

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jason Kenneth Pulliam

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

United States District Judge for the Western District of Texas

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.

Prichard Young, LLP  
10101 Reunion Place, Suite 600  
San Antonio, Texas 78216

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

1971; Brooklyn, New York.

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.

1997 – 2000, Texas Southern University, Thurgood Marshall School of Law; J.D., 2000

1995 – 1997, Brooklyn College, City University of New York; M.A., 1997

1991 – 1995, Brooklyn College, City University of New York; B.A., 1995

1989 – 1991, Westchester Community College; no degree received

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.

2017 – present

Prichard Young, LLP  
10101 Reunion Place, Suite 600  
San Antonio, Texas 78216  
Counsel

2015 – 2016  
Fourth Court of Appeals  
Cadena-Reeves Justice Center  
300 Dolorosa Street, Suite 3200  
San Antonio, Texas 78205  
Justice

2011 – 2015  
Bexar County, County Court at Law No. 5  
Cadena-Reeves Justice Center  
300 Dolorosa Street, Fourth Floor  
San Antonio, Texas 78205  
Judge

2007 – 2010  
Ford & Murray, PLLC  
(formerly Ford & Massey, PC)  
10001 Reunion Place, Suite 640  
San Antonio, Texas 78216  
Associate

2006 – 2007  
Ball & Weed, PC (no longer extant)  
10001 Reunion Place, Suite 640  
San Antonio, Texas 78216  
Associate

2004 – 2006  
The Carlson Law Firm  
100 East Central Texas Expressway  
Killeen, Texas 76541  
Associate

2001 – 2004  
United States Marine Corps  
Marine Corps Base Camp Lejeune  
Camp Lejeune, North Carolina 28533  
Legal Services Support Team, Building 66  
Holcombe Boulevard/Molly Pitcher Road  
Judge Advocate

1998 – 1999  
Cooper & Cooper  
3620 South MacGregor Way  
Houston, Texas 77021  
Law Clerk

January 1996 – July 1996  
New York State Assembly Graduate Internship Program  
Counsel to the Majority Leader  
Assemblyman Michael J. Bragman  
Legislative Office Building  
Albany, New York 12248  
Graduate Intern/Legislative Associate

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 served in the United States Marine Corps from 2000 to 2004. My rank was Captain. I have completed all military service and have no other military service related obligations. I timely registered 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.

“Outstanding Lawyer,” SA Magazine (2018)

One of “San Antonio’s Best Personal Injury Defense Lawyers,” Scene in SA Magazine (2018)

Plaque of Appreciation, Texas Southern University, Thurgood Marshall School of Law (2016)

Community Impact Award, Delta Sigma Theta Sorority (2016)

Certificate of Appreciation, Texas Court Reporters Association (2016)

Certificate of Appreciation, Harmony Public Schools (2016)

Certificate of Recognition, Eastwood Community Missionary Baptist Church (2016)

Honoree, San Antonio’s Movers and Shakers (2016)

Plaque of Appreciation, Pi Theta Lambda Educational Foundation (2016)

Trailblazer Award, African-American Section of the Texas State Bar (2015)

Certificate of Appreciation, Department of the Army, Western Region, United States Army Cadet Command (2014)

94.07 score (highest score of any County Court at Law Judge on the 2014 ballot), S.A. Scene Magazine's 2014 Judicial Report Card (2014)

Highest-rated County Court at Law Judge on the 2014 ballot, San Antonio Criminal Defense Lawyers Association's Judicial Survey (2014)

Young Lawyer of the Year Award, 2011, San Antonio Young Lawyers' Association (2011)

"Outstanding Lawyer," Scene in SA Magazine (2009, 2010)

"Texas Rising Star," Law & Politics Magazine (2009)

Plaque of Appreciation, Alamo City Black Chamber of Commerce (2009)

"Rising Star," Scene in SA Magazine (2008, 2009)

2002 Eastern Region Defense Counsel of the Year Award (Top Rated Criminal Defense Lawyer), United States Marine Corps (2002)

Navy and Marine Corps Achievement Medal (2002)

National Defense Service Medal (2002)

Degree conferred *cum laude* from Texas Southern University's Thurgood Marshall School of Law

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.

Fellow, Texas Bar Foundation (2017 – present)

San Antonio Bar Association (2006 – 2011)

San Antonio Young Lawyers Association (2006 – 2011)

Defense Counsel of San Antonio (2007 – 2010)

Texas State Bar Military Law Section, Former Member (2007 – 2010).

Texas Center for the Judiciary, DWI Curriculum Committee (2013 – 2014)

Community Justice Program (2007 – 2010)

Texas State Bar (2000 – 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.

Texas (2000)

There have been no lapses in membership.

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

United States Court of Appeals for the Fifth Circuit (2019)

United States District Court for the Southern District of Texas (2017)

United States District Court for the Eastern District of Texas (2017)

United States District Court for the Western District of Texas (2006)

Court of Appeals for the Armed Forces and all Military Courts (2001)

There have been no lapses in membership

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Member, San Antonio Downtown Rotary (2015 – present)

Member, Prince Hall Masons – Noble Star Lodge No. 277

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

It is my understanding that until 1987, the San Antonio Downtown Rotary, consistent

with the policies of their parent organizations, Rotary International, did not admit women as members. In 1987, in response to the United States Supreme Court's decision in *Bd. of Dirs. of Rotary Int'l v. Rotary Club of Duarte*, Rotary Clubs in the United States began admitting women as members. At all times that I have been a member of the Rotary Club it has accepted women as members.

Membership in the Prince Hall Masons is open only to men. A corresponding national organization, the Eastern Star, exists for women.

Except as noted above and to the best of my knowledge, none of the organizations listed currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

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

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

*Litigating Pleas to the Jurisdiction*, San Antonio Lawyer, July-August 2016, at 18. Copy supplied.

With Steven K. Hayes, Rebecca Simmons, Rebeca Martinez, *Error Preservation: Using the Most Common Problems to Sell Your Case*, State Bar of Texas 38th Annual Advanced Civil Trial Course, San Antonio, July 15-17, 2015. Copy supplied.

*Drug and Alcohol Monitoring Considerations for Family Courts*, San Antonio Lawyer, November-December 2015, at 18. Copy supplied.

With Christina Molitor, *Drug and Alcohol Testing*, State Bar of Texas 41st Annual Advanced Family Law Course, August 3-6, 2015. Copy supplied.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Audio recordings of the meetings of the Texas Public Safety Commission are available at: [http://www.dps.texas.gov/public\\_safety\\_commission/calendar/index.htm](http://www.dps.texas.gov/public_safety_commission/calendar/index.htm).

As a member of the Texas Center for the Judiciary's DWI Curriculum Committee, I assisted in the development of curriculum materials for judicial conferences for judges who handled intoxication related cases. I do not have any notes or materials from my

service on the committee. The Texas Center for the Judiciary is located at 1210 San Antonio Street, Suite 800, Austin, Texas 78701.

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

On March 19, 2015, I testified before the Texas House of Representatives regarding House Bill 583. Video supplied.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

October 30, 2018 (approximately): Campaign Radio Commercials in support of my candidacy to the Fourth Court of Appeals. Audio supplied.

October 20, 2018: Speaker, Candidate Forum, San Antonio, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The sponsoring organization was the San Antonio Black Lawyers Association, 1515 North St. Mary's Street, San Antonio, Texas 78215.

Fall 2018: Speaker, Alamo City Republican Women, San Antonio, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The sponsoring organization was the Alamo City Republican Women, 2014 Adobe Trail, San Antonio, Texas 78232.

Spring 2018: Speaker, Texas Farm Bureau Event for Republican Fourth Court of Appeals' Candidates. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The sponsoring organization was the Texas Farm Bureau, Post Office Box 2689, Waco, Texas 76702.

Spring 2018: Speaker, League of Women Voters of the Hill Country. I spoke about my candidacy for the Texas Fourth Court of Appeals. The organization hosted three events in the spring of 2018 leading up to the March 20, 2018 primary. The events were held in Bandera, Texas, Kerrville, Texas, and Fredericksburg, Texas. I have no notes, transcripts, or recordings. The sponsoring organization was the League of Women Voters of the Hill Country, Post Office Box 290303, Kerrville, Texas 78029.

Spring 2018: Speaker, Medina County Republican Party Candidate Forum, Hondo,

Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The sponsoring organization was the Medina County Republican Party. I have been unable to locate a physical address for the Medina County Republican Party. The event was held at Hermann Sons Steakhouse, 577 US-90 East, Hondo, Texas 78861.

March 6, 2018: Speaker, San Antonio Downtown Rotary Club Luncheon, San Antonio, Texas. I provided the prayer at the beginning of the luncheon. Notes supplied.

February 17, 2018: Speaker, League of Women Voters of the Hill Country, Fredericksburg, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcripts, or recordings. The address of the League of Women Voters of the Hill Country is Post Office Box 290303, Kerrville, Texas 78029.

February 15, 2018: Keynote Speaker, Wilson County Republican Party Lincoln Day Dinner, Floresville, Texas. Notes supplied.

February 5, 2018: Speaker, Republican Party Primary Candidate Forum, Jourdanton, Texas. The sponsoring organizations for the event were the Atascosa County Republican Party and Brush Country Republican Women. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. Press supplied.

January 30, 2018: Speaker, Texas Civil Justice League Judicial Primary Candidate Forum. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The Texas Civil Justice League sponsored the event, 400 West 15th Street, 3rd Floor, Austin, Texas 78701.

January 27, 2018: Speaker, "Go Red" Mixer. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by the Kendall County Republican Party, Post Office Box 1044, Boerne, Texas 78006.

January 23, 2018: Speaker, Wilson County Republican Women, Floresville, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by the Wilson County Republican Party, 13212 Highway 87 West, La Vernia, Texas 78121. Meeting minutes supplied.

December 4, 2017: Speaker, Bexar County Republican Hall of Fame Dinner. I introduced Hall of Fame inductee Susan Pamerleau. I have no notes, transcript, or recording. The event was sponsored by the Bexar County Republican Party, 12000 Starcrest Drive, San Antonio, Texas 78247.

November 28, 2017: Introductory Remarks, Governor Greg Abbott Event, Home of John T. Steen, Jr., San Antonio, Texas. Notes supplied.

September 15, 2017: Speaker, IDEA Walzem School. I spoke to elementary school students about the concept of freedom. I have no notes, transcript, or recording. The sponsoring organization was Walzem IDEA, 6445 Walzem Road, San Antonio, Texas 78239. Press coverage supplied.

Fall 2017: Speaker, Medina County Republican Party Candidate Forum, Hondo, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The Medina County Republican Party can be contacted at [margographics@att.net](mailto:margographics@att.net).

August 11, 2017: Speaker and award recipient, San Antonio, Texas. I received an award from the Bexar County Republican Women. I spoke about the importance of the judiciary and the Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by the Bexar County Republican Women, 18666 Stone Oak Parkway, Suite 103, San Antonio, Texas 78258.

October 28, 2016: Commercial in support of my candidacy for the Texas Fourth Court of Appeals. Video supplied.

October 20, 2016: Commercial in support of my candidacy for the Texas Fourth Court of Appeals. Video supplied.

October 17, 2016: Commercial in support of my candidacy for the Texas Fourth Court of Appeals. Video supplied.

October 12, 2016: Speaker, San Antonio Downtown Rotary Club Luncheon, San Antonio, Texas. I provided the prayer at the beginning of the luncheon. Copy supplied.

October 5, 2016: Panelist, League of Women Voters Candidate Forum for Civil and Criminal Judges, San Antonio, Texas. Video located at <https://www.youtube.com/watch?v=Sc1rfX9HOno>

September 9, 2016: Speaker, "Women in Military Service," Bexar County Republican Women, San Antonio, Texas. Notes supplied.

Fall 2016 (approximately): Presenter, "Expert Challenges to the Intoxylizer." I am unable to confirm the date, location or sponsoring organization of the presentation. Notes supplied.

Fall 2016 (approximately): Speaker, Rotary International (various chapters). During my campaign for the Texas Fourth Court of Appeals, I spoke to numerous Rotary Clubs in the Fourth Judicial District about my experience as a Judge Advocate in the Marine Corps. I have no notes, transcript, or recording of my speeches, and I do not have the locations or dates of all of these talks.

Fall 2016: Speaker, Bexar County Republican Women, San Antonio, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by the Bexar County Republican Women, 18666 Stone Oak Parkway, Suite 103, San Antonio, Texas 78258.

Fall 2016: Speaker, San Antonio Republican Women, San Antonio, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by the San Antonio Republican Women, Post Office Box 700523, San Antonio, Texas 78244.

August 31, 2016: Speaker, San Antonio Downtown Rotary Club Luncheon, San Antonio, Texas. I provided the prayer at the beginning of the luncheon. Notes supplied.

August 12, 2016: Presenter, "Hand Pounding and a Chest Bump," Texas Male Leadership Summit, Austin, Texas. I presented on the subject of leadership. I have no notes, transcript, or recording. The sponsoring organization was the University of Texas at Austin, Division of Diversity and Community Engagement, located at Multicultural Engagement Center, The University of Texas at Austin, 2201 Speedway, SAC 1.102 Stop A5600, Austin, Texas 78712. Agenda attached.

July 21, 2016: Panelist, Alpha Phi Alpha Community Forum on Gun Violence, sponsored by Alpha Phi Alpha Fraternity, Delta Rho Lambda chapter, Windcrest, Texas. I have no notes, transcript or recording. I spoke about violence in the community. The event was held at the New Creation Christian Fellowship located at 8700 Fourwinds Drive, Windcrest, Texas 78239. Video of press coverage is located at <https://www.youtube.com/watch?v=D8frD78XZOW>

July 8, 2016: Presenter, "Keys to e-Everything," Texas Court Reporters Association Annual Convention, San Antonio, Texas. Agenda and notes supplied.

May 25, 2016: Speaker, Rotary Club of Kerrville, Kerrville, Texas. I spoke about my experience as a United States Marine Corps Judge Advocate. I have no notes, transcript, or recording. The address for the Rotary Club of Kerrville is Post Office Box 295335, Kerrville, Texas 78029.

May 17, 2016: Speaker, Harmony Public Schools, San Antonio, Texas. I spoke about the importance of STEM education. Notes from this speech are supplied. I have been the commencement speaker at several Harmony Public Schools graduation ceremonies and also served as keynote speaker for a Harmony Public Schools event. I do not have notes or copies of those speeches, nor do I know the dates of such speeches.

April 8, 2016 (approximately): Speaker, Thurgood Marshall School of Law, Houston, Texas. I spoke about the legacy and impact of Charles Hamilton Houston. Notes supplied.

March 24, 2016: Speaker, San Antonio Downtown Rotary Club Luncheon, San Antonio, Texas. I provided the prayer at the beginning of the luncheon. Notes supplied.

January 22, 2016: Keynote Speaker, Dream Major Gala, Pi Theta Lambda Educational Foundation, San Antonio, Texas. Notes supplied.

January 17, 2016: Keynote Speaker, 2016 Martin Luther King, Jr. Citywide Interfaith Service, City of San Antonio Martin Luther King, Jr. Commission, San Antonio, Texas. Agenda and notes supplied.

January 13, 2016: Speaker, San Antonio Downtown Rotary Club Luncheon, San Antonio, Texas. Notes supplied.

October 20, 2016: Speaker, International Bank of Commerce. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by the International Bank of Commerce, 1200 San Bernardo Avenue, Laredo, Texas 78042.

October 18, 2016: Speaker, Third Annual Dinner Tonight Healthy Cooking School, San Antonio, Texas, hosted by AgriLife Extension Bexar County. I served as Master of Ceremonies for the event. I have no notes, transcript, or recording. I have no notes, transcript, or recording. The sponsoring organization was AgriLife Extension Bexar County, 8844 Tradeway Street, San Antonio, Texas 78217.

October 8, 2016: Speaker, Dominion Homeowners Association Candidate Forum, San Antonio, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by Dominion Homeowners Association, 20 Dominion Drive, San Antonio, Texas 78257.

September 27, 2016: Speaker, Bexar County Republican Party Candidate Forum, San Antonio, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by Bexar County Republican Party, 12000 Starcrest Drive, San Antonio, Texas 78247.

September 25, 2016: Speaker, Campaign Meet-and-Greet, San Antonio, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. I sponsored the event. The event was held at 328 North Pine Street, San Antonio, Texas 78202.

September 17, 2016: Speaker, League of Women Voters of the Hill Country. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The sponsoring organization was the League of Women Voters of the Hill Country, Post Office Box 290303, Kerrville, Texas 78029.

August 25, 2016: Speaker, Pleasanton Rotary Club, Pleasanton, Texas. I spoke about my experience as a Judge Advocate in the Marine Corps. I have no notes, transcript, or

recording. The sponsoring organization was the Pleasanton Rotary Club, 212 South Main Street, Pleasanton, Texas 78064.

August 22, 2016: Speaker, Martin Luther King, Jr. Academy, San Antonio, Texas. I spoke to students about their academic and professional goals. I have no notes, transcript, or recording. The event was sponsored by the Martin Luther King, Jr. Academy, 3501 Martin Luther King, Jr. Drive, San Antonio, Texas 78220.

May 29, 2016: Speaker, Campaign Meet-and-Greet. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. I sponsored the event.

May 25, 2016: Speaker, Barbara Bush Middle School. I spoke to students about the Texas judiciary. I have no notes, transcript, or recording. The event was held at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas 78205.

May 20, 2016: Speaker, Bexar County Republican Women's Memorial Day event. I presented an award to a scholarship recipient and spoke briefly about the sacrifice of American service members. I have no notes, transcript, or recording. The event was sponsored by the Bexar County Republican Women, 18666 Stone Oak Parkway, Suite 103, San Antonio, Texas 78258.

May 5, 2016: Speaker, Texas A&M University San Antonio. I spoke to students about the skills required to succeed in law school. I have no notes, transcript, or recording. The event was sponsored by Texas A&M University San Antonio, One University Way, San Antonio, Texas 78224.

April 26, 2016: Speaker, Do the Write Thing Challenge. I spoke to students about preventing violence in their communities. I have no notes, transcript, or recording. The event was sponsored by Do the Write Thing, 1310 Prairie, Suite 1800, Houston, Texas 77002.

April 12, 2016: Speaker, Del Rio Association of Federal Lawyers, Del Rio, Texas. I spoke to a group of federal practitioners about motions practice. I have no notes, transcript, or recording. The event was sponsored by Del Rio Association of Federal Lawyers. I could not locate a physical address for the organization.

March 6, 2016: Speaker, San Antonio Bar Association Military Law Seminar. I served on a panel that discussed the role of defense counsel in court-martial cases and administrative separation cases. I have no notes, transcript, or recording. The event was sponsored by the San Antonio Bar Association, 100 Dolorosa Street, Suite 500, San Antonio, Texas 78205.

February 25, 2016: Speaker, Candidate Meet-and-Greet. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. There was

no sponsoring organization. The event was held at the San Antonio Petroleum Club, 8620 North New Braunfels Avenue, Suite 700, San Antonio, Texas 78217.

February 3, 2016: Speaker, Candidate Meet-and-Greet. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was held at a private residence and I no longer can recall the sponsoring party or event address.

January 27, 2016: Speaker, VIA Metropolitan Transit, San Antonio. I administered the oath of office to the newest member of the VIA Board of Trustees. I have no notes, transcript, or recording. The event was sponsored by VIA Metropolitan Transit, 123 Medina Street, San Antonio, Texas 78207.

January 26, 2016: Speaker, Campaign Event, San Antonio, Texas. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. The event was sponsored by Texans for Lawsuit Reform, 1701 Brun Street, Suite 200, Houston, Texas 77019.

January 19, 2016: Speaker, San Antonio Young Lawyers Association. I spoke about preserving error in the trial court. I do not have any notes, transcripts, or recording. The event was sponsored by the San Antonio Young Lawyers Association, 100 Dolorosa Street, Suite 500, San Antonio, Texas 78205.

November 27, 2015: Speaker, Eta Phi Beta Sorority 28th Biennial Southern Region Conference. I offered welcoming remarks from the Fourth Court of Appeals for the conference. I do not have any notes, transcripts, or recording. The event was sponsored by the Eta Phi Beta Sorority, 19983 Livernois Avenue, Suite B, Detroit, Michigan 48221.

November 15, 2015: Speaker, Missing Man Ceremony. I spoke about service members who sacrificed their lives in combat. I do not have any notes, transcripts, or recording. I do not recall the sponsoring organization. The event was held at the Old San Francisco Steak House, 10223 Sahara Drive, San Antonio, Texas 78216.

November 15, 2015: Speaker, San Antonio First Church of the Nazarene. I spoke about the sacrifice of veterans for the church's Veterans Day service. I do not have any notes, transcripts, or recording. The event was sponsored by the San Antonio First Church of the Nazarene, 10715 West Avenue, San Antonio, Texas 78213.

November 12, 2015: Speaker, Gardendale Elementary School Career Day. I spoke to students about their academic and professional goals. I do not have any notes, transcripts, or recording. The event was sponsored by Gardendale Elementary School, 1731 Dahlgreen Avenue, San Antonio, Texas 78237.

November 11, 2015: Speaker, Brookdale Senior Living Patriot Heights Veterans Day event. I spoke about the service and sacrifice of American service members. I do not

have any notes, transcripts, or recording. The event was sponsored by Brookdale Senior Living Patriot Heights, 5000 Fawn Meadows, San Antonio, Texas 78240.

October 28, 2015: Speaker, Family Educators Alliance of South Texas (FEAST) civics class. I spoke to students about the Texas judiciary. I do not have any notes, transcripts, or recording. The event was sponsored by Family Educators Alliance of South Texas, 7735 Mockingbird Lane, San Antonio, Texas 78229.

October 15, 2015: Speaker, Bexar County Republican Women Dictionary Program at Woodlake Elementary School. I spoke to students about their academic goals and helped distribute 300 dictionaries. I do not have any notes, transcripts, or recording. The event was sponsored by the Bexar County Republican Women, 18666 Stone Oak Parkway, Suite 103, San Antonio, Texas 78258.

October 6, 2015: Speaker, Trinity Mineral Management Breakfast Series, San Antonio, Texas. I provided a case law update from the Texas Fourth Court of Appeals and discussed the Corporate Opportunity Doctrine. Agenda and notes supplied.

September 19, 2015: Speaker, Kaplan Graduation Ceremony at the Lila Cockrell Theatre. I spoke to students about achieving their goals upon graduation. I do not have any notes, transcripts, or recording. The event was sponsored by Kaplan College (later Brightwood College), San Antonio, Texas. Brightwood College ceased operations in 2018.

August 24, 2015: Speaker, Martin Luther King, Jr. Academy First Day of School Event. I spoke to students about academic discipline and professional success. I have no notes, transcript, or recording. The event was sponsored by the Martin Luther King, Jr. Academy, 3501 Martin Luther King Drive, San Antonio, Texas 78220.

August 16, 2015: Speaker, Greater Ball Tabernacle African Methodist Episcopal Church's Celebration of Education. I spoke about the importance of education as the key to obtaining professional success. I have no notes, transcript, or recording. The event was sponsored by the Greater Ball Tabernacle African Methodist Episcopal Church, San Antonio, Texas, 111 Dunaff Street, San Antonio, Texas 78219.

August 5, 2015: Presenter, Preservation of Error seminar. I spoke about how to preserve error in the evidentiary record. I have no notes, transcript, or recording. The event was sponsored by the Bexar County Women's Bar Association and Bexar County Women's Bar Foundation. The address for both organizations is Post Office Box 2297, San Antonio, Texas 78298. Invitation supplied.

July 14, 2015: Speaker, Defense Counsel of San Antonio. I spoke to young lawyers in civil defense firms about the practice of law. I have no notes, transcript, or recording. The event was sponsored by Defense Counsel of San Antonio, 745 East Mulberry Avenue #500, San Antonio, Texas 78212.

June 24, 2015: Speaker, Campaign Kick-Off event. I spoke about my candidacy for the Texas Fourth Court of Appeals. I have no notes, transcript, or recording. I sponsored the event. The event was held at Club Giraud, 707 North St. Mary's Street, San Antonio, Texas 78205.

June 19, 2015: Speaker and award recipient. I thanked the African-American Section of the State Bar of Texas for awarding me the Trailblazer Award. I have no notes, transcripts, or recording. The event was sponsored by the State Bar of Texas, 1414 Colorado Street, Austin, Texas 78701.

June 17, 2015: Keynote Speaker, Juneteenth Freedom Dinner, St. Phillips College, San Antonio, Texas. I spoke about the legacy and impact of Charles Hamilton Houston. Notes supplied.

May 2, 2015: Panelist, "I Am My Brother's Keeper," Empowering Males to Build Opportunities for Developing Independence Conference, St. Phillip's College, San Antonio, Texas. I spoke about bringing the community together through family, discipline, and sound choices. I have no notes, transcript or recording. St. Phillip's College is located at 1801 Martin Luther King Drive, San Antonio, Texas 78203. Press supplied.

May 2015: Speaker, "Forgotten Child" event. I spoke about the importance of caring for children in protective custody. I have no notes, transcripts, or recording. I do not recall the sponsoring organization.

April 15, 2015: Speaker, Family Educators Alliance of South Texas (FEAST) civics class. I spoke to students about the Texas judiciary. I do not have any notes, transcripts, or recording. The event was sponsored by Family Educators Alliance of South Texas, 7735 Mockingbird Lane, San Antonio, Texas 78229.

February 20, 2015: Speaker, Investiture to the Fourth Court of Appeals. I spoke about my biography, legal and judicial experience, and commitment to service as a justice on the Fourth Court of Appeals. The event took place at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas 78205. Press coverage is available at <https://news4sanantonio.com/news/local-deprecated/first-african-american-appellate-court-justice>

February 2015: Speaker, Black History Month Speech, San Antonio Medical Center, San Antonio, Texas. I spoke about the military service and accomplishments of African-Americans from the revolutionary period to the present. Notes supplied.

Spring 2015: Speaker, Homeschool Graduation Commencement Speech, San Antonio, Texas. I spoke about the traits of successful people based on my experience to graduating seniors. The sponsoring organization was the Family Educators Alliance of South Texas (FEAST). Notes supplied.

October 25, 2014: Speaker, Candidate Meet-and-Greet. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. I cannot recall the sponsoring organization or the location of the event.

October 20, 2014: Speaker, Campaign Event. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. I sponsored the event. The event was held at the Veterans of Foreign Wars Post 76, 10 10th Street, San Antonio, Texas 78215.

October 15, 2014: Speaker, San Antonio Young Lawyers Association Courthouse Tour. I spoke to young lawyers about success in the legal profession. I have no notes, transcript, or recording. The event was sponsored by the San Antonio Young Lawyers Association, Post Office Box 6344, San Antonio, Texas 78209.

October 11, 2014: Speaker, San Antonio Professional Firefighters Association Gala. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. The event was sponsored by the San Antonio Professional Firefighters Association, 8925 IH-10 West, San Antonio, Texas 78251.

September 16, 2014: Speaker, Candidate Meet-and-Greet, San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. I sponsored the event.

September 8, 2014: Speaker, Bexar County Republican Party Chairman's Barbeque event at Alzafar Shrine Temple, San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcripts, or recordings. The event was sponsored by the Bexar County Republican Party, 12000 Starcrest Drive, San Antonio, Texas 78247.

July 23, 2014: Speaker, Bexar County Republican Party Candidate Meet-and-Greet event at Luby's Restaurant in San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. The event was sponsored by Bexar County Republican Party, 12000 Starcrest Drive, San Antonio, Texas 78247.

July 2, 2014: Speaker, University of Texas at San Antonio Law Preparation event. I spoke about academic success in law school. I have no notes, transcript, or recording. The event was sponsored by the University of Texas at San Antonio, 1 UTSA Circle, San Antonio, Texas 78249.

February 4, 2014: Speaker, student visitors to the Bexar County Courthouse. I spoke to students about academic success. I have no notes, transcript, or recording. I do not recall the sponsoring organization. The Bexar County Courthouse is located at 100 Dolorosa, San Antonio, Texas 78205.

Fall 2014: Speaker, Bexar County Republican Women, San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or

recording. The event was sponsored by the Bexar County Republican Women, 18666 Stone Oak Parkway, Suite 103, San Antonio, Texas 78258.

Fall 2014: Speaker, San Antonio Republican Women, San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. The event was sponsored by the San Antonio Republican Women, Post Office Box 700523, San Antonio, Texas 78244.

Fall 2014: Speaker, Alamo City Republican Women, San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. The sponsoring organization was the Alamo City Republican Women, 2014 Adobe Trail, San Antonio, Texas 78232.

June 23, 2014: Speaker, Summer Law School Preparation Academy, Institute for Law and Public Affairs, University of Texas at San Antonio, San Antonio, Texas. I spoke about legal education and legal practice. I have no notes, transcript, or recording. The address for the University of Texas at San Antonio Institute for Law and Public Affairs is UTSA Circle, GSR 2.210, San Antonio, Texas 78249. Press coverage supplied.

February 21, 2014: Commercial in support of my campaign for Texas County Court at Law No. 5. Video located at <https://www.youtube.com/watch?v=0kdidOK02G8>

January 2014: Speaker, San Antonio Young Lawyers Association monthly meeting. I spoke about criminal misdemeanor appointments. I have no notes, transcript, or recording. The event was sponsored by the San Antonio Young Lawyers Association is Post Office Box 6344, San Antonio, Texas 78209.

October 26, 2013: Speaker, Alamo City Chamber of Commerce event at the Bexar County Courthouse. I spoke to young community leaders about professional success and leadership. The event was sponsored by the Alamo City Chamber of Commerce, 202 Connelly Street #209, San Antonio, Texas 78203.

October 2013: Speaker, San Antonio Legal Secretaries Association (now known as the San Antonio Legal Support Association), San Antonio, Texas. I spoke about my experience as a judge. I have no notes, transcripts, or recording. I have been unable to locate a physical address for the sponsoring organization, the San Antonio Legal Support Association.

February 9, 2013: Speaker, "Character Evidence," San Antonio Young Lawyers Association Luncheon, San Antonio, Texas. I spoke about the admissibility of character evidence. I have no notes, transcript or recording. The address of the San Antonio Young Lawyers Association is Post Office Box 6344, San Antonio, Texas 78209. Announcement supplied.

July 2012: Speaker, Unveiling of African-American Edition of "Who's Who in San Antonio." I spoke about the contributions of African-Americans to the San Antonio

community. I have no notes, transcript, or recording. I do not recall the sponsoring organization. The event took place at the Henry B. Gonzalez Convention Center, located at 900 East Market Street, San Antonio, Texas 78205. Press coverage supplied.

April 15, 2012: Presenter, "Closing Argument and Evidentiary Issues," San Antonio Young Lawyers Association Trial Skills CLE Series. I spoke about closing arguments and evidentiary issues at trial. I have no notes, transcript or recording. The address of the San Antonio Young Lawyers Association is Post Office Box 6344, San Antonio, Texas 78209. Announcement supplied.

October 19, 2011: Speaker, San Antonio Young Lawyers Association, Honorary Young Lawyer of the Year Award. I made brief comments thanking the San Antonio Young Lawyers Association Board for the award. I have no notes, transcript, or recording. The address of the San Antonio Young Lawyers Association is Post Office Box 6344, San Antonio, Texas 78209.

September 14, 2011: Speaker, San Antonio Bar Association Mentoring Program. I spoke about my personal and professional history. I have no notes, transcripts, or recording. The sponsoring organizations were the San Antonio Bar Association, located at the Bexar County Courthouse, 100 Dolorosa #500, San Antonio, Texas 78205, and the San Antonio Black Lawyers Association, located at 1515 North St. Mary, San Antonio, Texas 78215. Press coverage supplied.

February 8, 2011: Speaker, South Texas Organization of Paralegals, San Antonio, Texas. I spoke about my experience as a judge. I have no notes, transcripts, or recording. The address of the South Texas Organization of Paralegals is Post Office Box 692051, San Antonio, Texas 78269. Announcement supplied.

January 10, 2011: Speaker, Lighthouse Luncheon, San Antonio, Texas. I spoke about my experience as a judge. I have no notes, transcripts, or recording. I was unable to locate a physical mailing address for the Lighthouse Luncheon Group. The group regularly meets at the Plaza Club, Frost Bank Tower, 100 West Houston, 21st Floor, San Antonio, Texas 78205.

January 2011: Speaker, Investiture to County Court at Law No. 5, San Antonio, Texas. I spoke at my swearing in ceremony about my service in as Marine Corps Judge Advocate and my commitment to service as a trial court judge. I have no notes, transcript, or recording. The event took place at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas 78205.

November 7, 2010: Speaker, Family Educators Alliance of South Texas (FEAST) civics class. I spoke to students about the Texas judiciary. I have no notes, transcript, or recording. The event was sponsored by Family Educators Alliance of South Texas, 7735 Mockingbird Lane, San Antonio, Texas 78229.

September 3, 2010: Speaker, Campaign Meet-and-Greet. I spoke about my candidacy for

the Bexar County Court. I have no notes, transcript, or recording. I do not recall the sponsoring organization or the location of the event.

Fall 2010: Speaker, Bexar County Republican Women, San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. The event was sponsored by the Bexar County Republican Women, 18666 Stone Oak Parkway, Suite 103, San Antonio, Texas 78258.

Fall 2010: Speaker, San Antonio Republican Women, San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. The event was sponsored by the San Antonio Republican Women, Post Office Box 700523, San Antonio, Texas 78244.

Fall 2010: Speaker, Alamo City Republican Women, San Antonio, Texas. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. The sponsoring organization was the Alamo City Republican Women, 2014 Adobe Trail, San Antonio, Texas 78232.

June 30, 2010: Speaker, Campaign Meet-and-Greet. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. I sponsored the event.

June 24, 2010: Speaker, Campaign Meet-and-Greet. I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. I sponsored the event.

October 30, 2009: Alamo City Republican Women monthly luncheon. I spoke about I spoke about my candidacy for the Bexar County Court. I have no notes, transcript, or recording. The sponsoring organization was the Alamo City Republican Women, 2014 Adobe Trail, San Antonio, Texas 78232.

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.

Interview, *300 Voices in 300 Days*, The African-American Network (TAAN-TV), Feb. 2, 2018. Video supplied.

Interview, San Antonio Movers and Shakers Radio Program, April 16, 2016. Audio available at <https://m.soundcloud.com/movers-and-shakers-show/jason-pulliam-justice-texas-4th-court-of-appeals-04-16-16>

Interview, *Black Excellence*, Black Video News Network, Sept. 7, 2016. Video located at <https://www.youtube.com/watch?v=PJQY-FerUFM>

Interview, *Black Friday Live Special*, Black Video News Network, Nov. 3, 2016. Video available at <https://www.youtube.com/watch?v=WIsOMK2tfx4&feature=youtu.be>

Interview, *Special Report, Justice Jason Pulliam Event*, Black Video News Network, Nov. 11, 2015. Video available at <https://www.youtube.com/watch?v=hAB313W878I>

Interview, *Special Report, 29th Annual Delta Sigma Theta Poinsettia Ball*, Black Video News Network, Sept. 19, 2015. Video available at <https://www.youtube.com/watch?v=IRTRjFJ3-1M&feature=youtu.be>

Interview, *Black Trending, NAACP Freedom Fund Dinner*, Oct. 30, 2015. Video available at <https://www.youtube.com/watch?v=f65ImTXX1R0&feature=youtu.be>

Interview, *First African American Appellate Court Justice*, News 4 San Antonio, Feb. 20, 2015. Video available at <https://news4sanantonio.com/news/local-deprecated/first-african-american-appellate-court-justice>

Michelle Casady, *S.A. Judge Heads to Appeals Bench; Pulliam picked for 4th Court of Appeals*, San Antonio Express-News, at A4, Jan. 9, 2015. Copy supplied.

Tom Orsborn, *Spurs vs. Heat; Fans' Hopes High as Finals Tip Off; San Antonians Predict a Title Against Defending Champion Heat, James*, San Antonio Express-News, June 6, 2013, at A1. Copy supplied.

Johnny W. Thomas, *Judge Jason K. Pulliam, County Court at Law No. 5*, San Antonio Law., Sept.-Oct. 2012, at 12. Copy supplied.

Angela Morris, *Semper Fi: Judge Reflects on Service and Sacrifice*, Tex. Law., Sept. 3, 2012. Copy supplied.

Interview, *Judge Helps Nab Theft Suspects*, KSAT ABC12, August 24, 2012. Copy supplied. Video available at <https://www.ksat.com/news/judge-helps-nab-theft-suspects?fbclid=IwAR35UCBMnMNQG7R827d67WHHRaQDHTZSksnPux-GnkrHlzSGPWKxhMI714>

Craig Kapitan, *Vets' Oral Histories Written Down*, San Antonio Express-News, Nov. 12, 2011, at B1.

*Pulliam First Republican African American Judge in Bexar County*, CBS 5 KENS, Jan. 7, 2011. Copy supplied.

*Republican Candidate Jason Pulliam Reveals Why He Is Running for Office*, La Prensa San Antonio, Oct. 31, 2010, at 5C. Copy supplied.

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

Texas Fourth Court of Appeals, Justice – January 8, 2015 to December 31, 2016. The Fourth Court of Appeals is a state intermediate appellate court that hears civil and criminal appeals for a 32-county region that covers most of south Texas.

Bexar County, County Court at Law No. 5, Judge – January 3, 2011 to January 7, 2015. County Court at Law No. 5 is a general jurisdiction court that has jurisdiction over all class A misdemeanor criminal offenses (up to one year in county jail and/or a \$4,000 fine) and B misdemeanor criminal offenses (up to six months in county jail and/or a \$2,000 fine) and civil cases with a \$200,000 jurisdictional limit.

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

Approximately 100.

i. Of these, approximately what percent were:

jury trials:	70%
bench trials:	30% [total 100%]
civil proceedings:	40%
criminal proceedings:	60% [total 100%]

As an appellate justice on the Fourth Court of Appeals, all of the cases were non-jury matters. Approximately 50% of the cases were civil and 50% were criminal.

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

Citations are provided at Appendix 13.b.

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

1. *Bexar County Civil Serv. Comm'n v. Guerrero*, No. 04-15-00341-CV, 2016 WL 4376629 (Tex. App.—San Antonio Aug. 17, 2016, no. pet.).

This case involved judicial review of an administrative order that overturned a Bexar County employee's demotion, but left her in the demoted position. Guerrero was a Bexar County employee. She was demoted from her E-11 managerial position and reclassified as an E-5 analyst. Guerrero appealed her demotion to the Commission. The Commission overturned Guerrero's demotion and awarded her back pay from the time of her demotion. The Commission directed that Guerrero remain in her demoted status (E-5 analyst classification and pay) because the County Commissioners eliminated her

position during the pendency of her administrative appeal. Guerrero sought judicial review of the Commission's decision to keep her in the demoted status. The District Court agreed with Guerrero and reinstated her E-11 classification and salary. The Commission appealed the trial court's decision to the Fourth Court of Appeals. On appeal, the Commission argued that the trial court abused its discretion by disregarding the substantial evidence rule that governs judicial review of administrative actions. I authored the opinion. The Fourth Court began its analysis of the case with the Commission's concession that its decision to overturn Guerrero's demotion was valid, and substantial evidence supported the decision. The record revealed the Commission overturned Guerrero's demotion with no attenuation, and this decision was final and binding. The disputed issue the trial court had to resolve was whether the Commission's decision to retain Guerrero in her demoted status was reasonable despite the fact that the Commission overturned her demotion. The Fourth Court determined that the Commission had the authority to reinstate Guerrero under the Local Government Code and its own Policy Number 7.6.14. The Fourth Court also determined that the Commission's action of retaining Guerrero in her demoted position, salary, and classification was not reasonably supported by the substantial evidence, and this error prejudiced a substantial right. Therefore, the Fourth Court held that the trial court did not abuse its discretion and did not disregard the substantial evidence rule by reinstating Guerrero to her E-11 classification and salary.

Counsel for Appellant

Clarkson F. Brown  
Bexar County District Attorney, Civil Section  
300 Dolorosa, Suite 5049  
San Antonio, Texas 78205  
(210) 335-3918

Counsel for Appellee

Robert William Clore  
Bandas Law Firm, PC  
500 North Shoreline Drive, Suite 1020  
Corpus Christi, Texas 78401  
(361) 698-5200

Orlando R. Lopez  
Lopez Scott, LLC  
3707 North St. Mary's Street, Suite 200  
San Antonio, Texas 78212  
(210) 472-2100

2. *CASH BIZ, LP v. Henry*, No. 04-15-00469-CV, 2016 WL 4013794 (Tex. App.—San Antonio July 27, 2016, pet. filed).

This case involved an agreement between a payday lender and borrowers who defaulted on their required payments. The agreement between the lender and the borrowers

required the borrowers to provide a post-dated check to the lender. After the borrowers failed to make required payments, the lender sought to deposit the checks in an effort to receive the full amount of the required loan payments. Upon presentment to the lender's bank, the borrowers' checks had insufficient funds to complete the transaction. The lender referred the matter to the local district attorney's office for prosecution. The matter was referred to local justices of the peace due to the amount of the checks involved in the case. Some of the borrowers were arrested. The cases against the borrowers were dismissed. None of the borrowers were convicted of an offense under the Texas Penal Code. The borrowers filed a lawsuit against the lender in state district court. The borrowers alleged the lender's actions in referring the matter to the district attorney amounted to malicious prosecution under Texas law. The lender sought to compel arbitration pursuant to the arbitration clause in the parties' agreement. The trial judge denied the lender's motion to compel arbitration and the lender appealed. The issues on appeal were: (1) whether the borrowing parties' causes of action fell within the scope of the arbitration provision contained within the loan documents, and if so, (2) whether Cash Biz waived the right to enforce the arbitration provision because it substantially invoked the judicial process by filing criminal complaints against the borrowing parties. I authored the opinion for the court and determined that the borrowing parties' causes of action fell within the scope of the parties' arbitration agreement, and Cash Biz's filing of a criminal complaint was not an act that substantially invoked the judicial process to constitute waiver of this agreement. Reversed and remanded for arbitration.

Counsel for Appellant

Edward Hubbard  
Patrick E. Gaas  
Sumit Kumar Arora  
Coats Rose Yale Ryman & Lee PC  
9 Greenway Plaza, Suite 1100  
Houston, Texas 77046  
(713) 651-0111

Counsel for Appellee

Daniel Dutko  
H. Mark Burck  
Hanszen Laporte  
11767 Katy Freeway, Suite 850  
Houston, Texas 77079  
(713) 522-9444

Philip A. Meyer  
115 East Travis Street, Suite 1403  
San Antonio, Texas 78205  
(210) 372-8800

3. *Aery v. Hoskins, Inc.*, No. 04-14-00807-CV, 2016 WL 1237985 (Tex. App.—San Antonio Mar. 30, 2016, pet. filed).

This case arose from a dispute involving an agreement by three siblings to pool and share royalty interests in their three separate tracts of land. The issue on appeal was whether one sibling's undivided royalty interest held in the other tracts included in the pool became an appurtenance to his land and passed with that sibling's conveyance of his land through a general warranty deed. Three siblings received specific tracts of land from their mother. The mother also conveyed an undivided mineral interest in the same property to her three children. The siblings executed an agreement which recognized their individual tracts and the undivided mineral estate. In the same agreement, the siblings partitioned the undivided mineral estate. Later, one of the siblings conveyed his interest in the surface and mineral estate of his tract to an unrelated party, the plaintiffs/appellants. Through this conveyance, the plaintiffs/appellants believed they received the right to royalty interests in production on the other two tracts. The plaintiffs/appellants brought suit and sought declaratory relief regarding their claimed right to royalty interests from production on the two other tracts. The parties filed competing motions for summary judgment. The trial court granted declaratory relief on competing motions for summary judgment, stating that the first sibling's undivided royalty interest held in the other tracts in the pool did not pass with that sibling's conveyance of his tract through a general warranty deed. I authored the opinion. The court held that the (1) pooling agreement resulted in each sibling obtaining an undivided royalty interest in the entire pooled unit, and (2) the first sibling's undivided royalty interest in the tracts of his two siblings was not appurtenant to that sibling's tract, and therefore, did not automatically pass to a purchaser through general warranty deed. The trial court's judgment was affirmed.

Counsel for Appellant

John W. Weber, Jr.  
Jeffrey Webb  
Rosemarie Kanusky  
Norton Rose Fulbright US LLP  
300 Convent Street, Suite 2100  
San Antonio, Texas 78205  
(210) 224-5575

Melanie Hessler Sanders  
Kustoff & Phipps, LLP  
4103 Parkdale Street  
San Antonio, Texas 78229  
(210) 614-9444

Marc Whyte  
Whyte, PLLC  
1045 Cheever Boulevard, Suite 103  
San Antonio, Texas 78217

(210) 562-2888

Daniel Pozza  
Pozza & Whyte, PLLC  
239 East Commerce Street  
San Antonio, Texas 78205  
(210) 226-8888

Counsel for Appellee  
David William Navarro  
Hornberger Fuller & Garza Incorporated  
7373 Broadway Street, Suite 300  
San Antonio, Texas 78209  
(210) 271-1700

Benjamin F. Youngblood, III  
8207 Callaghan Road, Suite 100  
San Antonio, Texas 78230  
(210) 308-9829

R. Clay Hoblit  
Roberta Shellum Dohse  
Conner Jackson  
Hoblit Darling Ralls Hernandez & Hudlow, LLP  
802 North Carancahua Street, Suite 2000  
Corpus Christi, Texas 78401  
(361) 888-9392

C. David Kinder  
Melanie Lynn Fry  
Dykema Cox Smith  
112 East Pecan Street, Suite 1800  
San Antonio, Texas 78205  
(210) 554-5421

Peter E. Hosey  
Julia W. Mann  
Jackson Walker LLP  
112 East Pecan Street, Suite 2400  
San Antonio, Texas 78205  
(210) 978-7700

David L. Ylitalo  
Law Office of David L Ylitalo  
319 Maverick Street  
San Antonio, Texas 78212

(210) 224-1819

Bruce D. Oakley  
Hogan Lovells US LLP  
609 Main Street, Suite 4200  
Houston, Texas 77002  
(713) 632-1420

Ezra Johnson  
Uhl, Fitzsimons, Jewett & Burton PLLC  
4040 Broadway, Suite 430  
San Antonio, Texas 78209  
(210) 829-1660

Jason A. Newman  
Baker Botts LLP  
910 Louisiana Street  
Houston, Texas 77002  
(713) 229-1720

Michael C. Sartori  
Post Office Box 1222  
George West, Texas 78022  
(361) 449-2691

4. *In re Sandoval*, No. 04–15–00244–CV, 2016 WL 353010 (Tex. App.—San Antonio Jan. 27, 2016, orig. proceeding [mand. pending]).

This was an original mandamus proceeding brought before the Court of Appeals. Sandoval filed a petition for writ of mandamus complaining of the trial court's order denying her plea to the jurisdiction in the underlying suit to adjudicate parentage. The underlying matter involved two women who were in a relationship (Sandoval and another woman who identified as a man named Dino). Dino was born a woman. During the tenure of Sandoval's relationship with Dino, Sandoval adopted two children. Dino is not the adoptive parent of either child. After Sandoval and Dino separated, Dino filed a petition to adjudicate parentage. In a separate trial court action, Dino obtained an Order Granting Change of Identity from a Bexar County District Court. The order included a finding that Dino's sex is male. Dino claimed standing as a man alleging himself to be the father of the minor children pursuant to the District Court order. Sandoval filed a plea to the jurisdiction challenging Dino's standing to bring suit. The District Court denied Sandoval's plea. Sandoval filed an original proceeding in the Court of Appeals to challenge the District Court's denial of her plea. I authored the opinion. The first issue the Fourth Court had to resolve was whether the improper denial of a plea to the jurisdiction was reviewable by mandamus because it is a question of law that can be resolved by ordinary appeal. After reviewing Texas Supreme Court precedent regarding the propriety of mandamus review in child custody matters, we sought to resolve the

substantive legal issue involved in the case. The court determined that Dino's attempt to use an order granted under chapter two of the Texas Family Code, which relates to a person's identity for the purpose of obtaining a marriage license, did not confer standing as a man whose paternity is to be adjudicated under chapter 160 of the Texas Family Code. The court held that the District Court abused its discretion in denying Sandoval's plea to the jurisdiction. Therefore, the court granted mandamus and directed the District Court to enter an order granting the plea to the jurisdiction and to dismiss the case for lack of subject matter jurisdiction.

Counsel for Appellant

Deanna L. Whitley  
2206 East Commerce Street  
San Antonio, Texas 78203  
(210) 679-2610

Counsel for Appellee

Franz Von Hoffmann  
715 Oak Street  
Graham, Texas 76450  
(940) 521-7874

5. *City of San Antonio v. Tenorio*, No. 04-15-00259-CV, 2016 WL 328073 (Tex. App.—San Antonio Jan. 27, 2016, pet. filed).

This case involved the City of San Antonio's appeal from the trial court's denial of a plea to the jurisdiction. San Antonio police officers responded to a home invasion. The suspect fled the scene in a car and the officers pursued him. The suspect entered the exit ramp on Interstate Loop 410 and traveled in the wrong direction into oncoming traffic. The officers terminated the pursuit at this point. Approximately one minute after entering the freeway, the suspect had a head-on collision with Pedro and Roxana Tenorio. Pedro Tenorio was killed in the accident. Roxana Tenorio, individually and on behalf of Pedro Tenorio, brought suit against the City of San Antonio under the Texas Tort Claims Act. Tenorio alleged the officers were negligent in initiating and continuing the chase. She also alleged the officers were negligent in failing to terminate the chase. The City of San Antonio filed a plea to the jurisdiction based upon Tenorio's failure to provide the requisite notice of her claims within six months pursuant to the Texas Tort Claims Act. There was no dispute that Tenorio did not provide the required formal notice. Instead, Tenorio argued that the City had actual notice as a result of the Texas Peace Officer's Crash Report. The trial court denied the plea to the jurisdiction and the City appealed. The majority opinion affirmed the trial court's decision. I wrote a dissenting opinion. My review of the record in this case revealed that there were no disputed facts regarding the sequence of events that led to the suspect entering the freeway, traveling the wrong direction, and causing the head-on collision that formed the basis of this suit. Because there was no actual factual dispute, the Fourth Court was required to make a legal determination regarding whether the City had actual subjective awareness of its fault in causing the accident. The officer in charge during the pursuit gave an order to terminate

the pursuit because he was subjectively aware of the threat to public safety if the chase continued. The majority opinion placed great reliance on an indication in Box No. 36 of the Crash Report, labeled Contributing Factors in which the investigating officer indicated that the suspect was “fleeing or evading police.” The majority concluded that a suspect only flees when chased. All of the evidence in the case reflects that the suspect fled before the police initiated their pursuit. The suspect was already in motion before the police arrived on the scene. The police officers did not cause the suspect to flee. The officer’s report and the witness statements demonstrate that the order to terminate pursuit occurred before the suspect drove up the exit ramp and collided with Mr. and Mrs. Tenorio. The undisputed evidence conclusively established that the City of San Antonio was not subjectively aware of its own fault in causing or contributing to this accident. I would have reversed the trial court’s order denying the plea to the jurisdiction. I would have granted the plea and rendered judgment dismissing the case for want of subject matter jurisdiction.

Counsel for Appellant

Michael D. Siemer  
City of San Antonio City Attorney  
100 West Houston Street, 18th Floor  
San Antonio, Texas 78205  
(210) 207-8784

Daniel Pozza  
Pozza & Whyte, PLLC  
239 East Commerce Street  
San Antonio, Texas 78205  
(210) 226-8888

Counsel for Appellee

Jose B. Brock  
5866 South Staples, Suite 103  
Corpus Christi, Texas 78413  
(361) 884-1086

6. *Martinez v. State Office of Risk Mgmt.*, No. 04-14-00558-CV, 2016 WL 548115 (Tex. App.—San Antonio Feb. 10, 2016, pet. filed).

This case arose from a dispute between Martinez and the State Office of Risk Management regarding whether Martinez was entitled to receive workers’ compensation benefits. Martinez was a Texas Department of Protective and Regulatory Services employee. The State Office of Risk Management (SORM) was the workers’ compensation carrier for Martinez’s employer. On Saturday, June 9, 2001, Martinez claimed she was working in her kitchen on service plans and files in preparation for hearings the following Monday. As she walked across her kitchen floor to retrieve a pen, Martinez fell and injured herself. On Monday, June 11, 2001, she reported the injury and filed a claim for workers’ compensation benefits. SORM denied Martinez’s claim.

Martinez sought review of her claim with the Texas Workers' Compensation Commission. Martinez alleged that she was entitled to benefits because she was working from home. SORM took the position that Martinez was not authorized to work from home and therefore, she was not in the course and scope of employment when she sustained her injury. The parties proceeded to a contested administrative hearing. The issues presented for resolution were: (1) Whether Martinez sustained a compensable injury, and (2) Whether Martinez had a disability. The hearing officer determined that Martinez did not sustain a compensable injury. Martinez filed a request for an administrative appeal. The appeals panel reversed the hearing officer's decision. The appeals panel found that Martinez was in the course and scope of employment when she sustained her injury. SORM filed a petition for judicial review in a Bexar County state district trial court. Before the trial court, SORM argued that Martinez did not sustain a compensable injury because she violated state law by not receiving authorization to work at home. Both sides moved for summary judgment. The trial court entered judgment reversing the administrative appeals panel's decision and rendered judgment that Martinez did not sustain a compensable injury. Martinez filed an appeal with the Fourth Court. The Fourth Court reversed the trial court based on SORM's failure to present the issue of Martinez's violation of state law at the administrative level. I authored the dissenting opinion. This case required the Fourth Court to resolve the meaning of the word "issue" as used in the Texas Workers' Compensation Act (Act). Sections 410.301 and 410.302 of the Act specifically identify the issues that may be presented to a trial court upon judicial review. The Act states that the issues of compensability, income, or death benefits may be resolved during judicial review of a final decision of an appeals panel. The Act states that upon judicial review, the judiciary may only address issues that were decided by the appeals panel. Martinez argued and the majority agreed that the word "issue" has a narrow meaning similar to issues raised in appellate practice. The majority likened the word "issue" to a point of error that must specifically be raised at the trial court level in order to allow appellate review. The majority confused the word "issue" as it is used in the Act with the specificity required for a point of error in appellate practice. The Act identifies issues as broad categories, such as compensability. A party may use any argument or sub-argument to support an issue identified in the Act. In this case, SORM's position at the administrative level and in the trial court was that Martinez did not sustain a compensable injury. *Tex. Workers' Comp. Ins. Fund v. Tex. Workers' Comp. Comm'n*, 124 S.W.3d 813, 819–22 (Tex. App.—Austin 2003, pet. denied) is the only court to decide the specific matter presented in this appeal. I believe *Texas Workers' Comp. Ins. Fund* properly resolved the legal question presented, and therefore, should be followed. Throughout the workers' compensation act, "issue" is never used to refer to legal arguments or doctrines; rather, "issue" is used to refer to disputed matters related to the underlying workers' compensation claim. Reasoning that Texas courts discussing "issues" in the context of the Act "have repeatedly characterized 'issue' as being related to the underlying workers' compensation claim," the Austin court then concluded "issue" "refers to disputed determinations made by the hearing officer in rendering his decision." Applying the reasoning of the Austin Court of Appeals to Martinez's case, it is clear that the disputed matter related to Martinez's claim was whether her injury was compensable. SORM's position that Martinez's injury was not in the course and scope of employment because she violated state law by working at home

was simply an argument supporting their overarching claim that Martinez's injury was not compensable. Therefore, SORM may raise its statutory violation argument to support its position that Martinez did not suffer a compensable injury at any time in the administrative and judicial process. Therefore, I would have affirmed the trial court's granting of SORM's motion for summary judgment.

Counsel for Appellant

Kenneth W. Howell  
629 South Presa Street  
San Antonio, Texas 78210  
(210) 227-6305

Counsel for Appellee

Emily Jakobeit  
Assistant Attorney General  
Post Office Box 12548  
Austin, Texas 78711  
(512) 475-2036

7. *Joeris Gen. Contractors, Ltd. v. Cumpian*, No. 04-15-00481-CV (Tex. App.—San Antonio Dec. 21, 2016, no pet. h.).

This case arose out of a workplace injury sustained by an employee of an independent contractor. Northside Independent School District (NISD) hired Joeris to be the general contractor for construction of Dr. Folks Middle School. Joeris contracted with an independent contractor, Leal Welding & Erection (Leal Welding), to conduct steel erection for the construction project. Plaintiff Cumpian was an employee of Leal Welding. On May 29, 2012, Cumpian and his co-worker Armando Gonzalez were on the jobsite installing the last of several steel staircase frames. Leal Welding had previously used a crane to move and install the staircase frames; however, on this day, the crane was not on the jobsite. Instead, Gonzalez used a forklift to install the final staircase frame and attempted to secure the staircase frame to the forklift by using nylon straps. After a failed attempt and strap adjustment, Gonzalez again attempted to lift the staircase frame with the forklift, when it fell from the forklift and landed on Cumpian's foot. Cumpian's foot was severely injured. Cumpian sued Joeris for negligence. Cumpian alleged that Joeris failed to enforce or comply with its workplace safety regulations and its failure to monitor Gonzalez's activity to ensure compliance with the safety regulations caused this incident. Cumpian also alleged that Joeris was aware of Gonzalez's prior safety regulation violations on other Joeris projects. Due to Joeris' knowledge of Gonzalez's work history, Cumpian claimed that Joeris had a duty to monitor Gonzalez's activity on this project. Cumpian further alleged that Joeris' negligence in failing to monitor Gonzalez and enforce its safety regulations led to his injury. After a nine-day jury trial, the jury returned a verdict against Joeris. The trial court denied Joeris' judgment notwithstanding the verdict and motion for new trial. Joeris filed an appeal with the Fourth Court. The dispositive issue in this case was whether Joeris owed a legal duty to Cumpian regarding Joeris' promulgation, enforcement, and/or compliance with

workplace safety regulations. I authored the opinion. In *Hoechst-Celanese Corp. v. Mendez*, 967 S.W.2d 354, 356 (Tex. 1998), the Texas Supreme Court specifically addressed the question presented in this case. In *Hoechst-Celanese v. Mendez*, the Texas Supreme Court opened the door to a possible exception to the strictly-construed, no-duty general rule in the circumstance in which a general contractor holds the right to control the promulgation and enforcement of safety regulations. The court held that, standing alone, a general contractor's right to control jobsite safety or to require an independent contractor's compliance with safety regulations does not impose an unqualified duty of care to ensure the independent contractor's employees perform their work in a safe manner." A general contractor which promulgates safety rules and maintains control to enforce these safety requirements might assume a narrow duty of care commensurate with the extent of the control it maintains. A plaintiff asserting negligence based upon a general contractor's failure to enforce safety regulations must prove: (1) the general contractor held the right to control the safety regulations related to the specific injury-causing activity; and (2) the general contractor committed an act or omission that was not in accord with the scope of any such duty incurred through this control. In this case, the undisputed evidence demonstrated that Joeris was not aware of Gonzalez's and Cumpian's use of the forklift and nylon straps to install the staircase. Cumpian was required to prove that Joeris had actual, not constructive, knowledge of the safety regulation violations to trigger the narrow duty established in the *Mendez* case. Cumpian's use of Joeris' knowledge of Gonzalez's past violations on other projects cannot be used to prove Joeris' knowledge of safety regulation violations on this specific project. There must be a nexus between the safety regulation violation and the injury producing event. Here, there was no evidence that Joeris had knowledge of Gonzalez's and Cumpian's violation of safety regulations in their use of the forklift and connected straps that led to Cumpian's injury. The evidence established that Cumpian took directions from Gonzalez and that it was Gonzalez's decision to fasten the straps to the forklift to move the staircase. Because the undisputed facts and testimony conclusively demonstrate Joeris was not aware that Gonzalez routinely ignored safety guidelines on this job and was not aware that Gonzalez and Cumpian were engaging in unsafe behavior, as a matter of law, Joeris did not have a duty to take corrective action as established in *Mendez*. The Fourth Court reversed the trial court's judgment and rendered judgment in favor of Joeris.

Counsel for Appellant

David B. Gaultney  
Elana S. Einhorn  
Mehaffy Weber, PC  
823 Congress Avenue, Suite 200  
Austin, Texas 78701  
(512) 394-3840

Jeremy R. Stone  
Butch Boyd Law Firm  
2905 Sackett Street  
Houston, Texas 78701

(713) 589-8477

Lorien Whyte  
Pozza & Whyte, PLLC  
239 East Commerce Street  
San Antonio, Texas 78205  
(210) 226-8888

Marcella Algarra  
Thornton, Biechlin, Reynolds, Guerra  
100 Northeast Loop 410, Suite 500  
San Antonio, Texas 78216  
(210) 581-0288

Rebecca Bergeron  
Winstead PC  
300 Convent Street, Suite 2700  
San Antonio, Texas 78205  
(210) 277-6862

Counsel for Appellee

Thad D. Spalding  
Kelly, Durham, Pittard, LLP  
Post Office Box 224626  
Dallas, Texas 75222  
(214) 946-8000

Brian C. Steward  
Ryan Todd  
Richard Westlund  
Johnny M. Morris  
Ketterman Rowland & Westlund  
16500 San Pedro, Suite 302  
San Antonio, Texas 78232  
(210) 490-7402

Dava Greenberg-Spindler  
Wilson Elser Moskowitz Edelman & Dicker LLP  
901 Main Street, Suite 4800  
Dallas, Texas 75202  
(210) 387-7976

8. *State v. Evans*, 486 S.W.3d 636, 637 (Tex. App.—San Antonio 2016, pet. re'f'd).

The State of Texas appealed the trial court's order granting Appellee James Norman Evans' motion to suppress the results of a search pursuant to a warrant. In a single issue,

the State argued the trial court abused its discretion by granting the motion to suppress because the trial court interpreted the warrant affidavit in a hyper-technical manner, rather than deferring to reasonable inferences the reviewing magistrate could have drawn. Evans was charged with sexual assault and continuous sexual abuse of a young child. After his arrest, Evans was released on bond subject to sex offender bond conditions. Approximately one month after his release, a county supervision officer conducted a bond conditions check at Evans' home. Evans consented to the search. The date of the bond conditions visit was August 1, 2014. The supervision officer discovered a unique pair of female undergarments. The undergarments matched the description provided by the victim in her outcry statement. The supervision officer notified the sheriff's office regarding the discovery. A sheriff's investigator prepared an affidavit and applied for a search warrant. The judge issued the warrant and the sheriff's office retrieved the undergarments from Evans' home. The date of the bond conditions check and the date of the issuance and execution of the warrant were all the same day. Evans filed a third amended motion to suppress evidence. The trial judge granted the motion and suppressed the evidence. The trial judge found that the affidavit used to support the warrant lacked current information that would have made it reasonable to believe the evidence to be searched for and seized was in the place to be searched. The trial judge believed that the date referenced in the affidavit related to when the supervision officer told the sheriff's office the garment was found. The trial judge believed the affidavit did not specify when the actual bond conditions visit took place. The trial judge found that the supervision officer informed the sheriff's office about the garment on August 1, 2014, but found the affidavit was unclear that the bond conditions visit took place on that same date. The State appealed the trial judge's decision. I authored the opinion. On appeal, the Fourth Court's analysis was restricted to the four corners of the affidavit. The standard of review required great deference regarding the magistrate's decision to issue a search warrant. The appellate court's review of a supporting affidavit is commonsensical and realistic. The appellate court must uphold the magistrate judge's decision as long as the magistrate had a substantial basis for concluding probable cause existed based on the four corners of the affidavit. A reviewing court should not analyze the affidavit in a hyper-technical manner. Applying the highly deferential standard of review, the Fourth Court determined that the language in the affidavit and the reasonable inferences therefrom supported the magistrate's finding that probable cause existed and supported the issuance of the warrant. Held: the search warrant was supported by probable cause. The trial court's order granting the motion to suppress was reversed, and the case was remanded.

Counsel for Appellant

John Hoover  
Assistant District Attorney  
200 Earl Garrett, Suite 202  
Kerrville, Texas 78028  
(830) 896-4744

Counsel for Appellee

Wallace T. Ferguson  
Ferguson and Hix

Post Office Box 1106  
Boerne, Texas 78006  
(830) 249-9595

David K. Chapman  
Post Office Box 427  
Karnes City, Texas 78118  
(830) 780-3472

9. *ALS 88 Design Build LLC v. MOAB Constr. Co.*, No. 04-25-00096-CV, 2016 WL2753915 (Tex. App.—San Antonio May 11, 2016, pet. denied).

This case involved a dispute between a general contractor, MOAB Construction Co. (“MOAB”) and an architectural firm, ALS 88 Design Build LLC (“ALS”) regarding ALS’ alleged deficient performance of its contractual obligations. MOAB contracted with International Boundary and Water Commission (“IBWC”) to build an administration building. MOAB also contracted with ALS to provide the architectural design for the project. MOAB terminated ALS prior to ALS’ completion of its architectural work under the parties’ contract. IBWC terminated MOAB’s general contracting services prior to completion of the project. MOAB filed suit against ALS alleging negligence based on ALS’ alleged deficient performance under the contract. The case was tried to a jury. Prior to the close of evidence, ALS moved for a directed verdict which the court denied. The jury returned a verdict for MOAB and awarded damages of \$600,504.69. ALS then moved for a judgment notwithstanding the verdict (“JNOV”) which was also denied. ALS appealed the trial court denial of its JNOV based on the economic loss rule. I authored the opinion. The only evidence of damages was offered by MOAB’s president. MOAB sought to recover the difference between the funds it expended to build the administration building and the money IBWC paid MOAB before IBWC terminated the parties’ contract. To support its award of damages under a negligence theory, MOAB was required to prove it sustained a distinct tortious injury with actual damages. MOAB’s damages were purely economic losses that arose from the subject matter of its contract with ALS. Because MOAB alleged a negligence cause of action and the damages awarded amounted to an economic loss under the parties’ contract, ALS met its burden to show conclusive evidence entitling it to judgment as a matter of law. The Court of Appeals reversed the trial court’s judgment and rendered judgment in favor of ALS.

Counsel for Appellant

Regina B. Criswell  
7803 Bent Briar  
San Antonio, Texas 78250  
(210) 775-1155

Counsel for Appellee

Tom Hall  
115 East Travis Street, Suite 700

San Antonio, Texas  
(210) 222-2000

10. *City of San Antonio v. Tommy Harral Constr., Inc.*, 486 S.W.3d 77 (Tex. App.—San Antonio 2016, no pet.).

In litigation involving general contractor, subcontractor, and city public service board, the board filed a motion for partial summary judgment, seeking determination of two claims for declaratory relief. The trial court denied the motion. The board brought permissive interlocutory appeal. The court held that no affirmative indication of the trial court's substantive ruling on legal issue presented in motion for partial summary judgment, as is required to confer jurisdiction for review of ruling on permissive interlocutory appeal; and even if such indication did exist, the legal issue on motion for partial summary judgment was not controlled by legal issue presented for determination on appeal, and therefore the appellate court lacked jurisdiction.

Counsel for Appellant  
Matthew Vandenberg  
Jackson Walker LLP  
112 East Pecan Street, Suite 2400  
San Antonio, Texas 78205  
(210) 978-7700

Melodee Laine Gruber  
1115 17th Street  
Hondo, Texas 78861  
(830) 741-2600

Counsel for Appellee  
Micah Williams  
Law Office of Mark E. Macias  
1100 Northwest Loop 410, Suite 370  
San Antonio, Texas 78213  
(210) 949-0166

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.

*Bexar County Civil Serv. Comm'n v. Guerrero*, No. 04-15-00341-CV, 2016 WL 4376629 (Tex. App.—San Antonio Aug. 17, 2016, no. pet.).

Counsel for Appellant  
Clarkson F. Brown  
Bexar County District Attorney, Civil Section

300 Dolorosa, Suite 5049  
San Antonio, Texas 78205  
(210) 335-3918

Counsel for Appellee

Robert William Clore  
Bandas Law Firm, PC  
500 North Shoreline Drive, Suite 1020  
Corpus Christi, Texas 78401  
(361) 698-5200

Orlando R. Lopez  
Lopez Scott, LLC  
3707 North St. Mary's Street, Suite 200  
San Antonio, Texas 78212  
(210) 472-2100

*CASH BIZ, LP v. Henry*, No. 04-15-00469-CV, 2016 WL 4013794 (Tex. App.—San Antonio July 27, 2016, pet. filed).

Counsel for Appellant

Edward Hubbard  
Patrick E. Gaas  
Sumit Kumar Arora  
Coats Rose Yale Ryman & Lee PC  
9 Greenway Plaza, Suite 1100  
Houston, Texas 77046  
(713) 651-0111

Counsel for Appellee

Daniel Dutko  
H. Mark Burck  
Hanszen Laporte  
11767 Katy Freeway, Suite 850  
Houston, Texas 77079  
(713) 522-9444

Philip A. Meyer  
115 East Travis Street, Suite 1403  
San Antonio, Texas 78205  
(210) 372-8800

*Aery v. Hoskins, Inc.*, No. 04-14-00807-CV, 2016 WL 1237985 (Tex. App.—San Antonio Mar. 30, 2016, pet. filed).

Counsel for Appellant

John W. Weber, Jr.  
Jeffrey Webb  
Rosemarie Kanusky  
Norton Rose Fulbright US LLP  
300 Convent Street, Suite 2100  
San Antonio, Texas 78205  
(210) 224-5575

Melanie Hessler Sanders  
Kustoff & Phipps, LLP  
4103 Parkdale Street  
San Antonio, Texas 78229  
(210) 614-9444

Marc Whyte  
Whyte, PLLC  
1045 Cheever Boulevard, Suite 103  
San Antonio, Texas 78217  
(210) 582-0225

Daniel Pozza  
Pozza & Whyte, PLLC  
239 East Commerce Street  
San Antonio, Texas 78205  
(210) 226-8888

Counsel for Appellee

David William Navarro  
Hornberger Fuller & Garza Incorporated  
7373 Broadway Street, Suite 300  
San Antonio, Texas 78209  
(210) 271-1700

Benjamin F. Youngblood, III  
8207 Callaghan Road, Suite 100  
San Antonio, Texas 78230  
(210) 308-9829

R. Clay Hoblit  
Roberta Shellum Dohse  
Conner Jackson  
Hoblit Darling Ralls Hernandez & Hudlow, LLP  
802 North Carancahua Street, Suite 2000  
Corpus Christi, Texas 78401  
(361) 888-9392

C. David Kinder  
Melanie Lynn Fry  
Dykema Cox Smith  
112 East Pecan Street, Suite 1800  
San Antonio, Texas 78205  
(210) 554-5421

Peter E. Hosey  
Julia W. Mann  
Jackson Walker LLP  
112 East Pecan Street, Suite 2400  
San Antonio, Texas 78205  
(210) 978-7700

David L. Ylitalo  
Law Office of David L. Ylitalo  
319 Maverick Street  
San Antonio, Texas 78212  
(210) 224-1819

Bruce D. Oakley  
Hogan Lovells US LLP  
609 Main Street, Suite 4200  
Houston, Texas 77002  
(713) 632-1420

Ezra Johnson  
Uhl, Fitzsimons, Jewett & Burton PLLC  
4040 Broadway, Suite 430  
San Antonio, Texas 78209  
(210) 829-1660

Jason A. Newman  
Baker Botts LLP  
910 Louisiana Street  
Houston, Texas 77002  
(713) 229-1720

Michael C. Sartori  
Post Office Box 1222  
George West, Texas 78022  
(361) 449-2691

*In re Sandoval*, No. 04–15–00244–CV, 2016 WL 353010 (Tex. App.—San Antonio Jan. 27, 2016, orig. proceeding [mand. pending]).

Counsel for Appellant

Deanna L. Whitley  
2206 East Commerce Street  
San Antonio, Texas 78203  
(210) 679-2610

Counsel for Appellee

Franz Von Hoffmann  
715 Oak Street  
Graham, Texas 76450  
(940) 521-7874

*City of San Antonio v. Tenorio*, No. 04-15-00259-CV, 2016 WL 328073 (Tex. App.—San Antonio Jan. 27, 2016, pet. filed).

Counsel for Appellant

Michael D. Siemer  
City Attorney, City of San Antonio  
100 West Houston Street, 18th Floor  
San Antonio, Texas 78205  
(210) 207-8784

Daniel Pozza  
Pozza & Whyte, PLLC  
239 East Commerce Street  
San Antonio, Texas 78205  
(210) 226-8888

Counsel for Appellee

Jose B. Brock  
5866 South Staples, Suite 103  
Corpus Christi, Texas 78413  
(361) 884-1086

*Martinez v. State Office of Risk Mgmt.*, No. 04-14-00558-CV, 2016 WL 548115 (Tex. App.—San Antonio Feb. 10, 2016, pet. filed).

Counsel for Appellant

Kenneth W. Howell  
629 South Presa Street  
San Antonio, Texas 78210  
(210) 227-6305

Counsel for Appellee

Emily Jakobeit  
Assistant Attorney General

Post Office Box 12548  
Austin, Texas 78711

*Joeris General Contractors, Ltd. v. Cumpian*, No. 04-15-00481-CV (Tex. App.—San Antonio Dec. 21, 2016, no pet. h.).

Counsel for Appellant

David B. Gaultney  
Elana S. Einhorn  
Mehaffy Weber, PC  
823 Congress Avenue, Suite 200  
Austin, Texas 78701  
(512) 394-3840

Jeremy R. Stone  
Butch Boyd Law Firm  
2905 Sackett Street  
Houston, Texas 78701  
(713) 589-8477

Lorien Whyte  
Pozza & Whyte, PLLC  
239 East Commerce Street  
San Antonio, Texas 78205  
(210) 226-8888

Marcella Algarra  
Thornton, Biechlin, Reynolds, Guerra  
100 Northeast Loop 410, Suite 500  
San Antonio, Texas 78216  
(210) 581-0288

Rebecca Bergeron  
Winstead PC  
300 Convent Street, Suite 2700  
San Antonio, Texas 78205  
(210) 277-6862

Counsel for Appellee

Thad D. Spalding  
Brian C. Steward  
Ryan Todd  
Richard Westlund  
Johnny M. Morris  
Kelly, Durham, Pittard, LLP  
Post Office Box 224626

Dallas, Texas 75222  
(214) 946-8000

Dava Greenberg-Spindler  
Wilson Elser Moskowitz Edelman & Dicker LLP  
901 Main Street, Suite 4800  
Dallas, Texas 75202  
(210) 387-7976

*State v. Evans*, 486 S.W.3d 636, 637 (Tex. App.—San Antonio 2016, pet. ref'd).

Counsel for Appellant

John Hoover  
Assistant District Attorney  
200 Earl Garrett, Suite 202  
Kerrville, Texas 78028  
(830) 896-4744

Counsel for Appellee

Wallace T. Ferguson  
Ferguson and Hix  
Post Office Box 1106  
Boerne, Texas 78006  
(830) 249-9595

David K. Chapman  
Post Office Box 427  
Karnes City, Texas 78118  
(830) 780-3472

*ALS 88 Design Build LLC v. MOAB Constr. Co.*, No. 04-25-00096-CV, 2016  
WL2753915 (Tex. App.—San Antonio May 11, 2016, pet. denied).

Counsel for Appellant

Regina B. Criswell  
7803 Bent Briar  
San Antonio, Texas 78250  
(210) 775-1155

Counsel for Appellee

Tom Hall  
115 East Travis Street, Suite 700  
San Antonio, Texas  
(210) 222-2000

*City of San Antonio v. Tommy Harral Constr., Inc.*, 486 S.W.3d 77 (Tex. App.—San

Antonio 2016, no pet.).

Counsel for Appellant

Matthew Vandenberg  
Jackson Walker LLP  
112 East Pecan Street, Suite 2400  
San Antonio, Texas 78205  
(210) 978-7700

Melodee Laine Gruber

1115 17th Street  
Hondo, Texas 78861  
(830) 741-2600

Counsel for Appellee

Micah Williams  
Law Office of Mark E. Macias  
1100 Northwest Loop 410, Suite 370  
San Antonio, Texas 78213  
(210) 949-0166

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

*Kahn v. Helvetia Asset Recovery, Inc.*, 475 S.W.3d 389 (Tex. App. Ct.), *cert. denied*, 137 S. Ct. 453 (2016).

*Harris v. Texas*, No. 04-14-0088-CR, 2015 WL 7566229 (Tex. App. Ct. Nov. 25, 2015), *cert. denied*, 137 S.Ct. 199 (2016).

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.

*Univ. of the Incarnate Word v. Redus*, 474 S.W.3d 816 (Tex. App.—San Antonio 2015, pet. filed). This case arose from an incident in which a police officer employed by the University of the Incarnate Word (UIW) conducted an off-campus traffic stop of a student, Cameron Redus, based upon suspicion of driving while intoxicated. During the investigatory detention, the officer shot Redus five times, resulting in Redus' death. Redus' family filed suit against UIW and the officer for negligence. UIW filed a plea to the jurisdiction based upon governmental immunity from suit and liability pursuant to the limitations outlined in the Texas Tort Claims Act (TTCA). The trial court denied UIW's plea to the jurisdiction. UIW filed an interlocutory appeal pursuant to Section 51.014(a)(8) of the Texas Civil Practice and Remedies Code. UIW had to establish that it was a governmental unit in order to bring this interlocutory appeal. On appeal, the Fourth Court had to examine whether it had jurisdiction to determine the interlocutory

appeal, which presented an issue of first impression. UIW is a private institution of higher education. There was no dispute regarding this fact. To assert its interlocutory appeal, UIW claimed that it was a governmental unit with respect to its law enforcement activities. UIW sought to narrowly apply the immunity granted to governmental units under the TTCA to its law enforcement activities and claimed that it was a governmental unit for this one specific function. UIW claimed its governmental status regarding its law enforcement activities stemmed from its authority to operate a police department pursuant to Section 51.212 of the Texas Education Code. The Reduses argued that the Fourth Court did not have interlocutory jurisdiction because UIW, as an institution, had to satisfy the statutory definition of a governmental unit and that UIW could not carve out a specific function as a police department to satisfy its burden. The Reduses also argued that the statute authorizing a private university to employ peace officers did not convert the university or its police department into a governmental unit. The issue presented to the Fourth Court was a question of law and the standard of review in such a case is de novo. I authored the opinion. Since this case presented an issue of first impression, the Fourth Court sought guidance from Texas Supreme Court cases that interpreted the same law(s) involved in this appeal. *LTTS Charter Sch. Inc. v. C2 Constr., Inc.*, 342 S.W.3d 73 (Tex. 2011) was instructive and provided guidance regarding the interpretation of the law presented in this appeal. After reviewing the relevant law and the guidance provided by the Texas Supreme Court, the Fourth Court concluded that UIW was not a governmental unit entitled to bring an interlocutory appeal pursuant to Section 51.014(a)(8) of the Texas Civil Practice and Remedies Code. Therefore, the trial court's denial of UIW's plea to the jurisdiction was not an appealable order. UIW's appeal was dismissed for want of subject matter jurisdiction.

The Texas Supreme Court reversed stating that UIW was a governmental entity for the purposes of interlocutory appeal and remanded the case to the court of appeals to resolve the plea to the jurisdiction on the same issue. The Fourth Court of Appeals issued an opinion resolving the plea to the jurisdiction on March 7, 2018. *See Univ. of Incarnate Word v. Redus*, No 04-15-00120-CV, 2018 WL 1176652 (Tex. App.—San Antonio Mar. 7, 2018 no pet. h). The court of appeals' opinion agreed with my original opinion that UIW was not a governmental entity.

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.

All opinions I have issued are available in the court records maintained by the Clerk of the Court for the Texas Fourth Court of Appeals (for those opinion I issued while serving on that court) or the Bexar County, County Court at Law No. 5 (for those opinion I issued while serving on that court). A search of Westlaw conducted April 16, 2019, lists 100 opinions, 15 (15%) of which are reported. A search of LEXIS conducted April 16, 2019, lists 99 opinions, 17 (approximately 17%) of which are reported.

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.

*Bhakta v. Texas Dep't of Transp.*, 04-15-00297-CV, 2016 WL 1593163, at \*6 (Tex. App.—San Antonio Apr. 20, 2016, no. pet. h.).

*State v. Evans*, 486 S.W.3d 636 (Tex. App.—San Antonio 2016, pet. ref'd).

*Rosenbusch v. State*, 04-14-00050-CR, 2015 WL 5964995 (Tex. App.—San Antonio Oct. 14, 2015, pet. ref'd).

*Schmidt v. State*, No. 04-14-00272-CR, 2015 WL 1004238, (Tex. App.—San Antonio Mar. 4, 2015, no pet.).

*Juarez v. State*, 04-15-00413-CR, 2016 WL 1359372 (Tex. App.—San Antonio Apr. 6, 2016, no pet.).

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.

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 trial judge and appellate justice, I discharged my judicial duties in compliance with Canons Two and Three of the Texas Code of Judicial Conduct regarding impartiality and avoiding the appearance of impropriety.

To the best of my recollection, I was never asked to rescue myself from any case. As a trial

judge, I recused myself from all cases involving my former law firm (Ford & Massey, P.C.) for a period of two years. As a trial judge and appellate justice, I recused myself from any case in which I represented a party. I have recused myself from cases involving members of my church (Resurrection Baptist Church). As an appellate justice, I recused myself from all cases in which I was the presiding trial judge.

No party has ever taken action to remove me from a case or challenged the basis for my decision to recuse myself from a case.

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.

Texas requires judges to run in partisan elections. I was elected to serve as Judge of Bexar County Court at Law No. 5 in the November 2010 general election. I was reelected in the 2014 general election. I was asked to submit my name for consideration for a vacancy on the Fourth Court of Appeals after the 2014 election. Former Texas Governor Rick Perry appointed me to the Fourth Court of Appeals on January 8, 2015. I was required to run in the 2016 general election to retain the seat. I lost the 2016 general election. I have neither sought nor held any other elected public office.

In March 2017, Governor Greg Abbott appointed me to serve as one of five gubernatorial appointed commissioners on the Public Safety Commission. All commissioners serve six-year terms and can be reappointed by the governor.

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.

Excluding my own candidacy for Texas judicial office, I have never served on or rendered services in connection with any campaign.

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

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

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

I have never clerked for a judge.

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

I have 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.

1998 – 1999  
Cooper & Cooper  
3620 South MacGregor Way  
Houston, Texas 77021  
Law Clerk

2001 – 2004  
United States Marine Corps  
Marine Corps Base Camp Lejeune  
Camp Lejeune, North Carolina 28533  
Legal Services Support Team, Building 66  
Holcombe Boulevard/Molly Pitcher Road  
(910) 451-1903  
Judge Advocate

2004 – 2006  
The Carlson Law Firm  
100 East Central Texas Expressway  
Killeen, Texas 76541  
(254) 526-5688  
Associate

2006 – 2007  
Ball & Weed, PC (no longer extant)  
10001 Reunion Place, Suite 640  
San Antonio, Texas 78216  
(210) 731-6400  
Associate

2007 – 2010  
Ford & Murray, PLLC  
(formerly Ford & Massey, PC)  
10001 Reunion Place, Suite 640  
San Antonio, Texas 78216  
(210) 731-6400  
Associate

2017 – present  
Prichard Young, LLP  
10101 Reunion Place, Suite 600  
San Antonio, Texas 78216  
Counsel

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.

As part of my practice at Prichard Young, LLP, I serve as a mediator. I provide mediation for all civil matters including personal injury cases, ad valorem tax disputes, contractual, and property disputes. I served as the mediator for the 10 cases listed below.

*Culp v. Doshi*, 2015-CI-01513, in the 131st Judicial District, Bexar County, Texas (personal injury)

*Esquivel v. Farris*, Cause No. 2016CII7965, in the 438th Judicial District Court Bexar County, Texas (personal injury)

*Ford v. Meridian Fin. Svcs., Inc.*, 2016-CI-0431, in the County Court at Law No. 3, Bexar County, Texas (contract dispute)

*GAC Mgmt.Co., Ltd v. Bexar Appraisal Dist.*, 2017-CI-15723, in the 288th District Court, Bexar County, Texas (ad valorem tax dispute)

*Golla v. Bexar Appraisal Dist.*, 2017-CI-00746, in the 131 Judicial District Court, Bexar County, Texas (ad valorem tax dispute)

*In the Interest of B.J.D. and A.M.D.*, 2016-CI-18616, Bexar County, Texas (family law dispute)

*Koehler v. A-1 Fire & Safety* – Pre-suit mediation (personal injury)

*Malley v. Encompass Indem. Co.*, 2017-CI-05389, in the 288th Judicial District Court, Bexar County, Texas (first party insurance dispute stemming from hailstorm damage)

*Mission Ridge P.U.D. Homeowners Ass'n, Inc. v. Hines*, 2017-CI-111100, in the 45th Judicial District Court, Bexar County, Texas (dispute regarding application of association covenants and restrictions to homeowner construction)

*Talamante v. Rodriguez*, 15-12-32415-MCVAJA, in the 365th Judicial District Court, Maverick County, Texas (personal injury)

b. Describe:

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

I began my legal career as a United States Marine Corps Judge Advocate. I served as a criminal defense attorney and legal assistance attorney. I handled all aspects of litigation, trial preparation, and trials/settlements for a heavy caseload of criminal matters in one of the most active legal sections in the entire Department of Defense. I completed my active duty service in 2004.

After completing my military service, I represented plaintiffs and managed all aspects of civil litigation, discovery, trial preparation, trials, and settlements in the high-volume main office of the Carlson Law Firm. I provided detailed legal advice to clients and negotiated settlements in cases involving personal injuries sustained in automobile accidents, premises liability, and medical malpractice actions. I handled cases involving the Texas Tort Claims Act, Federal Tort Claims Act, ERISA, Bad Faith, Federal and State Motor Carrier Safety Regulations, Texas Workers' Compensation Act, Federal Employees Compensation Act, and a variety of other federal and state statutes. I also represented clients charged with misdemeanors and felonies under Texas criminal law and Soldiers charged with offenses under the Uniform Code of Military Justice. I voluntarily ended my employment with the Carlson Law Firm and moved to San Antonio in 2006.

From 2006-2010, I worked for Ball & Weed, P.C. and Ford & Massey, P.C. and handled all aspects of civil litigation of commercial, contract, insurance, and business tort cases. I was elected judge of Bexar County, County Court at Law No. 5 in November 2010. I voluntarily ended my employment with the firm to assume the duties of a trial judge in Bexar County.

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

As a United States Marine Corps judge advocate, I represented individual marines and sailors in matters and proceedings involving the Uniform Code of Military Justice.

As a member of the Carlson Law Firm, I represented Texans in criminal and cases through central Texas.

As a member of Ball & Weed, P.C. and Ford & Massey, P.C., I represented plaintiffs and defendants in complex contractual disputes. I also represented clients in construction related matters including cases involving claims against home builders, contractors, engineers, architects, subcontractors, and independent

contractors. I also represented individuals, small businesses, and large companies in cases involving claims made based upon premises liability, dram shop actions, general common law negligence claims, property damage and personal injury claims.

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

i. Indicate the percentage of your practice in:

- |    |                          |      |
|----|--------------------------|------|
| 1. | federal courts:          | 5 %  |
| 2. | state courts of record:  | 95 % |
| 3. | other courts:            | ___% |
| 4. | administrative agencies: | ___% |

ii. Indicate the percentage of your practice in:

- |    |                       |      |
|----|-----------------------|------|
| 1. | civil proceedings:    | 50 % |
| 2. | criminal proceedings: | 50 % |

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 tried 17 fully contested trials prior to becoming a trial judge in 2011. I was the lead counsel in all cases.

i. What percentage of these trials were:

- |    |           |      |
|----|-----------|------|
| 1. | jury:     | 50 % |
| 2. | non-jury: | 50 % |

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 United States Supreme Court.

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

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

Note for Bexar County Cases: Bexar County operates on a Presiding Judge system. There are 14 Civil District Judges. Cases are assigned on a presiding or rotating system. Cases set to be heard on any given day are set before the presiding judge. That judge will call the case and then send the case to the next available judge that is open to hear a matter. Each judge serves as presiding judge for one month until all judges have served and then the process starts again. A case having multiple hearings may be heard by multiple judges before the case is set for trial, and thus cases do not have a “presiding judge” prior to trial in the matter.

1. *Motorhomebytel, Inc. v. RV Ins. Sols., LLC*. Bexar County State District Cause Number 2007CI05629.

In 2007, I represented RV Insurance Solutions and Tommy Watters on behalf of Ford & Massey. This case involved a complex, multi-layered business relationship between Plaintiff, a dealer of recreational vehicle extended warranties, Defendants (RV Insurance Solutions, LLC and the company’s owner, Tommy Watters) an intermediary collection agency and distributor of the extended warranties sold by the dealer to customers, and Warrantech Automotive, Inc., a third-party administrator of the extended warranties. Defendants were responsible for collecting and submitting customer warranties and funds to the third-party administrator. Plaintiff alleged that Defendants illegally appropriated customer funds submitted by the dealer on behalf of customers. I, on behalf of my firm, demonstrated that the Defendants fulfilled their contractual obligations and did not engage in any illegal activity. The case was ultimately resolved at mediation. Defendants were also investigated by law enforcement for the same basic underlying allegation. I demonstrated to the authorities that Defendants did not violate any Texas laws and the matter was never submitted to the Bexar County District Attorney’s Office.

Co-Counsel

Roy Barrera, Jr.  
Nicholas & Barrera, PC  
424 East Nueva  
San Antonio, Texas 78205  
(210) 224-5811

Counsel for Plaintiff Warranty Experts

Carl Robin Teague  
306 West Kings Highway  
San Antonio, Texas 78212  
(210) 222-1739

Counsel for Defendant Warrantech Automotive, Inc. (Third-Party Administrator)

James W. Jennings III  
James W. Jennings III, PC  
405 South Presa Street  
San Antonio, Texas  
(210) 403-0611

Counsel for Defendant Prizm Administrative Solutions

Vineet Bhatia  
Susman Godfrey, LLP  
1000 Louisiana Street, Suite 1500  
Houston, Texas 77002  
(713) 653-7855

Anne E. Mullins  
Steson University College of Law  
1401 61st Street South  
Gulfport, Florida 33707  
(727) 562-7614

Mediator

Joseph Casseb  
Goode, Casseb, Jones, Riklin, Choate & Watson, PC  
2122 North Main Avenue  
Post Office Box 120480  
San Antonio, Texas 78212  
(210) 733-6030

2. *Levior Int'l, LLC v. SA West Loop II Investors, LTD.* Bexar County State District Cause Number - 2010CI08524.

I, on behalf of Ford & Massey, represented Sandra Vejara. This case involved a dispute between Plaintiff, an international company that provided manufacturing and distribution services, and Defendant Sandra Vejara, an individual who created a formula for an energy beverage. The parties entered into a series of contracts that required the Plaintiff to manufacture and distribute an energy beverage created by Defendant. Plaintiff alleged that it created the product and sued Defendant seeking a determination that it designed the formula for the beverage. Plaintiff sought to enjoin Defendant from coordinating with other manufacturers or distributors regarding the beverage. This complex case involved issues of contract law, tort law, and the right of Plaintiff to transact business in the United States. I prepared the case for trial. I was elected Judge, Bexar County, County Court at Law No. 5 before the case went to trial.

Counsel for Plaintiffs

Albert M. Gutierrez  
Person, Whitworth, Borchers & Morales, LLP  
7744 Broadway Street, Suite 100

San Antonio, Texas 78209  
(210) 824-4411

Counsel for SA West Loop II Investors, LTD and Richland Investments, Inc.

Nathan Steadman  
Meyer, Knight & Williams  
8100 Washington Avenue, Suite 1000  
Houston, Texas 77007  
(713) 868-2222

3. *Sec. Svc. Fed. Credit Union v. Accumolecular Diagnostics, Inc.*. Bexar County State District Cause Number - 2008CI21182.

I, on behalf of Ford & Massey, represented Defendant Dr. Jason Zhao. This case involved a series of loans that Plaintiff, a credit union, extended to a medical diagnostic laboratory that provided medical testing and screening services to private and public entities. Each shareholder/officer of Accumolecular Diagnostics, Inc. signed a personal guaranty. Defendant Dr. Jason Zhao signed a guaranty on behalf of the corporation. Accumolecular Diagnostics defaulted on the loans and the credit union sought to collect the defaulted amount from the guarantors. This case was ultimately resolved after several extended rounds of mediation.

Counsel for Plaintiff Security Service Federal Credit Union

Paul Steven Hacker  
Hacker Law Firm  
3355 Cherry Ridge Street, Suite 214  
San Antonio, Texas 78230  
(210) 595-2045

Counsel for Defendant Cang C. Chen

Michael L. Gayler  
MLG Associates PLLC  
14310 Northbrook, Suite 260  
San Antonio, Texas 78232  
(210) 495-5180

Counsel for Defendant Difu Guan

Steve Weakley (Retired)  
5150 Broadway Street, Suite 403  
San Antonio, Texas 78209  
(210) 364-7406

Counsel for Defendant Yanping (Michael) Duan

George H. Spencer, Jr.  
Clemens & Spencer  
112 East Pecan Street, Suite 1300  
San Antonio, Texas 78205

(210) 227-7121

Counsel for Defendant Dr. Shou Chen

Greg Van Cleave  
Law Office of Albert W. Van Cleave, III  
1520 West Hildebrand Avenue  
San Antonio, Texas 78205  
(210) 341-6588

Counsel for Defendant Guillermo Ochoa-Cronfel

Robert W. Loree  
Loree & Lipscomb  
777 East Sonterra Boulevard, Suite 320  
San Antonio, Texas 78258  
(210) 404-1320

Bankruptcy Counsel for Dr. Jason Zhao

Dean W. Greer  
Dean Greer Law Offices  
2929 Mossrock, Suite 117  
San Antonio, Texas 78230  
(210) 342-7100

Mediator

Honorable John J. Specia, Jr.  
Plunkett, Griesenbeck & Mimari, Inc.  
1635 NE Loop 410, Suite 900  
San Antonio, Texas 78209  
(210) 734-7092

4. *Upper Valley Materials, Ltd. v. Flores*. Hidalgo County State District Court Number – C-1146-06-E (275th Judicial District Court).

I, on behalf of Ford & Massey, represented Upper Valley Materials, Ltd. Upper Valley was originally represented by a different law firm. Ford & Massey was retained after a default judgment was entered. I filed a bill of review seeking to overturn the default judgment that Flores obtained against Upper Valley. Flores obtained a default judgment in the amount of \$1,941,221 based on alleged injuries arising out of an automobile accident. This award was nearly 100 times Flores' past medical expenses. I filed a bill of review and moved for summary judgment on the ground that there were defects in service. Prior to a hearing on the summary judgment, the parties settled the case after protracted mediation. After settlement, Flores filed a motion seeking to invalidate the parties' agreement. The court held a hearing on Flores' motion and denied her requested relief.

Counsel for Plaintiff Norma Lisa Flores

Mark A. Cantu

Law Offices of Mark A. Cantu  
801 West Nolana Avenue  
McAllen, Texas 78504  
(956) 687-8181

Ricardo G. Benavides  
Daw & Ray  
3900 North 10th Street, Suite 950  
McAllen, Texas 78501  
(956) 687-3121

Presiding Judge  
The Honorable Juan Partida (retired)

5. *Premier Pain Consultants, P.A. v. Gabriel*, (Arbitration No. 70 166 00103 09).

I, on behalf of Ford & Massey, represented Dr. Joseph Gabriel. This matter was referred to arbitration before former State District Judge Joe F. Brown. I filed a traditional motion for summary judgment. This case involved a dispute regarding the language of Dr. Joseph Gabriel's employment contract with Premier Pain Consultants, P.A., specifically the deduction of supply costs from revenue it received prior to paying Dr. Gabriel. The parties' dispute centered on the interpretation of the term "employee expenses" as used in the employment contract. The parties settled their dispute prior to a hearing on the motion for summary judgment.

Counsel for Plaintiff Premier Pain Consultants, P.A.

Troy "Trey" S. Martin, III  
Martin, Cukjati & Richman, LLP  
1802 Blanco Road  
San Antonio, Texas 78212  
(210) 223-2627

Arbitrator

Joe F. Brown (retired)  
84 Reynosa  
San Antonio, Texas 78261  
(210) 373-6891

6. *Cal-Tex Protective Coatings, Inc. v. Osborn*. Comal County State District Court Number – C2007-0901A.

I, on behalf of Ford & Massey, along with the firm Morgan Lewis, represented Mr. Rick Chalk in his capacity as Chairman of the Board of Directors and Chief Executive Officer of Cal-Tex Protective Coatings, Inc. (Cal-Tex). Mr. Chalk was also the Trustee of the company's Employee Stock Ownership Plan (ESOP) and owned an overwhelming majority of the company's shares. Cal-Tex is a Texas corporation with its principal place of business in Comal County, Texas. Cal-Tex manufactures protective coating materials for vehicles. The parties to this lawsuit were all

members of the Cal-Tex Board of Directors and officers in the company. This dispute arose when the Board of Directors alleged that Mr. Chalk sexually harassed Cal-Tex employees and that he was unfit to serve as Chief Executive and Chairman of the Board. The Board of Directors also sought to remove Mr. Chalk as Trustee of the Employee Stock Ownership Plan and bar Mr. Chalk from the Cal-Tex building. Mr. Chalk obtained a temporary restraining order preventing the Board of Directors from removing him as Chairman and Chief Executive Officer. The parties conducted extensive discovery and the case was set for a temporary injunction hearing. The parties presented evidence before Comal County District Court Judge Gary Steel. The requested injunction was denied. After several rounds of mediation, the parties were ultimately able to resolve the dispute.

Co-Counsel

Jerry R. Selinger  
Patterson & Sheridan, LLP  
1700 Pacific Avenue, Suite 2650  
Dallas, Texas 75201  
(214) 272-0957

Timothy G. Ackermann  
The Ackermann Law Firm  
1701 West Northwest Highway, Suite 100  
Grapevine, Texas 76051  
(817) 305-0690

Counsel for Plaintiffs

Jonathan H. Hull  
Reagan, Burris, Dierksen, Lamon & Bluntzer, PLLC  
401 Main Plaza, Post Office Box 311160  
New Braunfels, Texas 78131  
(830) 625-8026

Stephanie Bascon  
297 West San Antonio Street  
New Braunfels, Texas 78130  
(830) 625-2940

David G. Pfeuffer  
Brazle & Pfeuffer  
170 East San Antonio Street  
New Braunfels Street  
New Braunfels, Texas 78130  
(830) 629-8008

Les Katona, Jr.  
Cavaretta, Katona & Leigher, PLLC  
700 North St. Mary's Street, Suite 1500

San Antonio, Texas 78205  
(210) 588-2901

Presiding Judge

The Honorable Gary Steel  
274th Judicial District Court  
150 North Seguin, Suite 317  
New Braunfels, Texas 78130  
(830) 221-1270

Mediator

Barry Snell  
Bayne, Snell & Krause  
1250 Northeast Loop 410, Suite 725  
San Antonio, Texas 78209  
(210) 824-3278

7. *Pasqua v. Nat'l Self Storage Mgmt., Inc.* Harris County State District Cause Number - 2004-60266.

I, on behalf of Ford & Massey, represented National Self Storage Management, Inc., National Self Storage, SGMP Houston Investors, L.P., and Self Storage GP Corp. (Defendants). I moved for summary judgment on traditional and no-evidence grounds. This lawsuit arose out of a personal injury suffered by a customer of Defendant, while at Defendant's facility. The defense in this case was based on well-established Texas law that an owner does not owe a duty to a plaintiff with respect to the work of an independent contractor, unless the owner retains a right of control over the contractor's work. The parties resolved the case at mediation.

Counsel for Plaintiff Lawrence Pasqua

Rory S. Alter  
Nick Maram & Associates, PC  
811 North Loop West  
Houston, Texas 77008  
(713) 271-5555

Counsel for Defendant Nathan Richard Swafford

Vincent Glocksien  
Law Offices of David C. Klosterboer  
19450 State Highway 249, Suite 475  
785 Greens Parkway, Suite 240  
Houston, Texas 77070  
(281) 877-3307

Counsel for Defendant The Lockup Self Storage, LLC

H. Miles Cohn  
Michelle Friery

Crain, Caton & James, PC  
1401 McKinney Street, Floor 17  
Houston, Texas 77010  
(713) 658-2323

Counsel for Defendants NCI Building Systems, Inc. and NCI Operating Corporation

Peter Scaff  
Bradley Arant Boult Cummings, LLP  
600 Travis Street, Suite 4800  
Houston, Texas 77002  
(713) 576-0372

Mediator

The Honorable Katie Kennedy  
Upper Kirby Mediation Center  
2310 Richton Street, Apartment B  
Houston, Texas 77008  
(713) 807-1700

Presiding Judge

The Honorable Mike Engelhart

8. *Herring v. Sigg*. Lavaca County State District Court Cause Number – 08-09-20990CV.

I, on behalf of Ford & Massey, represented the Defendants in this case. This case involved Plaintiff's claim that Defendants were liable for injuries she sustained due to an unreasonably dangerous condition at or near her home located in Hallettsville, Lavaca County, Texas. Specifically, Plaintiff alleged Defendants' failure to comply with the 2003 International Building Code concerning the construction of handrails for a five-inch step that led to her apartment constituted an unreasonably dangerous condition. There was no factual dispute in the case, rather, the court was required to interpret a statute to resolve the legal question of whether the 2003 International Building Code applied to residential structures. At summary judgment, evidence demonstrated that the dwelling structure involved in this suit was residential and thus the International Building Code did not apply to Plaintiff's property. The parties settled their dispute.

Counsel for Plaintiff Ana Rita Herring

Charles L. Cole  
Cole, Cole & Easley, PC  
302 West Forrest Street  
Victoria, Texas 77901  
(361) 678-3233

Presiding Judge

The Honorable Dwight E. Peschel

9. *United States v. Somuk*, General Court-Martial (Piedmont Judicial Circuit, Navy-Marine Corps Trial Judiciary). Case number not available.

This was a jury trial held aboard Camp Lejeune, North Carolina. Sgt. Somuk was charged with multiple offenses under the Uniform Code of Military Justice (UCMJ). Specifically, Sgt. Somuk was accused of assaulting Marines under his charge, fraternization, adultery, sodomy, and hazing. I represented Sgt. Somuk. I filed and successfully argued several pre-trial motions including challenges to the sodomy and adultery charges on constitutional grounds. The case proceeded to trial on the remaining charges. After presentation of evidence by the government and the defense, the members returned a verdict of not guilty on all charges.

Presiding Judge

Major Paul McConnell

10. *United States v. Martinez*, Special Court-Martial (Piedmont Judicial Circuit, Navy-Marine Corps Trial Judiciary). Case number not available.

This was a bench trial held aboard Camp Lejeune, North Carolina. Sgt. Martinez was charged with multiple offenses under the Uniform Code of Military Justice (UCMJ). A Special Court-Martial is commonly understood as the forum for prosecuting misdemeanor level offenses. I represented Sgt. Martinez. Major Steven Ockerman, Senior Defense Counsel (my supervising attorney and direct superior), assigned the case to me as one of the defense lawyers stationed aboard Camp Lejeune. Lt. Col. Newman became Senior Defense Counsel after Major Ockerman retired from the Marine Corps. Sgt. Martinez was charged with multiple counts (counts are identified as specifications under the UCMJ) of hazing and assault. After presentation of evidence by the government and the defense, the Military Judge returned a verdict of not guilty on all charges.

Presiding Judge

Major Tracy Daly

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.)

Notwithstanding my service as a trial judge and appellate justice, I have been a litigator for my entire legal career. I have never served as a lobbyist or advocate for any client, organization, or cause.

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

I have not engaged in any teaching activities.

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.

Upon retirement, I will receive payments from the Texas County and District Retirement System based on my prior state judicial service.

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I do not have financial arrangements, family relationships, or any other potential conflicts of interest that would affect my service on the court. Should any real or potential conflict arise based upon a personal or professional relationship, that could create the appearance of a conflict, I will examine those matters on a case-by-case basis and make a determination whether recusal would be appropriate under the circumstances.

b. Explain how you will resolve any potential conflict of interest, including the

procedure you will follow in determining these areas of concern.

If confirmed, I will examine and resolve any real or potential conflict pursuant to 28 U.S.C. § 455, Canon 3 of the Code of Judicial Conduct for United States Judges, and all other relevant laws, rules, and regulations that govern such matters.

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.

Prior to my service as a judge, I participated in the Community Justice Program. The program provides pro bono legal services for underprivileged individuals. I handled divorce cases for disadvantaged individuals and/or assisted in the resolution of domestic disputes. Finally, I served as an attorney coach for a high school in one of San Antonio's economically disadvantaged school districts.

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.

Texas has a Federal Judicial Evaluation Committee. I was encouraged to submit my name for the Western District of Texas-Midland Division and Southern District-Brownsville Division vacancies. The Committee extended invitations to interview for the Midland (March 17, 2017) and Brownsville (April 20, 2017) vacancies. United States District Judge Sam Sparks transitioned to senior status on December 31, 2017, which created a vacancy for the Western District of Texas-San Antonio Division. I was encouraged to submit an application and the Committee invited me to interview for the position. I was interviewed for the San Antonio vacancy on April 6, 2018.

I interviewed separately with Senators Cornyn and Cruz on May 16, 2018. Approximately one month later, the Chief Counsel for Senators Cornyn and Cruz informed me that the senators submitted my name to the White House as a candidate for nomination. I interviewed with the White House Counsel's Office on July 27, 2018. Approximately one week after the interview with White House Counsel, I received a call from Senator Cornyn's office informing me that the White House accepted my name as a candidate for nomination. On August 7, 2018, I was contacted by the White House

Counsel's Office to begin completing documentation for the vetting process.

On March 5, 2019, the President submitted my nomination to the Senate. Since then, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

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.