supplied.

Georgia Ports Auth. v. Lawyer, __ S.E.2d __, 2017 WL 2794236 (June 28, 2017) (Eleventh Amendment).

Fox v. Norfolk Southern, 802 S.E.2d 319 (Ga. Ct. App. 2017) (U.S. Const., Art. VI, cl. 2).

Shaw v. State, 340 Ga. App. 749 (2017) (Sixth Amendment).

Edvalson v. State, 339 Ga. App. 348 (2016) (Fifth Amendment).

McLaughlin v. State, 338 Ga. App. 1 (2016) (Sixth Amendment).

Ga. Dep't of Cmty. Health v. Neal, 334 Ga. App. 851 (2015) (Georgia Constitution, Sovereign Immunity), *vacated* 2016 Ga. LEXIS 340 (Apr. 26, 2016). *See also Ga. Dep't of Cmty. Health v. Neal*, 340 Ga. App. 94 (2017)

(dismissing the appeal because the collateral order doctrine did not provide the Court of Appeals with jurisdiction to review an interlocutory order).

Watts v. State, 334 Ga. App. 770 (2015) (Fourth Amendment).

Causey v. State, 334 Ga. App. 170 (2015) (Fourth Amendment).

Thomas v. State, 331 Ga. App. 641 (2015) (Sixth Amendment).

Bodiford v. State, 328 Ga. App. 258 (2014) (Fourth Amendment).

Arp. v. State, 327 Ga. App. 340 (2014) (Fourth Amendment).

Corey v. State, 320 Ga. App. 350 (2013) (Fourth Amendment).

State v. Carr, 322 Ga. App. 132 (2013) (Fourth Amendment).

State v. Pruiett, 324 Ga. App. 789 (2013) (Fifth Amendment).

Hamlett v. State, 753 S.E.2d 118 (Ga. Ct. App. 2013) (Branch, J., dissenting) (Fourth Amendment).

Walker v. State, 747 S.E.2d 51 (Ga. Ct. App. 2013) (Branch, J., dissenting) (Fourth Amendment), *rev'd*, 295 Ga. 888 (2014) (holding that the defendant was not seized within meaning of Fourth Amendment).

Williams v. State, 318 Ga. App. 715 (2012) (Fourth Amendment).

- 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.

I have not sat by designation on a federal court of appeals. However, I have sat by designation twice on the Supreme Court of Georgia.

Warren v. State, 294 Ga. 589 (2014) (I concurred in the majority opinion which reversed a criminal conviction because the general prohibition of the statute did not apply to the sexually-explicit text message sent by the defendant).

Jones v. Chapman, Case No. S16W0778 (February 2, 2016) (order denied stay of execution as well as application for certificate of probable cause to appeal the dismissal of his second state habeas corpus petition).

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to

an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

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

As a judge on the Court of Appeals of Georgia, I have not been asked to recuse by a party or an attorney. And when the judges on my court recuse, we are not required to provide a reason why.

Our court recently implemented an automatic recusal system so that I can ensure that cases brought by certain attorneys with whom I have a close relationship are not assigned to me. Prior to the implementation of the automatic recusal system, I provided that same list of names to my administrative assistant and she monitored the cases assigned to me and prepared all necessary memoranda informing the Office of the Clerk of Court that I needed to recuse in certain cases.

Additionally, if I determine after reviewing a case file that I need to recuse due to a conflict of interest, I will prepare a memorandum to the Office of the Clerk of Court noting the need for a recusal. If I determine there is only a possible conflict of interest, I will send a letter to the attorneys for the parties, inviting them to file a motion to recuse if they deem it appropriate.

On two occasions, I sent letters to the parties informing them of a potential conflict of interest: (1) when State Farm (my insurance company) filed a lawsuit against Wells Fargo (the possible owner of the townhouse next door to mine which was the source of water damage to my townhouse) to recover the monies that State Farm had paid to repair my townhouse, I sent a letter to counsel to Wells Fargo (and to opposing counsel) in all cases pending before me informing them of the lawsuit (as the lawsuit was not brought in my name or on my behalf, I knew that Wells Fargo would not be aware of the possible conflict); and (2) when *Georgia Department of Community Health v. Neal*, 334 Ga. App. 851 (2015) was first filed, I notified the parties both orally (at oral argument) and in writing that, due to the insurance plans provided to the Court by the State of Georgia, most of the judges and staff attorneys on the court would be members of the potential class in whose name the suit was brought. In both circumstances, the parties declined to file motions to recuse.

The cases in which I recused are:

Doctor's Hospital of Augusta, LLC v. Georgia Dep't of Comm. Health, A17A1902. I recused in September 2017 because of a personal relationship with one of the attorneys involved in this case.

Domenicone v. Big Creek Utility Co., A15A2391. I recused in July 2017 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

Souza v. Berberian, A17A0314. I recused in February 2017 because I had represented a nonparty with a potential stake in the outcome of the case.

Oxendine v. Gov't Transparency & Campaign Fin. Comm'n, A17A0242. I am prohibited by the Ethics Rules of the State Bar of Georgia from revealing the reason for my recusal.

Equity Trust Co. v. Jones, A16A0813. I recused in November 2015 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

Equity Trust Co. v. Jones, A16I0060. I recused in November 2015 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

Chandler v. Rohner, A15A0863. I recused because of a personal relationship with one of the attorneys involved in this case.

Ballistics Research, Inc. v. BRI Funding, A14A1074. I recused in June 2014 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

Harris v. State, A14I0107. I recused because of a personal relationship with one of the attorneys involved in this case.

Harris v. SunTrust Bank, A12A1895. I recused in September of 2012 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

Drillot v. Alostara Bank of Commerce, A12A2076. I recused in September 2012 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

Stanley & Bivens Investments, LLC v. Wells Fargo Bank, Nat'l Ass'n, A13A076. I recused in January 2013 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

Herren v. Mitchell Electric Membership Corp., A13A0782. I recused because I had received a campaign contribution from one of the attorneys involved in the

case and I had not yet filed a disclosure report making that fact publicly available. I became aware of this issue very late in the term which did not give me sufficient time to notify the parties and give them the option of filing a motion to recuse.

Augusta v. Hera Lighting, L.P., A13A1821. I recused in May 2013 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

Tarpey v. Wells Fargo Bank, Nat'l Ass'n, A13A2072. I recused in September 2013 because my former law firm, Smith, Gambrell & Russell, LLP, was involved in the case.

The Medical Group of St. Joseph's LLC d/b/a St. Joseph's Medical Grp. v. Feuer, A13A2214 and *Feuer v. The Medical Group of St. Joseph's, LLC d/b/a St. Josseph's Medical Group*, A13A2215. I recused in August 2013 because one of the attorneys involved in the case was serving as the Treasurer for my campaign.

Dugger v. State, A13A2386. I recused because of a personal relationship with one of the persons involved in the case at the trial court level.

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.

Commissioner, Georgia Commission on Child Support, 2013 to 2017. I was appointed by the Governor of Georgia.

- 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.

Member, Fulton County Republican Party, Chairman's Council, approximately 2011 to 2012

Member, Georgia Republican Foundation, 2012

I participated in the Republican National Committee's 2006 door-to-door efforts supporting the following unsuccessful candidates: George Allen for Congress, Lynn Swann for Governor of Pennsylvania, and Rick Santorum for Senate. I was an unpaid volunteer.

I made calls for and went door-to-door on behalf of Josh Belinfante who unsuccessfully ran for the 2012 Republican nomination for the Georgia Senate (6th District). I was an unpaid volunteer.

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 clerked for Judge J. Owen Forrester, U.S. District Court for the Northern District of Georgia, from 1994 to 1996.

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

I never practiced law 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.

1993 and 1994 Summers, 1996 to 2004, and 2008 to 2012: Smith, Gambrell & Russell, LLP, Atlanta, Georgia. I worked at this law firm for the entirety of my private practice career, first as a summer law clerk (1993 and 1994 summers), then as an associate, and finally as a (nonequity) partner. I worked in the Litigation Department for most of my career, but I also provided government affairs services from 2008 to 2012.

2004 to 2005: U.S. Department of Homeland Security, Washington, D.C. I served as the Associate General Counsel for Rules and Legislation in the Office of General Counsel, handling legal and policy clearance for all regulations and legislative materials for the department.

2005 to 2008: Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, Washington, D.C. I served first as the Special Assistant to the Administrator of OIRA and then as the Counselor to the Administrator of OIRA, handling clearance and regulatory policy matters for all cabinet agency regulations.

- 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 as an arbitrator in alternative dispute

resolution proceedings.

b. Describe:

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

1996 to 2004: During my tenure with Smith, Gambrell & Russell, LLP during this period, my practice was entirely focused on commercial litigation.

2004 to 2005: At the U.S. Department of Homeland Security, I handled legal and policy clearance for all regulations and legislative materials for the department.

2005 to 2008: At the Office of Management and Budget, I worked in the Office of Information and Regulatory Affairs, where I handled clearance and regulatory policy matters for all cabinet agency regulations.

2008 to 2012: My practice at Smith, Gambrell & Russell, LLP during this period was approximately 85% commercial litigation and 15% government affairs.

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

1996 to 2004 and 2008 to 2012: Smith, Gambrell & Russell, LLP's clients for whom I provided advice generally were small to medium U.S.-based companies (some owned by German or other foreign companies or individuals) and individuals. I also represented some German or other foreign companies involved in litigation in the United States.

2004 to 2005: Broadly speaking, my client was the United States.

2005 to 2008: Broadly speaking, my client was the United States.

- 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.

1996 to 2004: As an associate and then a partner at Smith, Gambrell & Russell, LLP, I focused on litigation in state and federal courts with some arbitration proceedings. I was in court occasionally. My practice was 100% civil.

2004 to 2008: At the Department of Homeland Security and then the Office of Management and Budget, I did not participate in any litigation and was not in

court.

2008 to 2012: As a partner at Smith, Gambrell & Russell, LLP, I spent most (approximately 85%) of my time on litigation in state and federal courts. I appeared in court occasionally. My practice was 100% civil.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 25% |
| 2. state courts of record: | 70% |
| 3. other courts: | 2% |
| 4. administrative agencies: | 3% |

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 was second chair to one bench trial tried to conclusion: *R.W. Holdco, Inc. v. SCI/RW Holdco, Inc.*, 250 Ga. App. 414 (2001).

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 0% |
| 2. non-jury: | 100% |

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:

- the date of representation;
- 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. *Wood v. Archbold Medical Center, Inc.*, 738 F. Supp.2d 1298 (M.D. Ga. 2010) (Judge Hugh Lawson). *See also* 2010 WL 3069126 (M.D. Ga. Aug. 3, 2010); 2009 WL 3418162 (M.D. Ga. Oct. 14, 2009); 2009 WL 3327194 (M.D. Ga. Oct. 9, 2009); 2009 WL 3253971 (M.D. Ga. Oct. 8, 2009); 2009 WL 3063392 (M.D. Ga. Sept. 17, 2009).

I represented nine physicians that were sued, along with the hospital where they had privileges, by a physician whose privileges had been revoked. The plaintiff brought antitrust claims as well as business tort claims against the defendants. The court granted summary judgment for the defendants because of the immunity afforded those participating in the professional peer review process under the Health Care Quality Improvement Act. The matter was appealed to the U.S. Court of Appeals for the Eleventh Circuit but resolved by the parties during the pendency of the appeal. I was one of three partners at my firm who handled this matter. I took and defended a number of depositions and shared the responsibility for preparing and filing the motion for summary judgment that was granted.

Attorneys for plaintiff

Mary Clare Bonaccorsi
Polsinelli, P.C.
150 North Riverside Plaza
Suite 3000
Chicago, IL 60606
(312) 463-6310

Attorneys for other defendants

David Hamilton
Womble Carlyle Sandridge & Rice, LLP
100 Light Street
26th Floor
Baltimore, MD 21202
(410) 545-5850

George Lilly II
Alexander & Vann, LLP
411 Gordon Avenue
Thomasville, GA 31792
(229) 226-2565 extension 113

Thomas Campbell
Baker & McKenzie LLP
300 East Randolph Street, Suite 5000

Chicago, IL 60601
(312) 861-8884

2. *Print Fulfillment Servs. LLC v. KBA N. Am., Inc.*, District Court, 14th Judicial District, Dallas County, Texas, No. DC-10-15848-A (Judge Eric Moye).

I represented a German parent company that was sued in 2010, along with its U.S. subsidiary, by a customer who had purchased printing presses. The presses were manufactured by the parent company and sold by the subsidiary. In connection with its purchase of these presses, the customer alleged fraudulent inducement, common law fraud, negligence and gross negligence, breach of contract, breach of warranty and other causes of action. The parent company entered a special appearance, arguing that the Texas court did not have personal jurisdiction over it. The case settled. I had primary responsibility on this case and, along with local counsel, managed discovery and the settlement process.

Attorneys for plaintiffs

William B. Short, Jr.
William B. Short, PC
10710 Royal Park Drive
Dallas, TX 75230
(214) 802-9014

Local counsel for defendants

John H. Martin
Thompson & Knight LLP
1722 Routh Street, Suite 1500
Dallas, TX 75201
(214) 969-1229

3. *In re: Tokheim Corp.*, Case No. 02-13437-RJN, U.S. Bankruptcy Court for the District of Delaware (Judge Randall J. Newsom). *See also Radiant Sys., Inc. v. Tokheim*, Adversary Proceeding No. 02-6863, U.S. Bankruptcy Court for the District of Delaware (Judge Randall J. Newsom) and *Radiant Sys., Inc. v. Tokheim*, 1:02-CV-03163 (N.D. Ga 2002) (Judge J. Owen Forrester).

In November 2002 through February 2003, I represented Radiant in an action that successfully sought first a preliminary injunction (December 2002) and later a Consent Permanent Injunction and Final Judgment from the bankruptcy court (July 2003) to prevent the debtor from continuing to use Radiant's patents without permission. The district court case was dismissed in September of 2003. I had primary responsibility for this matter and successfully argued the motion for the injunction.

Debtor's counsel

Amar S. Bachu

Chicago, IL
(current contact information unknown)

Local counsel

Jennifer Scoliard, Deputy General Counsel
Cenlar FSB
Fort Washington, PA
(address and phone unknown)

4. *RW Holdco, Inc. v. SCI/RW Holdco, Inc.*, Superior Court of Gwinnett County, Georgia (Judge Michael Clark). *See also R.W. Holdco, Inc. v. SCI/RW Holdco, Inc.*, 250 Ga. App. 414 (2001).

I represented RW Holdco, which filed this lawsuit after its multi-million dollar unencumbered real property was sold by one of its officers to an entity controlled by the officer for a fraction of the appraised value of the land. The land was returned to RW Holdco but with a substantial loan encumbering it. After a bench trial, the Court ruled in favor of the defendant loan company. The case was affirmed on appeal. As second chair, I took and defended depositions and shared responsibility for both direct and cross-examination of witnesses at the bench trial.

Defendant's counsel

Kenneth M. Millwood (deceased)
Nelson Mullins Riley & Scarborough
201 17th Street Northwest, Suite 1700
Atlanta, GA 30363
(404) 322-6000

5. *RW Holdco, Inc. v. Alan E. Johnson*, State Court of Fulton County, Georgia (Judge John Mather). *See also RW Holdco, Inc. v. Johnson*, 267 Ga. App. 859, *cert. denied*, 2004 Ga. LEXIS 807 (June 15, 2004).

I represented RW Holdco which filed this lawsuit after its multi-million dollar unencumbered real property was sold by its officer, with the assistance of its attorneys and accountants, to an entity controlled by the officer for a fraction of the appraised value of the land. The land was returned to RW Holdco but with a substantial loan encumbering it. The trial court granted partial summary judgment in favor of the defendants and the Court of Appeals affirmed the partial grant and reversed the partial denial. As second chair, I took and defended depositions, handled service of process on persons living in Germany, and shared responsibility for defending against the various motions for summary judgment.

Opposing counsel

Alan E. Johnson, pro se
(unknown current contact information)

Anthony W. Morris
Dentons US LLP
303 Peachtree Street NE, Suite 5300
Atlanta, GA 30308
(404) 527-8420

Amelia T. Rudolph
Eversheds Sutherland (US) LLP
999 Peachtree Street NE, Suite 2300
Atlanta, GA 30309
(404) 853-8797

6. *Tenet Healthcare Corp. v. Louisiana Forum Corp.*, Superior Court of Fulton County, Georgia (Judge Constance Russell). *See also Tenet Healthcare Corp. v. Louisiana Forum Corp.*, 273 Ga. 206 (2000).

I represented the defendants after Tenet Healthcare filed suit to collect an aging debt. When the discovery process revealed that an anonymous source had provided to Tenet the information underlying the case of action, the defendants obtained a court order for the plaintiff to reveal the identity of the source. The trial court was affirmed on appeal. As second chair, I handled discovery matters and drafted various motions.

Plaintiff's counsel
Irwin W. Stolz, Jr.
Hurt Stolz, P.C.
345 W. Hancock Avenue
Athens, GA 30601
(706) 395-2750

7. *Becton Dickinson & Co., Inc. v. Sortimat Assembly Sys., Inc.*, U.S. District Court for the Northern District of Georgia, No. 1:96-CV-2964-MHS (Judge Marvin H. Shoob).

I represented Sortimat which was sued after it sold and packaged for shipment a catheter assembly machine. When defendant received the machine after transport, the machine was pitted and corroded. The parties settled and dismissed the case. I served as second chair, handling discovery issues.

Plaintiff's counsel
Daniel A. Ragland
Ragland Law Firm
South Terraces, Suite 425
115 Perimeter Center Place
Atlanta, GA 30346
(770) 407-7300

William J. McKenney
McKenney & Froelich, Attorneys at Law
1360 Peachtree Street Northeast, Suite 910
Atlanta, GA 30309
(404) 881-1111

8. *Leadpass Consulting, Inc. v. High Bridge Assocs., Inc.*, Gwinnett County State Court, Civil Action File No. 11-CV-3727-S1 (Judge Robert W. Mock).

I represented Defendant High Bridge in this dispute with a former independent contractor over incentive compensation payments and payments related to exchange rate fluctuations. Defendant denied the allegations made by Plaintiff and asserted counterclaims for breach of contract and attorneys fees. After discovery and prior to trial, the parties settled and the case was dismissed with prejudice. I was lead counsel and handled written discovery, depositions, and settlement.

Plaintiff's counsel

Gary R. Kessler
Gary R. Kessler, P.C.
3379 Peachtree Road, Suite 400
Atlanta, GA 30326
(404) 909-8100

9. *Eimo Oyj v. Triple S Plastics, Inc.*, U.S. District Court for the District of Delaware, No. 01-165-RRM (Judge Roderick R. McKelvie).

I represented Plaintiff Eimo, a manufacturer of precision-engineered plastic part for the mobile communications industry. Defendant Triple S was also a manufacturer or highly engineered plastic parts as well as molds to produce the parts. Plaintiff and Defendant entered into a merger agreement. After Defendant learned that its principal customer planned to curtail substantially its purchases, Plaintiff provided notice that the news constituted a material breach and that Plaintiff would terminate the merger agreement if the breach was not cured in thirty days. In response to such notice, Defendant announced it would terminate the merger agreement. Plaintiff then terminated the merger agreement and filed suit. The parties settled the case and dismissed the lawsuit with prejudice. As second chair, I participated in the settlement process.

Local counsel

Paul M. Lukoff
Wilks, Lukoff & Bracegirdle, LLC
4250 Lancaster Pike, Suite 200
Wilmington, DE 19805
(302-225-0866)

Defendant's counsel

Allan Horwich
Schiff Hardin LLP
233 South Wacker Drive, Suite 7100
Chicago, IL 60606
(312) 258-5618

10. Ethics Complaint filed against Member of the Board of the Development Authority of DeKalb County, Georgia (DeKalb County Ethics Board).

In 2010, I represented a member of the Board of the Development Authority of DeKalb County after a complaint was filed against him alleging a conflict of interest. I represented my client in an evidentiary hearing held before the Ethics Board and had the complaints dismissed. I served as lead counsel and conducted all direct and cross-examination at the hearing.

Opposing counsel
Brian E. Daughdrill
Giacoma Roberts & Daughdrill LLC
945 East Paces Ferry Road, Suite 2750
Atlanta, GA 30326

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.)

I have not served as a lobbyist for any clients. However, I have provided legal advice to clients who have lobbied government entities. And I served as a Commissioner on the Child Support Commission, which has filed legislative proposals each of the years that I have served.

As for other legal matters, the majority of my practice involved commercial disputes that progressed to litigation in state and federal courts around the country. However, I also handled pre-litigation matters that were sometimes successfully settled (through negotiation, mediation, or otherwise) before any lawsuits were filed. And some of my cases were arbitrated before the American Arbitration Association as well as the Financial Industry Regulatory Authority.

In addition to litigation matters, I also represented clients in matters involving the state and federal government. I counseled clients on compliance with the Foreign Corrupt Practices Act. I negotiated a resolution for a client who received a staff non-public inquiry from the Federal Trade Commission about a data privacy and security matter. I helped a client reach a settlement after it received a letter from the U.S. Department of

Justice threatening a civil suit for a False Claims Act case. I drafted public comments that were filed by clients with federal agencies in response to notices of proposed rulemaking. I filed a Paperwork Reduction Act petition with the U.S. Office of Management and Budget on behalf of a client who objected to an OMB information collection. I handled a client's request to the Defense Security Service for reinstatement of a security clearance for participation in the Civil Reserve Air Fleet. And I handled a client's hearing before the DeKalb County Ethics Board after a conflict of interest complaint was filed against him; the complaint was later dismissed.

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.

Advisory Board Member for Masters-Level System Synthesis Class, "Comparing Homeland Security Risks to other Federal Risk Management Initiatives," H.J. Heinz III School for Public Policy and Management, Carnegie Mellon University, Spring Semester 2006, Washington, D.C. I do not have the syllabus or notes.

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.

Other than my interest in the Georgia Employee Retirement System (not vested) for my services as a judge on the Court of Appeals of Georgia, I do not expect to receive any deferred income or future benefits from previous business relationships, professional services, firm memberships, former employers, clients, or customers. I still retain my 401(k) accounts from Smith, Gambrell & Russell, LLP and the U.S. Government, but no contributions are being made to these accounts. I also have personal retirement monies invested in mutual funds and de minimis amounts in stocks.

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.

No.

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 refer to the 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 the attached statement of net worth.

24. **Potential Conflicts of Interest:**

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

I am not aware of any such conflicts.

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

I will follow the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and other relevant recusal guidelines. Although unlikely, I would recuse myself from any case in which I presided as a judge on the Court of Appeals of Georgia.

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.

While working at Smith, Gambrell & Russell, LLP from 1996 to 2004 and 2008 to 2012, I took cases periodically from Atlanta Legal Aid (approximately one each year). For example, I represented a man who was living in an apartment rendered uninhabitable by mold; a woman who was being threatened with eviction from state-owned housing due to criminal actions of a relative; a woman whose former friend was refusing to pay back loaned monies; and a woman who was in a dispute with someone who would not return her car.

Additionally, in 2001, I founded the Generations Project, an arrangement whereby Atlanta Legal Aid would provide attorneys with my firm with clients who were either children or elderly so that we could provide legal services to "generations." I served as the administrator for this project from 2001 to 2003 (at which time I was preparing to leave the firm to move to Washington, D.C. and serve in the Bush Administration). As administrator, I ensured that my firm sent attorneys to Atlanta Legal Aid on our assigned Saturdays to participate in client intake and representation. Further, when the client's legal issues required a litigator, I was available to step in (and often did) if the firm

volunteer did not handle litigation matters.

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 approximately June 2017, I received a phone call from one of the lawyers vetting potential judicial nominees for the U.S. Senators from Georgia. I was asked if I would like to be considered for a vacancy on the U.S. Court of Appeals for the Eleventh Circuit should one arise. I asked to be considered. On June 12, 2017, I was informed that Senator Isakson and Senator Perdue would submit my name, among others, to the White House.

On July 6, 2017, attorneys from the White House Counsel's Office and the Department of Justice interviewed me in Washington, DC. On July 14, 2017, I was advised that the President was considering nominating me, and officials from the Department of Justice later contacted me about filling out nomination forms. On September 7, 2017, 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 one has had any such discussions with me.

FINANCIAL DISCLOSURE REPORT
NOMINATION FILINGReport Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Branch, Elizabeth L.	2. Court or Organization U.S. Court of Appeals for the Eleventh Circuit	3. Date of Report 09/08/2017
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge Nominee	5a. Report Type (check appropriate type) ☒ Nomination Date 09/07/2017 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2016 to 08/31/2017
7. Chambers or Office Address Court of Appeals of Georgia 47 Trinity Avenue Southwest, Suite 501 Atlanta, GA 30334		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Judge	Court of Appeals of Georgia
2. Commissioner	Georgia Commission on Child Support
3. Board Member	Emory University Board of Visitors
4. Board Member	The Federalist Society for Law and Public Policy Studies Atlanta Lawyers Chapter Board of Advisors
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Branch, Elizabeth L.

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2017	Court of Appeals of Georgia - salary	\$116,333.00
2. 2016	Court of Appeals of Georgia -- salary	\$174,500.00
3. 2015	Court of Appeals of Georgia -- salary	\$167,000.00
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Branch, Elizabeth L.

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Branch, Elizabeth L.

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Wells Fargo Cash Account #1	A	Interest	L	T					
2. Wells Fargo Cash Account #2	A	Interest	K	T					
3. Coca-Cola Company	A	Dividend	J	T					
4. Microsoft	A	Dividend	J	T					
5. Southern Company	A	Dividend	J	T					
6. Verizon	A	Dividend	J	T					
7. SGR - 401(K) Capital Direction Growth Port - Aggr Growth	E	Dividend	N	T					
8. Vanguard 500 Index Fund	A	Dividend	J	T					
9. Vanguard IRA 500 Index Fund	A	Dividend	J	T					
10. Vanguard Roth IRA 500 Index Fund	A	Dividend	J	T					
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Branch, Elizabeth L.

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Elizabeth L. Branch

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		142	175	Notes payable to banks-secured (auto)		1	246
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		309	462	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		99	039
Real estate owned – see schedule		116	300	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		12	217				
Cash value-life insurance							
Other assets itemize:							
TSP		198	194				
Court of Appeals of Georgia ERS (refund due if depart prior to vesting)		31	796				
				Total liabilities		100	285
				Net Worth		709	859
Total Assets		810	144	Total liabilities and net worth		810	144
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							

Other special debt							
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FINANCIAL STATEMENT (DRAFT 9/11/17)

NET WORTH SCHEDULES

Listed Securities

SGR 401(K) – Capital Direction Growth Portfolio – Aggr Growth	281,344
Vanguard 500 Index Fund	\$9,724
Vanguard 500 Index Fund IRA	\$2,097
Vanguard 500 Index Fund Roth IRA	\$10,172
Coca-Cola Company	\$2,750
Microsoft	\$1,454
The Southern Company	\$1,437
Verizon Communications	\$484

Total Listed Securities	<u>\$309,462</u>
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Real Estate Owned

Personal Residence	<u>\$116,300</u>
Total Real Estate Owned	<u>\$116,300</u>

Real Estate Mortgages Payable

Personal Residence – Mortgage	<u>\$99,039</u>
Total Real Estate Mortgages Payable	<u>\$99,039</u>

AFFIDAVIT

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

9/8/17

(DATE)

Elizabeth L. Branch

(NAME)

Lydia L. Cook

(NOTARY)

