

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jodi Warmbrod Dishman
Jodi Marie Warmbrod

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

United States District Judge for the Western District of Oklahoma

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

Office: McAfee & Taft A Professional Corporation
Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102

Residence: Edmond, Oklahoma

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

1979; Memphis, Tennessee

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.

2002 – 2005, University of Oklahoma College of Law; J.D. (*summa cum laude*), 2005

1998 – 2002, Southern Methodist University; B.B.A. (*cum laude*), 2002

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

2012 – present; Summer 2004
McAfee & Taft A Professional Corporation

Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102
Shareholder (2014 – present)
Of Counsel (2012 – 2013)
Summer Associate (Summer 2004)

2007 – 2012
Akin Gump Strauss Hauer & Feld, LLP
112 East Pecan Street, Suite 1010
San Antonio, Texas 78205
Counsel (2010 – 2012)
Associate (2007 – 2009)

2006 – 2007
United States Court of Appeals for the Fifth Circuit
755 East Mulberry Avenue, Suite 350
San Antonio, Texas 78212
Law Clerk to Judge Edward C. Prado (now United States Ambassador to Argentina)

2005 – 2006
United States Court of Appeals for the Fifth Circuit
515 Rusk Avenue, Room 11020
Houston, Texas 77002
Law Clerk to Judge Carolyn Dineen King

Winter 2004; Spring 2004; Summer 2004 (estimated)
University of Oklahoma College of Law
300 West Timberdell Road
Norman, Oklahoma 73019
Research Assistant to Professor Joseph Thai

Summer 2004; Summer 2003
Crowe & Dunlevy
Braniff Building
324 North Robinson Avenue, Suite 100
Oklahoma City, Oklahoma 73102
Summer Associate

Summer 2002
Holloway Dobson & Bachman, PLLC
One Leadership Square, 211 North Robinson Avenue, Suite 900
Oklahoma City, Oklahoma 73102
Legal Assistant for Stephen D. Bachman, Esq.

Other Affiliations (Uncompensated):

2019 – present
Metropolitan Library Commission of Oklahoma County
Metropolitan Library System
300 Park Avenue
Oklahoma City, Oklahoma 73102
Commission Member

2012 – present
Federal Bar Association, Oklahoma City Chapter
Registered Agent
100 North Broadway, Suite 3300
Oklahoma City, Oklahoma 73102
Board of Officers and Directors

2013 – 2016
Metro Technology Centers Foundation, Inc.
1900 Springlake Drive
Oklahoma City, Oklahoma 73111
Board of Trustees

Summer 2002
Congressman Frank D. Lucas
United States Congress
2405 Rayburn House Office Building
Washington, D.C. 20515
Intern

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

I have not served in the military. I was not required to register for selective service.

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

Best Lawyers in America – Commercial Litigation and Insurance Law (2018, 2019);
Litigation – ERISA (2019)

Benchmark Litigation Future Star (2015 – 2019)

Oklahoma Super Lawyers Rising Star (2014 – 2018)

Rising Star Lawyer, Scene in S.A. (2009)

Pro Bono Associate of the Year for the San Antonio office of Akin Gump Strauss Hauer & Feld LLP (2008)

University of Oklahoma College of Law

Juris Doctor with Highest Honors (*summa cum laude*) (2005)
Order of the Coif (2005)
Editor-in-Chief of the *Oklahoma Law Review* (2004 – 2005)
Joel Jankowsky Award for Most Outstanding Graduate (2005)
Outstanding Law Student Award Recipient by National Association of Women Lawyers (selected by University of Oklahoma College of Law as outstanding female law student in class) (2005)
Oklahoma Bar Association Outstanding Senior Law School Student Award (2004)
William T. Comfort Scholar (2003 – 2005)
Robert B. Looper Memorial Scholarship (highest academic record after four semesters of law school) (2004)
James F. Hawes Memorial Cup Award (most outstanding second-year law student) (2004)
McKinney & Stringer Scholarship (highest academic record after two semesters of law school) (2003)
Dickson M. Saunders Memorial Scholarship (most outstanding first-year law student) (2003)
First-year Class President (2002 – 2003)
American Jurisprudence Awards (highest grade achieved in the particular law school class) for Contracts I; Corporations; Criminal Procedure; Legal Research and Writing I and II; Remedies; and Torts I and II (2002 – 2005)

Southern Methodist University

Bachelor of Business Administration (*cum laude*) (2002)
Student Body President, Southern Methodist University Students' Association (2001 – 2002)
M Award (highest honor for student service to the University) (2002)
Mortar Board (2001 – 2002)
Golden Key National Honor Society (estimated 2000 – 2002)

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

American Bar Association (estimated 2007 – 2012)

Bar Association of the Fifth Federal Circuit (estimated 2007 – 2009)

Federal Bar Association, Oklahoma City Chapter and Federal Litigation Section (2012 – present)

President (2018 – 2019)
President-Elect (2017 – 2018)
Secretary (2015 – 2018)
Director (2014 – 2015)

Oklahoma Bar Association (2005 – present)
Alternate delegate for annual bar convention (2015)

Oklahoma County Bar Association (estimated 2012 – present)

Texas Bar Association (2008 – 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.

Oklahoma (2005)
Texas (2008)

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 Supreme Court (2009)
United States Court of Appeals for the Fifth Circuit (2008)
United States Court of Appeals for the Eighth Circuit (2014)
United States Court of Appeals for the Tenth Circuit (2012)
United States District Court for the Eastern District of Arkansas (2016)
United States District Court for the Western District of Arkansas (2017)
United States District Court for the Southern District of Illinois (2008)
United States District Court for the District of North Dakota (2013)
United States District Court for the Eastern District of Oklahoma (2013)
United States District Court for the Northern District of Oklahoma (2012)
United States District Court for the Western District of Oklahoma (2012)
United States District Court for the Eastern District of Texas (2017)
United States District Court for the Southern District of Texas (2017)
United States District Court for the Western District of Texas (2019)

Oklahoma state courts (2005)
Texas state courts (2008)

I had a short lapse in my United States Court of Appeals for the Fifth Circuit

membership for non-renewal, when I was not sure if my practice would require that membership; it is now current and active. I did not maintain an active license to practice before the United States District Court for the Southern District of Illinois, as I had one case in that district that concluded during my time at Akin Gump Strauss Hauer & Feld, LLP.

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.

Air Force JAG Corps Spouses' Connection (estimated 2007 – 2012)

Metropolitan Library Commission of Oklahoma County, Commission Member (2019 – present)

Metro Technology Centers Foundation, Inc., Board of Trustees (2013 – 2016)

Professional Liability Underwriting Society, Member (2012 – 2014)

Project Stay, Mentor (estimated 2007 – 2010)

San Antonio Young Lawyers Association (estimated 2006 – 2009)

Southern Methodist University Alumni Board, Member (2014 – 2017)

Southern Methodist University Alumni Career Volunteer (2012 – 2013)

Southern Methodist University Alumni Giving Volunteer (2013 – 2014)

Southern Methodist University Caswell Steering Committee (2014 – present)

Southern Methodist University Class of 2002 Reunion Committee (2007, 2012)

Southern Methodist University Young Alumni Board, Member (2008 – 2011)

University of Oklahoma College of Law Board of Visitors (2017 – present)

University of Oklahoma College of Law Young Alumni Board, Inaugural Chair (2013 – 2018)

Women on the River, Committee Member (estimated 2007 – 2009)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or through 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.

Message from the President, Federal Bar Association, Oklahoma City Chapter Website Page (October 2018 – July 2019). Copy supplied.

Comment: *Fourth and Long: Why Non-BCS Universities Should Punt Rather Than Go For an Antitrust Challenge to the Bowl Championship Series*, 57 Okla. L. Rev. 333 (2004). 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.

None.

- 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.

Metropolitan Library Commission of Oklahoma County, Commission Member. Long-Range Planning Committee Meeting, July 29, 2019. Regular Meeting Minutes, August 22, 2019; June 20, 2019; May 16, 2019; April 18, 2019;

February 21, 2019. Copies supplied.

Letter to Sens. Grassley and Feinstein, Nomination of the Honorable Patrick R. Wyrick to the United States District Court for the Western District of Oklahoma, signed as President-Elect of the Oklahoma City Chapter of the Federal Bar Association, May 16, 2018. Copy supplied.

Letter to Sens. Grassley and Feinstein, Nomination of the Honorable Charles Goodwin to the United States District Court for the Western District of Oklahoma, signed as President-Elect of the Oklahoma City Chapter of the Federal Bar Association, October 11, 2017. Copy supplied

I might have edited or signed a similar letter in support or expressed support of other recent nominees to the United States District Court for the Western District of Oklahoma, including United States District Judge Scott Palk and United States Magistrate Judge Suzanne Mitchell, or indicated support through letters that were presented on behalf of the Oklahoma City Chapter of the Federal Bar Association. I do not have copies of those letters.

- 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.

August 9, 2019: Speaker, Legal Secretary/Paralegal Seminar, Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. Notes and PowerPoint slides supplied.

June 20, 2019: Speaker, United States District Court for the Western District of Oklahoma New Admission Orientation and Swearing In Ceremony, Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. The speech was a welcome to newly admitted attorneys and an introduction to speakers. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

June 6, 2019: Speaker, Judicial Reception and Fireside Chat, Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. Notes supplied.

May 31, 2019: Speaker, Summer Associate Courthouse Tour, Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. I welcomed

law students who attended the courthouse tour and event. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

April 30, 2019: Speaker, Pro Bono Civil Rights Panel for the Western District of Oklahoma: An Introduction and an Overview, Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. The speech was welcoming remarks. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

April 16, 2019: Speaker, Federal Bar Association Student Chapter, University of Oklahoma College of Law, Norman, Oklahoma. The speech was brief welcome remarks and congratulations to the new student chapter board and to the moot court winning team. I have no notes, transcript, or recording. The address for the University of Oklahoma College of Law is 300 West Timberdell Road, Norman, Oklahoma 73019.

March 13, 2019: Guest Lecturer, Trial Techniques course, University of Oklahoma College of Law, Norman, Oklahoma. Notes supplied.

December 14, 2018: Speaker, Bill of Rights Birthday Celebration, Federal Bar Association, Oklahoma City Chapter, Gatewood Elementary School, Oklahoma City, Oklahoma. The speech was a welcome to fourth and fifth grade students, an introduction of the Honorable United States Magistrate Judge T. Shon Erwin for his talk to the students on the Bill of Rights, and leading the class in singing Happy Birthday. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

December 12, 2018: Speaker, "So You Want to be a Class Action Lawyer," Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. The speech was a welcome and introduction to the panelists. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

December 6, 2018: Speaker, "What Companies Should Know about Discovery Issues in the Courtroom," McAfee & Taft, Oklahoma City, Oklahoma. Along with McAfee & Taft's managing director Michael Lauderdale, I led a discussion and presented questions on ethics in discovery in civil litigation to a panel of judges. I have no notes, transcript, or recording. The address for McAfee & Taft is Two Leadership Square, 211 North Robinson Avenue, Tenth Floor, Oklahoma City, Oklahoma 73102.

November 15, 2018: Speaker, United States District Court for the Western District of Oklahoma New Admission and Swearing In Ceremony, Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. The speech was a welcome to newly admitted attorneys and an introduction to speakers. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

November 7, 2018: Speaker, *Marshall* Movie Screening and Question and Answer, Federal Bar Association, Oklahoma City, Oklahoma. The speech was a welcome and introduction to meet and greet ceremony speakers United States Magistrate Judge Bernard Jones and Federal Bar Association, Oklahoma City Chapter director James Warner and officer Sam Merchant. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

November 1, 2018: Speaker, Annual William J. Holloway, Jr. Lecture and Dinner, Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. Notes and PowerPoint supplied.

October 31, 2018: Speaker, Career Development Office Informational Session: Judicial Clerkships with Jodi Dishman, University of Oklahoma College of Law, Norman, Oklahoma. Notes supplied.

October 23, 2018: Speaker, Mentorship Program Kickoff, Federal Bar Association, Oklahoma City Chapter. Oklahoma City, Oklahoma. The speech was a welcome to the mentorship program. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

September 6, 2018: Speaker, Join the Federal Bar Association, Oklahoma City University School of Law, Oklahoma City, Oklahoma. The speech was a welcome to law students and an invitation to join the Federal Bar Association. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

August 30, 2018: Speaker, Join the Federal Bar Association, University of Oklahoma College of Law, Norman, Oklahoma. The speech was a welcome to law students and an invitation to join the Federal Bar Association. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

April 25, 2017: Speaker, Student Bar Association Meeting, University of Oklahoma College of Law, Norman, Oklahoma. Notes supplied.

December 16, 2016: Speaker, Bad Faith – An Indelible Part of UM/UIM Practice?, National Business Institute, Tulsa, Oklahoma. PowerPoint supplied.

December 13, 2016: Speaker, A Balanced Look at Overcoming Challenges in UM/UIM Law, National Business Institute, Oklahoma City, Oklahoma. PowerPoint supplied.

December 8, 2016: Speaker, Corporate Counsel's Attorney-Client Privilege: Increasing power and decreasing risk, McAfee & Taft, Oklahoma City, Oklahoma. PowerPoint supplied.

November 24, 2015: Panelist, Federal Rules of Civil Procedure Amendments, Federal Bar Association, Oklahoma City Chapter, Oklahoma City, Oklahoma. I participated on a question and answer panel on the amendments to the Federal Rules of Civil Procedure effective December 1, 2015, led by University of Oklahoma College of Law Professor Steven S. Gensler. I have no notes, transcript, or recording. The listed address for the registered agent of the Federal Bar Association, Oklahoma City Chapter, is 100 North Broadway, Suite 3300, Oklahoma City, Oklahoma 73102.

February 11, 2014: Speaker, University of Oklahoma College of Law Professionalism Night, First National Center, Oklahoma City, Oklahoma. PowerPoint supplied.

January 30, 2014: Speaker, University of Oklahoma College of Law Open House, Norman, Oklahoma. Notes supplied.

December 17, 2013: Speaker, Legal Ethics: Hot Topics and Current Events, National Business Institute, Oklahoma City, Oklahoma. The speech was on the importance and necessity of conducting thorough conflicts checks for the purposes of determining disqualification issues, avoiding professional negligence claims, avoiding malpractice, hiring new counsel, and a review of legal and ethical issues when lawyers move their practices from one firm to another. I have no notes, transcript, or recording. The address for National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

March 27, 2013: Panelist, Organization for the Advancement of Women in the Law, University of Oklahoma College of Law, Norman, Oklahoma. The panel was on the challenges of being a working mother and the demands of practicing law. I have no notes, transcript, or recording. The address for the University of Oklahoma College of Law is 300 West Timberdell Road, Norman, Oklahoma 73019.

August 22, 2001: Speaker, Convocation Program, Southern Methodist University, Dallas, Texas. The speech was brief remarks as Student Body President. I have no notes, transcript, or recording. The address for Southern Methodist University is 6425 Boaz Lane, Dallas, Texas 75205.

January 24, 2001 (estimated): Speaker, Remembering MLK's Vision, Southern Methodist University, Dallas, Texas. I spoke about the effect of Dr. Martin Luther King Jr.'s life as part of a student body tribute to the civil rights leader. I have no notes, transcript, or recording. The address for Southern Methodist University is 6425 Boaz Lane, Dallas, Texas 75205.

- 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.

Paula Burkes, *Attorney moms state their case*, The Oklahoman, May 11, 2014. Copy supplied.

Jonella Frank, *Unlocking Opportunity: The Scholarship Difference*, The Sooner Lawyer, Spring/Summer 2013. Copy supplied.

OU College of Law enrolls record number of women, OU Daily, February 18, 2003. Copy supplied.

Law college testing computer software: Professors will try new test-taking methods to accommodate students, OU Daily, January 22, 2003. Copy supplied.

Laura Miller, John David Moore & Pauline Forté, *Senate helps cap tuition rise*, The Daily Campus, April 23, 2002. Copy supplied.

Linda K. Wertheimer, *For SMU, the gifts keep giving, Campus reaps benefits of 5-year drive that's raised over \$525 million*, Dallas Morning News, April 19, 2002. Copy supplied.

Feras Gadamsi, *Senate debates financial merit*, The Daily Campus, April 17, 2002. Copy supplied.

Tamara Pacini, *Campus parking rates continue to rise*, The Daily Campus, April 12, 2002. Copy supplied.

Feras Gadamsi, *Larger groups fight for Senate funds*, The Daily Campus, April 10, 2002. Copy supplied.

Victoria Holdt, *Debate rages over new roles in Senate*, The Daily Campus, March 27, 2002. Copy supplied.

Tom Brokaw, College students interview after 9-11, NBC News, September 14, 2001. Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these, approximately what percent were:
- | | |
|-----------------------|---------------------|
| jury trials: | _____% |
| bench trials: | _____% [total 100%] |
| civil proceedings: | _____% |
| criminal proceedings: | _____% [total 100%] |
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

15. **Public Office, Political Activities and Affiliations:**

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

Commission Member, Metropolitan Library Commission of Oklahoma County, Oklahoma City, Oklahoma, January 2019 – present. Appointed by Oklahoma City Mayor David Holt and confirmed by the Oklahoma City Council.

- 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.

Volunteer coordinator (compensated position), Dallas County Republican Party, Dallas, Texas, approximately February 1, 2002 through May 1, 2002. As the volunteer coordinator, I coordinated Dallas-area college students to volunteer at the headquarters for the Dallas County Republican Party.

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;

From 2005 to 2006, I clerked for the Honorable Carolyn Dineen King, then-Chief Circuit Judge of the United States Court of Appeals for the Fifth Circuit.

From 2006 to 2007, I clerked for the Honorable Edward C. Prado, then-Circuit Judge of the United States Court of Appeals for the Fifth Circuit, now United States Ambassador to Argentina.

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

I have not practiced alone.

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

2007 – 2012

Akin Gump Strauss Hauer & Feld, LLP
112 East Pecan Street, Suite 1010
San Antonio, Texas 78205
Counsel (2010 – 2012)
Associate (2007 – 2009)

2012 – present

McAfee & Taft A Professional Corporation
Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102
Shareholder (2014 – present)
Of Counsel (2012 – 2013)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant

matters with which you were involved in that capacity.

I have not served as a mediator or an arbitrator.

b. Describe:

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

After graduating law school in 2005, I spent one year as a law clerk for then-Chief Judge Carolyn Dineen King of the United States Court of Appeals for the Fifth Circuit, followed by one year as a law clerk for then-Judge Edward C. Prado of the United States Court of Appeals for the Fifth Circuit.

Following my clerkships and from 2007 to 2012, I worked at Akin Gump Strauss Hauer & Feld LLP, through the San Antonio, Texas office, while my husband served on active duty in the United States Air Force. I started as an associate in 2007 and was promoted to counsel in 2010. I worked in the firm's insurance litigation section, where I advised clients in a variety of complex matters, including class actions, securities litigation, coverage opinions, and insurance litigation. At Akin Gump, I worked on non-litigation matters (such as insurance coverage opinions) and litigated matters (trials and appeals) across the country as associate or second-chair counsel.

When I began at McAfee & Taft in Oklahoma City in 2012, in a full-time, Of Counsel position, I handled or advised clients in a variety of trial and appellate matters spanning numerous industries, including healthcare, employment, oil and gas, and insurance. The majority of these matters were complex, class action, or bet-the-company type litigation, but some were routine, run-of-the-mill contract issues or advising clients on employment issues. Effective January 1, 2014, I became a shareholder.

From around the spring of 2014 forward, my practice has focused on representing or advising clients in their bad faith, coverage, and group benefits (Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 *et seq.* and non-ERISA) litigation on a regional basis, including Oklahoma, Texas, Arkansas, and Kansas.

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

From 2005 to 2006 and from 2006 to 2007, I served as a term law clerk for Judge King and Judge Prado, respectively, both at the time of the United States Court of Appeals for the Fifth Circuit and did not have

clients. I worked on all types of federal court appeals, civil and criminal, and assisted the judges with drafting bench memoranda and opinions.

From 2007 to 2012, at Akin Gump, I typically worked for clients in the financial services industry, including financial services firms, investment companies, and insurance companies.

From 2012 to present, at McAfee & Taft, my clients have spanned numerous industries and have been businesses and individuals. I have advised or represented individuals, insurance companies, hospitals, healthcare entities, oil and gas/energy companies, a waste management company and landfill, automobile dealerships, sports teams and individuals associated with sports teams, and other businesses.

- 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 appear in court frequently.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 60% |
| 2. state courts of record: | 40% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

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

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

As chief counsel I have tried three cases to verdict, and I have participated as associate counsel in a jury trial and a hearing before an arbitration panel. Additionally, as chief or associate counsel, I have worked on numerous cases that reached a final decision or judgment (rather than settled) through motion practice or dismissal.

- i. What percentage of these trials were:

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

- 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 had one case before the Supreme Court, *Ramona Two Shields, et al. v. Spencer Wilkinson, Jr., et al.*, Docket No. 15-475. I represented Respondent Rick Woodward (an individual). We did not file any briefs in that case.

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

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

1) *Lavoy v. USAA General Indemnity Co.*, Case No. CJ-2014-131, District Court, Jackson County, Oklahoma (District Judge Richard B. Darby, now Oklahoma Supreme Court Justice); Appeal Case No. 115,617

As chief counsel, I defended USAA General Indemnity Company (USAA GIC) in a lawsuit by the plaintiff alleging breach of contract and bad faith based on his underinsured motorist and medical payments claims under his automobile insurance policy issued by USAA GIC. I tried the case with co-counsel Bill Leach to a jury. Opposing counsel asked the jury for a multi-million dollar award in favor of the plaintiff. The trial resulted in a unanimous jury verdict in favor of USAA GIC on the bad faith claim and a 10-2 verdict in favor of plaintiff on the breach of contract claim in the amount of \$35,000. On appeal of the bad faith verdict, the Oklahoma Court of Civil Appeals affirmed the judgment in an unpublished order and denied the plaintiff-appellant's petition for rehearing. The plaintiff-appellant's petition for writ of certiorari to the Oklahoma Supreme Court is pending. The dates of my representation are 2014 to the present.

Co-counsel:

Bill Leach
Michael Smith
McAfee & Taft
Williams Center Tower II

Two West Second Street, Suite 1100
Tulsa, Oklahoma 74103
(918) 587-0000

Christopher Scaperlanda
McAfee & Taft
Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102
(405) 235-9621

Darrell Latham
Grant Kincannon
Latham Nelson & Associates
1000 North Main Street
Altus, Oklahoma 73521
(580) 482-7134

Opposing counsel:

Simone Fulmer
Jacob Rowe
Fulmer Sill
1101 North Broadway Avenue, Suite 102
Oklahoma City, Oklahoma 73103
(405) 510-0077

- 2) *Dodge v. Hartford Life & Accident Insurance Co.*, Case No. 4:16-cv-719-BRW, United States District Court for the Eastern District of Arkansas (Judge Billy Roy Wilson), affirmed on appeal by the United States Court of Appeals for the Eighth Circuit, Case No. 17-1417 (unreported opinion dated February 13, 2018) (Circuit Judges Gruender, Bowman, and Kelly)

This lawsuit involved a long-term disability claim under an ERISA policy and plan. As lead counsel for Hartford, we moved to dismiss the ERISA complaint as time-barred based on the ERISA policy's three-year limitations period and based upon *Heimeshoff v. Hartford Life & Accident Ins. Co.*, 134 S. Ct. 604 (2013). The plaintiff opposed the motion to dismiss, arguing that her claim had not accrued and that Arkansas law required a minimum of a five-year limitations period for life insurance policies, which she argued included disability insurance policies. The court granted Hartford's motion to dismiss. On appeal, the United States Court of Appeals for the Eighth Circuit affirmed the district court's order in an unreported opinion. The dates of my representation were 2016 to 2018.

Co-counsel:

Anna Imose

McAfee & Taft
Williams Center Tower II
Two West Second Street, Suite 1100
Tulsa, Oklahoma 74103
(918) 587-0000

Opposing counsel:

Britney Heath McDonald
(Note: principal counsel at federal district court level only; plaintiff proceeded pro se on appeal)
Marc Whitehead & Associates
403 Heights Boulevard
Houston, Texas 77007
(713) 228-8888

- 3) *Inks v. USAA General Indemnity Co.*, Case No. 4:17-cv-00210-GKF-FHM, United States District Court for the Northern District of Oklahoma (Judge Gregory Frizzell)

I served as lead counsel for USAA General Indemnity Insurance Company (USAA GIC) in this bad faith and breach of contract lawsuit the plaintiff submitted following her at-fault automobile accident. USAA GIC denied the claim because the plaintiff's automobile policy had cancelled for nonpayment of premiums. The plaintiff sued USAA GIC for breach of contract and bad faith, claiming she never received the notice of policy cancellation and alleging that USAA GIC attempted to withdraw the funds for the premium payment on the wrong date. USAA GIC moved for summary judgment, contending it mailed the notice of policy cancellation and the plaintiff admitted that she did not pay the premiums for the coverage to be in effect on the date of the accident. The court granted USAA GIC's motion for summary judgment on the plaintiff's bad faith claim, finding there was no competent evidence upon which a reasonable trier of fact could conclude that USAA GIC acted in bad faith; the court denied summary judgment on the breach of contract claim, finding there was a disputed material fact on the date USAA GIC should have withdrawn the premium payment from the plaintiff's account. Following pretrial filings and briefing, the parties reached a confidential settlement on the remaining breach of contract claim. The dates of my representation were 2017 to 2018.

Co-counsel:

Alex Duncan
McAfee & Taft
Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102
(405) 235-9621

Opposing counsel:

John ("Jack") Beesley
Michael Carr
Patrick Carr
Carr & Carr
4146 South Harvard Avenue
Tulsa, Oklahoma 74135
(918) 747-1000

- 4) *McCarty et al. v. Oklahoma City Landfill, LLC, et al.*, Case No. 5:12-cv-01152-C, United States District Court for the Western District of Oklahoma (Judge Robin J. Cauthron)

The plaintiffs filed a putative class action against numerous defendants, including my firm's clients Oklahoma City Landfill, LLC and Republic Services, Inc., alleging the defendants interfered with their property rights by operation of a landfill. While extensive briefing on a motion for class certification and *Daubert* issues was pending, the plaintiffs and defendant Oklahoma City Landfill, LLC resolved the lawsuit in its entirety on a class-wide basis. The plaintiffs then moved for an order conditionally certifying the case as a class action for settlement purposes, appointing class counsel, and appointing class representatives. The court entered its preliminary approval order and set the case for a final approval hearing. The court then conducted a final settlement approval hearing where I represented clients. The court concluded the settlement was fair, reasonable and adequate, and entered a final approval order and judgment of dismissal. My representation was from 2012 until judgment in 2016.

Co-counsel:

Christopher Scaperlanda
McAfee & Taft
Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102
(405) 235-9621

William G. Beck
Lathrop & Gage, LLP
2345 Grand Boulevard, Suite 2200
Kansas City, Missouri 64108
(816) 292-2000

Counsel for other defendants:

Matthew C Kane
Ryan Whaley Coldiron Jantzen Peters & Webber
119 North Robinson Avenue, Suite 900
Oklahoma City, Oklahoma 73102
(405) 239-6040

Irene B. Hathaway
Peter W. Waldmeir
Miller Canfield Paddock & Stone
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
(313) 963-6420

Geren T. Steiner
Rupert & Steiner PLLC
14001 Quail Springs Parkway
Oklahoma City, Oklahoma 73134
(405) 607-1494

Harry Merson
2929 West Wilshire Blvd
Oklahoma City, Oklahoma 73116
(405) 842-1888

Opposing counsel:

David Dubin
Nicolas Coulson
Liddle & Dubin P.C.
975 East Jefferson Avenue
Detroit, Michigan 48207
(313) 392-0015

Benjamin L. Barnes
5408 North Santa Fe Avenue
Oklahoma City, Oklahoma 73118
(405) 595-3936

- 5) *Two Shields, et al. v. Wilkinson, et al.*, Case No. 4:12-cv-00160-DLH-CSM, United States District Court for the District of North Dakota (Judge Daniel L. Hovland), affirmed on appeal by the United States Court of Appeals for the Eighth Circuit, Case No. 13-3772 (reported at 790 F.3d 791 (8th Cir. 2015)) (Circuit Judges Murphy, Smith, and Gruender), petition for writ of certiorari at the United States Supreme Court denied on December 14, 2015.

I represented an individual, Rick Woodward, in this putative class action brought

by plaintiffs against numerous defendants, including Mr. Woodward, alleging the defendants aided and abetted a breach of fiduciary duty by the United States in oil and gas mineral interests on a Reservation that was part of the Bakken Formation. All of the defendants, including Mr. Woodward, separately filed motions to dismiss under Federal Rules of Civil Procedure 12(b)(1), (6), and (7), for lack of subject matter jurisdiction, failure to state a claim, and failure to join the United States as an indispensable party. The United States filed an amicus brief in the federal district court in support of the defendants' arguments that the United States is an indispensable party under Federal Rule of Civil Procedure 19 that cannot be joined. The court granted the defendants' motions to dismiss under Federal Rule of Civil Procedure 12(b)(7) for failure to join the United States as an indispensable party, and denied the 12(b)(1) and (b)(6) grounds as moot and without prejudice. On appeal, the United States Court of Appeals for the Eighth Circuit affirmed in a published decision, 790 F.3d 791 (8th Cir. 2015). The United States Supreme Court denied the plaintiffs' petition for writ of certiorari. My representation was from 2012 until 2015.

Co-counsel:

Ron Shinn
Robert Dace
McAfee & Taft
Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102
(405) 235-9621

Jared Boyer
(No longer with McAfee & Taft)
HB Law Partners, PLLC
4217 28th Avenue NW, Suite 101
Norman, Oklahoma 73069
(405) 561-2410

Counsel for other defendants-appellees:

Van H. Beckwith
Baker Botts
2001 Ross Avenue, Suite 600
Dallas, Texas 75201
(214) 953-6500

Daniel Mead McClure
Matthew A. Dekovich
Norton Rose Fulbright
1301 McKinney, Suite 5100
Houston, Texas 77010

(713) 651-5151

Jon W. Backes
McGee, Hankla & Backes
2400 E. Burdick Expwy., Suite 100
Minot, North Dakota 58701
(701) 852-2544

James U. White, Jr.
White, Coffey, Galt & Fite, P.C.
1001 NW 63rd Street
Oklahoma City, Oklahoma 73116
(405) 842-7545

Stuart D. Campbell
Tom Q. Ferguson
Doerner Saunders Daniel & Anderson, LLP
Two West Second Street, Suite 700
Tulsa, Oklahoma 74103
(918) 582-5308

David S. Maring
Daniel Dunn
James R. Hoy
Maring Williams Law Office, PC
1220 Main Avenue, Suite 105
Fargo, North Dakota 58103
(701) 241-4141

Lawrence Bender
Fredrikson & Byron, PA
1133 College Drive, Suite 1000
Bismarck, North Dakota 58501
(701) 221-8700

Michael D. Schoepf
Michael D. Schoepf PLLC
6959 80th Street NE
Bismarck, North Dakota 58503
(701) 204-7605

Stephen R. Terrell
U.S. Department of Justice
Environmental & Natural Resources Division
P.O. Box 7611
Ben Franklin Station

Washington, DC 20004
(202) 616-9663

Opposing counsel:

Kenneth E. McNeil
Shawn L. Raymond
Andres Healy
Susman Godfrey, LLP
1000 Louisiana, Suite 5100
Houston, Texas 77002-5096
(713) 651-9366

David C. Frederick
Jeremy S.B. Newman
Kellogg Hansen Todd Figel & Frederick, PLLC
Sumner Square
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 326-7900
(on the petition for writ of certiorari)

- 6) *4100 Perimeter Limited Partnership v. Hartford Casualty Insurance Co.*, Case No. 5:14-cv-00641-HE, United States District Court for the Western District of Oklahoma (Judge Joe Heaton); Tenth Circuit Case No. 15-6196

As chief counsel, I defended Hartford in a lawsuit by the plaintiff over breach of contract and bad faith claims over storm damages to a property insured by a Hartford commercial insurance policy. The court granted Hartford summary judgment on the bad faith claim. I tried the breach of contract claim with co-counsel to a jury in September 2015, which returned a unanimous verdict in favor of Hartford. The case included matters relating to insurance appraisal, a process with little Oklahoma law interpreting its effects. The plaintiff appealed, and the parties reached a settlement that resolved the plaintiff's appeal without ruling by the Tenth Circuit and Hartford's sizable motion for attorneys' fees and costs (afforded pursuant to state statute and through Hartford's use of a Rule 68 offer of judgment). My representation was from 2014 until the lawsuit concluded in 2015.

Co-counsel:

Andrew Morris
(No longer with McAfee & Taft)
200 N.W. 4th Street
Oklahoma City, Oklahoma 73102
(405) 609-5160

Opposing counsel:

Justin King
King Law Firm
24 N.E. 53rd Street
Oklahoma City, Oklahoma 73105
(405) 239-6143

- 7) *Guzman v. SSM Health Care of Oklahoma, Inc.*, Case No. CJ-2012-56,
Oklahoma County (Judge Bill Graves, retired); Appeal Case No. DF-112026

The plaintiff sued SSM Health Care of Oklahoma, Inc. and Bone & Joint Hospital at St. Anthony (collectively, SSM) over billing practices relating to his treatment for breach of contract, tortious interference, and violation of the Oklahoma Consumer Protection Act. After significant pretrial motion practice and argument, the only claim tried was the plaintiff's tortious interference claim. I tried the case on behalf of SSM before the jury with co-counsel Rick Mullins. After two days of jury trial, SSM client moved for a directed verdict and the district court granted directed verdict. On appeal, the case resolved. My representation was from 2012 until the matter concluded in 2015.

Co-counsel:

M. Richard Mullins
Elizabeth Bowersox
McAfee & Taft
Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102
(405) 235-9621

Opposing counsel:

J. Shawn Spencer
Gregg Luther
The West Law Firm
124 West Highland Street
Shawnee, Oklahoma 74801
(405) 275-0040

- 8) *Wellman v. USAA General Indemnity Co.*, Case No. 14-cv-549-HE, United States District Court for the Western District of Oklahoma (Judge Joe Heaton)

As chief counsel, I defended USAA GIC in a lawsuit in which the plaintiffs alleged breach of contract and bad faith arising from the handling of a homeowners' insurance claim from a tornado. During the litigation, we

subpoenaed on behalf of USAA GIC documents from realtors involved in the sale of the property to the plaintiffs, which were produced over objection and pursuant to court order. Following more than a year of litigation, significant discovery and motion practice, and on the eve of pretrial submissions and with USAA GIC's motion for summary judgment pending, the plaintiffs agreed to dismiss with prejudice all claims against USAA GIC. My representation was from 2014 until the lawsuit was dismissed in 2015.

Co-counsel:

Bill Leach
McAfee & Taft
Williams Center Tower II
Two West Second Street, Suite 1100
Tulsa, Oklahoma 74103
(918) 587-0000

Andrew Morris
(No longer with McAfee & Taft)
200 N.W. 4th Street
Oklahoma City, Oklahoma 73102
(405) 609-5160

Opposing counsel:

Reggie Whitten
Michael Burrage
J. Revell Parrish
Whitten Burrage
512 North Broadway Avenue, Suite 300
Oklahoma City, Oklahoma 73102
(405) 516-7800

Jeff Marr
Carole Dulisse
Marr Law Firm
4301 Southwest Third Street, Suite 110
Oklahoma City, Oklahoma 73108
(405) 236-8000

- 9) *Salzer v. SSM Health Care of Oklahoma, Inc.*, Case No. 11-cv-1093-C, United States District Court for the Western District of Oklahoma (Judge Robin J. Cauthron), affirmed on appeal by the Tenth Circuit, Case No. 13-6099 (reported at 762 F.3d 1130 (10th Cir. 2014)) (Circuit Judges Lucero, Murphy, and Phillips)

As chief counsel, I defended SSM Health Care of Oklahoma in a lawsuit brought by the plaintiff on behalf of a putative class for breach of contract, tortious interference with contract, and violation of the Oklahoma Consumer Protection Act for the alleged failure to submit plaintiff's medical bills to his health insurance company under his ERISA-governed plan. The case was removed to the Western District of Oklahoma based on ERISA preemption of the plaintiff's claims. Following the plaintiff's motion to remand, the court held ERISA preempted the plaintiff's claims and denied the motion to remand. Ultimately, after the plaintiff failed to amend his complaint to state an ERISA claim, the court dismissed the action based on my client's motion to dismiss. On appeal to the Tenth Circuit, the plaintiff challenged federal subject matter jurisdiction under ERISA. The Tenth Circuit affirmed in my client's favor based on complete preemption under ERISA. I handled the dispositive motion briefing at the district court and the appellate briefing and oral argument at the Tenth Circuit, and my representation was from 2012 until the litigation concluded in 2014.

Co-counsel:

M. Richard Mullins
Mark D. Spencer
Elizabeth Bowersox
McAfee & Taft
Two Leadership Square, 211 North Robinson Avenue, Tenth Floor
Oklahoma City, Oklahoma 73102
(405) 235-9621

Opposing counsel:

Teresa S. Renaker
Renaker Hasselman Scott LLP
235 Montgomery Street, Suite 944
San Francisco, California 94104
(415) 653-1733

J. Shawn Spencer
Gregg Luther
Bradley C. West
Terry W. West
The West Law Firm
124 West Highland Street
Shawnee, Oklahoma 74801
(405) 275-0040

- 10) *Stephen N. Cole, et al. v. Interstate Insurance Group, et al.*, Case No. 06AS02907, Superior Court of the State of California for the County of Sacramento (Judge David Abbott)

While I was an attorney at Akin Gump Strauss Hauer & Feld LLP, I served as second-chair trial counsel for defendant Chicago Insurance Company in a two-week jury trial over the plaintiff's bad faith claim following earlier rulings by the court for which we were not involved that defendant Chicago Insurance Company had a duty to defend Stephen Cole in an underlying action but did not have a duty to indemnify, pursuant to a lawyer's professional liability insurance policy. The claim tried before the jury was Mr. Cole's claim that Chicago Insurance Company breached the implied obligation of good faith and fair dealing by failing to pay benefits due under the policy. The trial resulted in a verdict in favor of the defense. My representation was in 2011.

Co-counsel:

David A. Jones
Innocenti Jones PLLC
110 East Houston Street, 8th Floor
San Antonio, Texas 78205
(210) 819-4340

Opposing counsel:

Rudy Nolen
Nolen Law Firm
1501 28th Street
Sacramento, California 95816
(916) 733-0600

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

I developed significant legal experience early in my career as an attorney at Akin Gump Strauss Hauer & Feld LLP, including serving as associate counsel in a three-week arbitration hearing in a matter called *Scandinavian Reinsurance Company Ltd. v. St. Paul Fire & Marine Insurance Company*. Following the arbitration, I assisted in drafting the briefs for the motion to vacate the arbitration award at the United States District Court for the Southern District of New York, although I am not an attorney of record. See *Scandinavian Reinsurance Co. Ltd. v. St. Paul Fire & Marine Ins. Co., et al.*, 732 F. Supp. 2d 293 (S.D.N.Y. 2010), *rev'd*, 668 F.3d 60 (2d Cir. 2012).

As an attorney at McAfee & Taft, I have personally litigated and handled as lead counsel

many civil lawsuits with significant motion practice and/or discovery issues. *E.g.*, *Rivera v. Hartford Insurance Co.*, Case No. 14-cv-1082-HE (U.S.D.C. W.D. Okla.); *Jepsen v. USAA Casualty Insurance Co.*, Case No. 5:14-cv-01135-F (U.S.D.C. W.D. Okla.); *Daily v. USAA General Indemnity Co.*, Case No. 5:14-cv-00550-HE (U.S.D.C. W.D. Okla.); *Walker et al. v. USAA Casualty Insurance Co.*, Case No. 5:17-cv-00752-D (U.S.D.C. W.D. Okla.). I also have had significant experience in complex class action cases and in briefing and removal issues under the Class Action Fairness Act: *Stamps Brothers Oil & Gas, LLC v. Continental Resources, Inc.*, Case No. 5:14-cv-00182-HE (U.S.D.C. W.D. Okla.), and *Reece et al. v. AES Corp., et al.*, Case No. 6:12-cv-00457-JH (U.S.D.C. E.D. Okla.), affirmed on appeal by the United States Court of Appeals for the Tenth Circuit at Case No. 14-7010 (unreported).

In addition to litigation, I have advised and counseled clients on how to avoid litigation, offered analysis on legal questions not in litigation (e.g., coverage opinions), and tried to predict for clients legal outcomes in areas of law that are undecided.

I have never acted or registered as a lobbyist.

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

None.

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

I anticipate receiving deferred compensation, salary, and bonus earned at McAfee & Taft A Professional Corporation for firm year ending September 30, 2019, and for any legal services prior to any confirmation, as well as any return of capital or interest that I hold as a shareholder at McAfee & Taft.

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).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and provide a copy to this Committee.

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

Please see attached Net Worth Statement.

24. **Potential 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 anticipate that for at least some period of time I would recuse myself from all cases where McAfee & Taft represents a party or has a role, and cases involving USAA and Hartford. I would also recuse myself in any litigation where I have ever played any role.

If I have questions about potential conflicts-of-interest, I would consult federal law, the Code of Conduct for United States Judges, and all other laws, rules, and practices. To the extent there is not a definitive answer on a potential conflict-of-interest, I would follow the local court's guidance, precedent, and best practices and would lean toward recusal if there were any legitimate doubt or legitimate question about my ability to be fair and impartial. I will evaluate real and potential conflicts, as well as any relationship that could give rise to the appearance of a conflict, on a case-by-case basis to determine the appropriate action.

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

If confirmed, I would review and follow federal law (28 U.S.C. § 455), the Code of Conduct for United States Judges, and any other laws, rules, regulations, precedent, or practices in determining conflicts-of-interest and recusals.

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.

Attorneys have a responsibility and obligation to serve others, and I place the highest importance on this call of public service. I have served the public and the disadvantaged in a variety of ways.

From 2007 to 2008, I briefed the appeal for a criminal defendant/prisoner (Frederico Gonzalez) to the United States Court of Appeals for the Fifth Circuit for his sentence imposed under the pre-*United States v. Booker*, 543 U.S. 220 (2005), mandatory sentencing guidelines. Following the briefing, the United States Court of Appeals for the Fifth Circuit vacated his sentence and remanded for re-sentencing under the advisory guidelines. I estimate I devoted over 300 hours to briefing on appeal.

From approximately 2007 to 2010, I engaged in pro bono services as an associate or counsel at Akin Gump Strauss Hauer & Feld, LLP, including volunteering at a wills clinic to assist underserved members of the community with free estate planning, assisting in research and drafting on pro bono projects at the firm, and providing mentorship to high school students in underserved areas of the community with limited financial resources and who planned to attend college (often the first in their families) (estimated total of 50-70 hours).

When I was the chair of the OU College of Law Young Alumni Board from 2013 to 2018, I participated in the planning and/or volunteering of a young alumni event at the Regional Food Bank. I estimate I devoted 10 hours for planning and serving.

As an officer and member of the Oklahoma City Chapter of the Federal Bar Association, we devote planning and programing to community outreach. I have participated in planning and/or volunteering of various outreach programs for elementary students and the community.

I feel called to assist law students in need of mentorship, whether it is students who are interested in clerkships or interested in how to practice law as a working parent. Since 2013, I frequently volunteer time to mentor law students and take time to review and offer comments on their resumes and cover letters. I have tried to help law students in their job searches and connect them with contacts to help them in their search for employment. I do not do this to record hours but because it is something I believe is important. For estimation purposes only, my guess is 300+ hours.

26. Selection Process:

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

Investigation personnel concerning your nomination.

In January 2017, I expressed an interest to the offices of Senator James Inhofe and Senator James Lankford to serve as a United States District Judge for the Western District of Oklahoma. I interviewed with the advisory selection committee on January 26, 2017. I interviewed with Senator Lankford in person on November 20, 2017, and I interviewed by telephone with Senator Inhofe's office on December 4, 2017. I was not selected to fill a vacancy on the United States District Court for the Western District of Oklahoma at that time. In January 2019, I again expressed an interest to serve as a United States District Judge for the Western District of Oklahoma. I interviewed with another advisory selection committee on March 28, 2019. I maintained contact by telephone with Senator Lankford's and Senator Inhofe's offices. I interviewed with the Office of White House Counsel and the Department of Justice's Office of Legal Policy attorneys on June 5, 2019, and June 7, 2019. Since June 26, 2019, I have been in contact with attorneys with White House counsel and Department of Justice's Office of Legal Policy.

- 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.

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		5	263	Notes payable to banks-secured (auto)		44	009
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		477	852	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		15	848
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		276	388
Real estate owned – see schedule		553	300	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		58	000				
Cash value-life insurance							
Other assets itemize:							
529 College Savings Acct		21	031				
529 College Savings Acct		21	198				
Teachers' Retirement System of Oklahoma		13	601	Total liabilities		336	245
Thrift Savings Plan		303	963	Net Worth	1	117	963
Total Assets	1	454	208	Total liabilities and net worth	1	454	208
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Voya Stabilizer Fund	\$ 104,047
Diversified Multi Asset Moderate Fund	178
Vanguard Target Retirement 2045 Fund Investor Shares	248,740
MFS Value Fund Class R6	15,006
Fidelity Total Market Index Fund	13,652
American Funds EuroPacific Growth Fund Class R-6	11,942
American Funds The Growth Fund of America Class R-6	9,483
Vanguard Total Int'l Stock Index Fund Institutional Shares	6,608
Baird Core Plus Bond Fund Class Institutional	6,451
Janus Henderson Triton Fund Class N	6,295
PIMCO All Asset Fund Institutional Class	103
USSCX Science & Technology Fund	28,901
USAAX Growth Fund	19,588
FDIC Insured Account	5
USCGX USAA Capital Growth Fund	6,853
Total Listed Securities	<u>\$ 477,852</u>

Real Estate Owned

Personal Residence	<u>\$ 553,300</u>
Total Real Estate Owned	<u>\$ 553,300</u>

Real Estate Mortgages Payable

Personal Residence – Mortgage	<u>\$ 276,388</u>
Total Real Estate Mortgages Payable	<u>\$ 276,388</u>

AFFIDAVIT

I, Jodi W. Dishman, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

8/20/19

(DATE)

Jodi W. Dishman

(NAME)



Carol Ditta

(NOTARY)