

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kevin Hunter Sharp

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

United States District Judge for the Middle District of Tennessee

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.

Drescher & Sharp, P.C.
1720 West End Avenue, Suite 300
Nashville, Tennessee 37203

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

1963; 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.

2009, Austin Peay State University; no degree received
1990 – 1993, Vanderbilt University School of Law; J.D., 1993
1988 – 1990, Christian Brothers College; B.S., 1990
1987 – 1988, Mesa Community College; A.A., 1988
1986, Santa Monica Community College; no degree received
1981, State Technical Institute at Memphis; 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.

2003 – Present

Drescher & Sharp, P.C.
1720 West End Avenue, Suite 300
Nashville, Tennessee 37203
Shareholder/Partner

2003

Preston & Sharp, P.C.
216 19th Avenue North
Nashville, Tennessee 37203
Shareholder

1997 – 2003

Stokes, Bartholomew, Evans & Petree, P.A.
424 Church Street, Suite 2800
Nashville, Tennessee 37219
Shareholder/Partner (2001 – 2003)
Associate (1997 – 2000)

1996 – 1997

Office of Compliance, U.S. Congress
Adams Building, LA 200
110 Second Street, S.E.
Washington, D.C. 20540
Attorney, General Counsel's Office

1991 – 1996

Stokes & Bartholomew, P.A.
424 Church Street, Suite 2800
Nashville, Tennessee 37219
Associate (1993 – 1996)
Law Clerk (1992 – 1993)
Summer Associate (Summer 1991 & Summer 1992)

Summer 1992

Burch Porter & Johnson
130 North Court Avenue
Memphis, Tennessee 38103
Summer Associate

Summer 1991

Hanover, Walsh, Jalenak & Blair (now Harris Shelton Hanover Walsh, PLLC)
One Commerce Square, Suite 2700
Memphis, Tennessee 38103
Summer Associate

Other Affiliations (uncompensated)

2009 – present
Nashville's Priorities
1720 West End Avenue
Nashville, Tennessee 37203
President/Founder

2004 – present
ALS Association, Tennessee Chapter
4825 Trousdale Drive, #107
Nashville, TN 37220
Board of Trustees (2004 – present)
President (2008 – 2009)

2009
Health Research Insights, Inc. (no longer operating)
P.O. Box 682467
Franklin, Tennessee 37068
Board Member

2004 – 2009
Tennessee Lawyers' Fund for Client Protection
221 4th Avenue N., Suite 300
Nashville, Tennessee 37219
Board Member

1994 – 2004
Girl Scout Council of Cumberland Valley
1129 Trotwood Avenue
Columbia, Tennessee 38401
Board Member (2001 – 2004)
General Counsel (1994 – 2004)

1999 – 2000
Nashville Opportunities Industrialization Center, Inc.
460 10th Circle North
Nashville, Tennessee 37203
Board Member

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

I registered for Selective Service while in high school. Following graduation from high school, I enlisted in the United States Navy. I served in the U.S. Navy from April 1982 through March 1986. For most of my service, I was stationed at NAS Barbers Point, Hawaii, where I specialized in in-flight communications aboard the P-3 Orion. I achieved the rank of Petty Officer Third Class (AT3) and received a Good Conduct Medal and an Honorable Discharge at the conclusion of my 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 – Labor and Employment Law (2011)
Fellow, American Bar Foundation (2010)
Best Lawyers in America (2008 – 2010)
Mid-South Super Lawyers (2007 – 2010)
Nashville Business Journal's Best of the Bar (2003, 2005 – 2009)
Muscular Dystrophy Association – Most Prominent Legal Leader (2007)
Who's Who in American Law (13th Ed. 2003 – 2004)
Fellow, Nashville Bar Foundation (2003)
“AV” rating by Martindale-Hubbell (2000)
Weldon B. White Scholar, Vanderbilt University School of Law (1992)
Appellate Advocacy Award, Vanderbilt University School of Law (1991)
Alumni Academic Achievement Award (presented to student with the highest cumulative G.P.A.), Christian Brothers College (1990)
Delta Sigma Pi Scholarship Key (presented to Business School student with highest G.P.A.), Christian Brothers College (1990)
Certificate of Excellence in Management (presented by the Business School faculty), Christian Brothers College (1990)

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

American Bar Association
Section of Litigation
Section of Labor & Employment
Employment Rights & Responsibilities Committee
Equal Employment Opportunity Committee
Ethics & Professionalism Committee
Labor & Employment Law Section Mentoring Program

Nashville Bar Association
Employment & Civil Rights Committee
Ethics & Professionalism Committee
Federal Court Committee
Minority Opportunities Committee

Tennessee Bar Association
Labor & Employment Law Section
Middle Tennessee Delegate to Section's 2006 Executive Council
Disability Law Section
Federal Practice Section
Access to Justice Committee
Tennessee Bar Association Leadership Law Class of 2005

Tennessee Board of Professional Responsibility
Disciplinary Hearing Committee Member (2000 – 2006)

Tennessee Lawyers' Fund for Client Protection
Board Member (2004 – 2009)

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.

Tennessee, 1993

There has been no lapse in membership.

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

Supreme Court of the United States, 2010
United States Court of Appeals for the Sixth Circuit, 1994
United States District Court for the Middle District of Tennessee, 1994
United States District Court for the Western District of Tennessee, 2003
United States District Court for the Eastern District of Tennessee, 2010
Tennessee Supreme Court, 1993

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.

United States Naval Institute (2010 – present)

The Society for Military History (2009 – present)

Sixth Marine Division Association

Lineal Descendant Member (2007 – present)

National Employment Lawyers Association (2006 – present)

ALS Association, Tennessee Chapter

Board of Trustees (2004 – present)

President (2008 – 2009)

Strategic Planning Working Group, ALS Association, National (2008)

Richland Country Club (2003 - present)

Girl Scout Council of Cumberland Valley

Board Member (2001 – 2004)

General Counsel (1994 – 2004)

Nashville Opportunities Industrialization Center, Inc.

Board Member and Legal Counsel (1999 – 2000)

Special Olympics of Tennessee (although I have not officially served within the organization, I do volunteer during the local and/or area competition each year).

- 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.

None of the organizations above currently discriminate on the basis of race, sex, or religion, or national origin. Prior to a by-law change in 1928, Richland Country Club did not allow female members. Although there is no documentation in the club's records evidencing an official policy of discrimination based on race, I suspect that, like many other Southern country clubs, at one time it limited its membership to white males. I have spoken to the current president and vice-president, as well as the club's membership director and a former club president from the 1970s. Each also suspects that there may have been an unwritten rule decades ago limiting membership based on race, but Richland has not engaged in any discriminatory membership practices during their time as members, which spans more than 40 years.

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.

From October 2009 to April 2010, I actively used an account on the microblogging site Twitter, under the username "ksharp122." The vast majority of my posts were links to news articles, or "re-tweets" of the posts of others. The page is located at <http://twitter.com/ksharp122>, and a copy of all of my posts is supplied.

When You are Facing Cutbacks or Layoffs, Nashville Business Journal, July 10, 2009. Copy supplied.

Letters to the Editor, The Tennessean, Aug. 4, 2006, at 18A. Copy supplied.

In October 2006, I briefly ran a blog about employment law at SharpEmploymentLaw.com. I authored three posts on the blog. Two of the three posts are supplied. After a diligent search, I have been unable to locate the third entry. The site is no longer active.

Although I searched my files and the Internet to compile this list, there may be other publications I have been unable to remember or identify.

- 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.

January 4, 2010 and January 8, 2010: As president of Nashville's Priorities, I sent two e-mails to my organization's supporters urging them to take action against the proposed creation of a new convention center. Copies supplied.

While at the Office of Compliance in 1996 to 1997, I assisted in the preparation of the Office's reports to the House and Senate on the Legislative Branch's compliance with the Occupational Safety and Health Act and the Americans with Disabilities Act. Copies of the Report on Initial Inspections of Facilities for Compliance with the Americans with Disabilities Act Standards Under Section 210 and the Report on Initial Inspections of Facilities for Compliance with Occupational Safety and Health Standards Under Section 215 are supplied.

I was also the primary drafter of the initial ADA Title II and Title III regulations and had significant input in the drafting of the OSH Act regulations as applied to Congress under the Congressional Accountability Act of 1995. The proposed regulations were published in the Congressional Record for September 19, 1996. A copy of the regulations is supplied.

Although I searched my files and the Internet to compile this list, there may be other reports, memoranda, or policy statements to which I contributed that I have been unable to remember or identify.

- 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.

January 11, 2010: I spoke at a public hearing held by the Metro County Council. I made remarks asking the Council to hold a public vote before deciding whether to build a new convention center. I have been unable to locate a recording, transcript or notes from this event, but press coverage is supplied.

October 7, 2009: As president of Nashville's Priorities, I sent an e-mail to the County Council members urging them to engage in a public dialogue about the proposed convention center. Copy supplied.

I had some participation in the Tennessee Bar Association Access to Justice (ATJ) Committee's report on pro bono requirements for practicing lawyers. While I was not a member of the ATJ Pro Bono Reporting Working Group, I occasionally offered comments to the group's work as they circulated it among the full ATJ Committee. The ATJ Committee's work on pro bono requirements was eventually adopted by the Tennessee Supreme Court. A copy of the working group's recommendation is supplied.

Although I searched my files and the Internet to compile this list, there may be other testimony, official statements, or other communications relating to public policy or legal interpretation that I have been unable to remember or identify.

- 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.

January 6, 2010 and December 19, 2009: As president of Nashville's Priorities, I spoke to neighborhood groups about the mayor's proposed convention center project. Copies of the PowerPoint presentations and press coverage of the events are supplied. In addition to these two presentations, I made several others using essentially the same material and with nearly identical visual presentations. For each event, I changed the first slide to acknowledge the Metro Council Member in whose district I was speaking and the date of the presentation.

October 21, 2008: I presented "Recent Trends in Employment Law" at the Nashville Bar Association's "Back to School" CLE program. I have presented at other CLE programs several times over the years, but have been unable to determine the dates of those presentations, and I have no notes, transcripts or recordings of them.

In the mid-1990s, I recall participating in an employment law update for clients of my then-law firm. I do not recall the specific dates. I have no notes, transcript, or recordings.

Also in approximately the mid-1990s, I also recall speaking on Tennessee law regarding non-competition agreements and I presented a seminar for a private company on the interrelationship between the ADA, FMLA and state workers compensation law. I have been unable to locate the written material presented.

Although I searched my files and the Internet to compile this list, there may be other speeches or talks I have given that I have been unable to remember or identify.

- 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.

I have searched my files and Internet databases to refresh my memory in an effort to produce as complete a list of interviews as I could, but it is still possible there are some I was not able to locate. Copies of each of these articles are supplied.

Stephen George, *Convention Center Crusader*, Nashville City Paper, Apr. 25, 2010. Copy supplied.

Michael Cass, *Nashville Convention Center Construction Chief Sees Big Picture, Details*, The Tennessean, Feb. 2, 2010. Copy supplied.

Michael Cass, *Opposition to New Nashville Convention Hall Keeps Eyes on Process*, The Tennessean, Jan. 25, 2010. Copy supplied.

Michael Cass, *Nashville Center Approved*, Knoxville News-Sentinel, Jan. 21, 2010, at 11. Copy supplied.

Chris Cannon, *Metro Council Approves New Convention Center*, Channel 5 News Web Site, Jan. 19, 2010. Copy supplied. Related video story is posted at <http://www.newschannel5.com/Global/story.asp?S=11848678>.

Convention Center Approved, Plans Move Forward, WKRN News Web Site, Jan. 19, 2010. Copy supplied.

Joey Garrison, *Council Approves Funding for Convention Center*, Nashville City Paper, Jan. 19, 2010. Copy supplied.

Michael Cass, *Convention Center Advocacy Group Discloses Donor List*, The Tennessean In Session Blog, Jan. 19, 2010. Copy supplied.

Convention Center Draws Facebook Support, Petition Opposition, WKRN News Web Site, Jan. 18, 2010. Copy supplied.

Joey Garrison, *Anti-Convention Center Petitions to be Delivered Before Vote*, Nashville City Paper, Jan. 18, 2010. Copy supplied.

Michael Cass, *Hall is On Track for Approval*, The Tennessean, Jan. 17, 2010. Copy supplied.

Deanna Lambert, *Last-Minute Push for Public Vote on Convention Center*, WSMV News, Jan. 16, 2010. Copy supplied. Related video story posted at <http://www.wsmv.com/video/22264351/index.html>.

Michael Cass, *Convention Center News and Notes*, The Tennessean In Session Blog, Jan. 12, 2010. Copy supplied.

Supporters, Opponents React to Channel 4's Music City Center Poll, WSMV News, Jan. 8, 2010. Copy supplied. Related video story posted at <http://www.wsmv.com/video/22205441/index.html>. A video of my full interview on the poll is posted at <http://www.wsmv.com/video/22190243/index.html>.

Brandon Gee, *Music City Center Impact Projected at \$135 Million*, Nashville Business Journal, Jan. 6, 2010. Copy supplied.

Michael Cass, *Anti-Convention Center Petition Goes Online*, The Tennessean In Session Blog, Jan. 4, 2010. Copy supplied.

Michael Cass, *Nashville Convention Center Attacks Get Personal*, The Tennessean, Jan. 3, 2010. Copy supplied.

Michael Cass, *1st Hall Didn't Tap Taxpayers*, The Tennessean, Jan. 1, 2010. Copy supplied.

Joey Garrison, *Convention Center Revenue Stream in Question*, Nashville City Paper, Dec. 31, 2009. Copy supplied.

Michael Cass, *Real Debate, Fake Names: Blog Commenters Battle Over Convention Center*, The Tennessean, Dec. 28, 2009. Copy supplied.

Michael Cass, *Anti-Kevin Sharp Petition on its Way to the White House*, The Tennessean In Session Blog, Dec. 22, 2009. Copy supplied.

Brandon Gee, *Petition Tit-for-Tat in Music City Center Fight?*, Nashville Business Journal, Dec. 18, 2009. Copy supplied.

Nancy Amons, *Convention Center Fight Gets Personal*, WSMV News, Dec. 18, 2009. Copy supplied. Related video story posted at <http://www.wsmv.com/video/22026122/index.html>.

Ken Whitehouse, *MCC Battle Spills Over Into Judicial Appointments Process*, Nashvillepost.com, Dec. 17, 2009. Copy supplied.

Michael Cass, *Group Calls for Public Vote on Proposed Nashville Convention Center*, The Tennessean, Dec. 15, 2009. Copy supplied.

Brandon Gee, *Update: Petition-Seekers Being Disingenuous, Samuels Says*, Nashville Business Journal, Dec. 14, 2009. Copy supplied.

Petition Seeks Public Vote on Music City Center, Nashville Business Journal, Dec. 14, 2009. Copy supplied.

Michael Cass, *Nashville's Priorities to Seek Public Vote on Convention Center*, The Tennessean, Dec. 14, 2009. Copy supplied.

Nancy Amons, *Group Hopes for Convention Center Public Vote*, WSMV News, Dec. 14, 2009. Copy supplied.

Blake Farmer, *Nashville's Priorities Petitions for Vote on Convention Center*, WPLN News, Dec. 14, 2009. Copy supplied.

Nashville's Priorities Launches Petition Drive, Nashville's Priorities Blog, Dec. 14, 2009. Copy supplied.

Joey Garrison, *Is the Proposed Convention Center in the Bag?*, Nashville City Paper, Dec. 13, 2009. Copy supplied.

Michael Cass, *Convention Center Boosters Attack Opponents Over "Dirty Tricks"*, The Tennessean In Session Blog, Dec. 10, 2009. Copy supplied.

Nancy Amons, *Tourist Tax Loss an Issue Regarding Convention Center*, WSMV News, Dec. 9, 2009. Copy supplied. Related video story posted at <http://www.wsmv.com/video/21919615/index.html>.

Michael Cass, *Medical Mart Vision Unveiled for Nashville Convention Center*, The Tennessean, Dec. 1, 2009. Copy supplied.

Nashville's Priorities Welcomes the Downtown Medical Mart!, Nashville's Priorities Blog, Nov. 30, 2009. Copy supplied.

Michael Cass, *Nashville Convention Center Groups Take Fight to the Public*, The Tennessean, Nov. 25, 2009. Copy supplied.

Brandon Gee, *Council Sets Meetings on Convention Center Financing*, Nashville Business Journal, Nov. 24, 2009. Copy supplied.

Michael Cass, *Nashville's Priorities Acknowledges Convention Center Phone Poll, Denies Anything "Sinister"*, The Tennessean In Session Blog, Nov. 23, 2009. Copy supplied.

Critic of Convention Hall Coaches Concerned Citizens, The Tennessean, Nov. 10, 2009, at NaN. Copy supplied.

Nashville Convention Hall Backers Trust in Tourism, The Tennessean, Nov. 6, 2009. Copy supplied.

Will Hall Max Out Metro's Credit?, The Tennessean, Oct. 25, 2009, at NaN. Copy supplied.

Michael Cass, *Critics Say Convention Center Plan Puts Nashville at Risk*, The Tennessean In Session Blog, Oct. 15, 2009. Copy supplied.

Gaylord Gave \$8,500 to Convention-Hall Critics Group, The Tennessean, Oct. 2, 2009, at NaN. Copy supplied.

"Nashville's Priorities" Taking on the Music City Center, SEIU Local 205 Blog, Sept. 30, 2009. Copy supplied.

Group Wants Dialogue on Hall, The Tennessean, Sept. 28, 2009, at NaN. Copy supplied.

Law Firms Court Clients with Flat Fees, The Tennessean, Aug. 16, 2009. Copy supplied.

Firms Work to Ensure Health Costs' Accuracy, The Tennessean, May 4, 2009. Copy supplied.

Walker Duncan & Kyle Swenson, *Nashville at Law: AmSurg Sues Over Incomplete Policy Application*, Nashville City Paper, Mar. 23, 2009. Copy supplied.

Tennessee Work Discrimination Claims Swell, AP Alert – Tennessee, Mar. 14, 2009. Copy supplied.

Getahn Ward, *Faith in the Workplace*, Liberty Magazine, Nov.-Dec. 2007. Copy supplied.

Janell Ross, *Ex-VU Student Sues College, Professor, Charges Him with Sexual Harassment*, The Tennessean, Aug. 14, 2007. Copy supplied.

Paul Kuharsky, *Pacman Won't Wrestle*, The Tennessean, Aug. 11, 2007. Copy supplied.

Ed Green, *Area Employers Feeling Effects from Downfall of Tennessee Benefits Firm*, Business First of Louisville, Oct. 9, 2006. Copy supplied.

Janell Ross, *Chapter 11 Status Forced on IPoint*, The Tennessean, Sept. 28, 2006, at 1E. Copy supplied.

Janell Ross, *Anxiety Spreads Among Benefits Firm's Clients*, The Tennessean, Sept. 24, 2006, at A1. Copy supplied.

Dave Raiford, *Benefits of Staying Small(er)*, Nashville Business Journal, Sept. 8, 2006. Copy supplied.

Sanford, Wittels & Heisler Announces White Employees at Whirlpool Confirm Class Action Claims of Racially Hostile Work Environment, Business Wire, July 13, 2005. Copy supplied.

Judge Finds Bosch Automotive Purposely Timed Lay Off of Henderson Plant Workers to Avoid Paying Benefits, Business Wire, June 2, 2005. Copy supplied.

Chip Cirillo, *Ex-Counselor Files Discrimination Suit*, The Tennessean, May 13, 2004, at 2C. Copy supplied.

Joe Morris, *Partners Draw on Individual Strengths to Form New Firm*, Nashville Business Journal, Nov. 21, 2003, at 47. Copy supplied.

Bush Bernard, *New Law Firm Plays It Straight with Name*, The Tennessean, Sept. 29, 2003, at 1E. Copy supplied.

Elbert David, *Fired Worker Alleges Bias in Lawsuit*, Des Moines Register, Aug. 29, 2003, at 6D. Copy supplied.

Fleetguard Plans New Georgia Plant, The Tennessean, Aug. 29, 2003, at 6E. Copy supplied.

Judge Orders Co-op to Pay \$428,490 in Firing, Daily News Journal, Apr. 3, 1999. Copy supplied.

In addition to the interviews listed above, I appeared in several television news stories between December 2009 and January 2010, discussing my opposition to the Nashville Convention Center construction project. The following is a list of the dates and airtimes that I appeared in these stories. I have been unable to obtain any recording, transcript, or other material unless otherwise indicated:

WKRN

Jan. 20, 2010 at 04:01:32
Jan. 19, 2010 at 22:00:32 (Copy supplied)
Jan. 19, 2010 at 21:58:32
Dec. 15, 2009 at 06:43:53
Sept. 29, 2009 at 16:31:32 (Copy supplied)

WSMV

Jan. 16, 2010 at 22:12:27
Jan. 16, 2010 at 18:04:45

News Channel 5

Dec. 3, 2009 at 16:59:32
Sept. 29, 2009 at 22:10:44
Sept. 29, 2009 at 18:48:08

WZTV Fox 17

Jan. 19, 2010 at 22:00:19
Jan. 19, 2010 at 21:03:00
Jan. 11, 2010 at 21:07:45

On January 5, 2010 and in late 2009, I appeared on a local television show called Open Line, which airs on the local CBS affiliate – WTVF (News Channel 5+). The program is an hour-long viewer call-in show about topics of local interest. My interview segments involved discussions of the pros and cons of the proposed Nashville convention center. News Channel 5+ only retains video of shows for 60 to 90 days before they are recycled, so I was unable to obtain any copies.

On October 28, 2009, I was a guest on the Ralph Bristol Show, a local morning radio program, during which we discussed the proposed Nashville convention center. I attempted to obtain audio of the interview, but was unable to do so. I have no notes, transcript, or recording.

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.

I have never held public office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

Since 1988, I have volunteered for activities in support of the Tennessee Democratic Party and various candidates for elected office. I have been a member of the Tennessee Democratic Party Finance Council, the Governor's Roundtable and the Davidson County Young Democrats. More specifically, I have volunteered for the campaigns and committees listed below. Except as indicated, my involvement was limited to placing yard signs, organizing rallies, knocking on doors, handing out literature, and other tasks of that nature.

Al Gore for President (1988); Bill Clinton for President (1992, 1996); Rep. Harold Ford, Sr. for Congress (1992); Guthrie Castle for Congress (1992); Mayor Bill Morris for Governor (legal counsel to the campaign and Middle Tennessee coordinator) (1994); Phil Bredesen for Governor (placing calls to Morris supporters seeking their support in the general election) (1994); Democratic National Committee, Community Service Division (1996); Gloria Dumas for Davidson County General Sessions Judge (managed campaign – 1997; Treasurer/Manager – 2005); Harold Ford, Jr., for Senate (volunteer Finance Committee) (2006); Carter Todd for Nashville Metro Council (volunteer campaign manager) (2008); Bill Richardson for President (volunteer Finance Council) (2008).

Additionally, in 1998, I managed the successful retention campaign of Judge A.A. Birch for Tennessee Supreme Court, for which I received a nominal stipend.

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 did not serve as a clerk to a judge.

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

I have never practiced alone.

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

1993 – 1996
Stokes & Bartholomew, P.A.
424 Church Street, Suite 2800
Nashville, Tennessee 37219
Associate

1996 – 1997

Office of Compliance, U.S. Congress
Adams Building, LA 200
110 Second Street, S.E.
Washington, D.C. 20540
Attorney, General Counsel's Office

1997 – 2003

Stokes, Bartholomew, Evans & Petree, P.A.
424 Church Street, Suite 2800
Nashville, Tennessee 37219
Associate (1997 – 2000)
Shareholder/Partner (2001 – 2003)

2003

Preston & Sharp, P.C.
216 19th Avenue North
Nashville, Tennessee 37203
Shareholder

2003 – present

Drescher & Sharp, P.C.
1720 West End Avenue, Suite 300
Nashville, Tennessee 37203
Shareholder/Partner

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

I began my legal career as an associate with the law firm of Stokes & Bartholomew in 1993. From 1993 to 1996, I primarily wrote briefs, conducted legal research and provided litigation support within the firm's Litigation Section. During this time I also assisted in the post-conviction appeal of a capital murder case. Due to my interest in labor and employment law, I was often assigned to work on employment-related cases, but my experience with the firm included representing corporate entities and individuals in all manner of state and federal litigation.

In 1996, I was hired as one of four attorneys to work with the General Counsel of the new Office of Compliance in the U.S. Congress in Washington, D.C. The Office of Compliance was created to administer and enforce the Congressional Accountability Act (CAA) of 1995, which made workplace safety, health, and labor rights laws applicable to the Legislative Branch. My primary responsibilities were over the public accommodation provisions of the Americans with Disabilities Act (ADA), as well as Occupational Safety & Health (OSH) and Labor-Management Relations investigations and enforcement. I was also part of the team that conducted the inspections of Capitol Hill for ADA and OSH Act compliance and I assisted in the drafting of the subsequent congressional reports on legislative branch compliance with those provisions. Finally, during my time with the Office of Compliance, I drafted the proposed initial ADA Title II and Title III regulations as applied to Congress under the Congressional Accountability Act of 1995, and I participated in the investigation of unfair labor practice charges during the first-ever union representation election on Capitol Hill.

I returned to Stokes & Bartholomew (which later became Stokes Bartholomew Evans & Petree) in 1997 and rejoined the firm's Litigation Section. I also co-chaired the firm's Employment Law Practice Group. My primary responsibilities were representing large and small businesses in state and federal litigation as well as providing general business advice. In 2003, I decided to leave the larger firm practice and start my own practice so I could work more closely with individuals and could represent plaintiffs in employment and civil rights-related matters. My typical litigation today involves prosecuting federal and state discrimination, harassment and retaliation claims; public accommodation actions under the ADA; and retirement and welfare benefit claims under ERISA. I am involved in the prosecution of qui tam claims and regularly represent individuals and businesses in contract negotiations, personnel matters, probate disputes, protection of copyrights, non-competition litigation and general business disputes.

During my career, I have served as Special Disciplinary Counsel to the Tennessee Supreme Court and on the Disciplinary Hearing Committee for the Tennessee Board of Professional Responsibility. For six years, I served as a Board Member of the Tennessee Lawyers' Fund for Client Protection (TLFCP). The TLFCP is an organization created by the Tennessee Supreme Court to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing clients a portion of losses caused by attorney misconduct.

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

During my 17-year legal career, I have represented a diverse array of clients – from the federal government during my time with the Office of Compliance to large publicly traded companies during my years with a larger law firm. Although I continue to occasionally represent large public and privately held companies, since 2003, my typical clients have been individuals who need help navigating the judicial system. I have focused much of my practice on litigation on behalf of small businesses and individual plaintiffs in employment-related disputes.

- 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.

In private practice, I estimate that approximately 80–90% of my law practice involves litigation or other form of dispute resolution, whether before courts or state/federal administrative agencies. Because the vast majority of my litigation occurs in federal court and is primarily driven by motion practice, I appear in court only occasionally. During my time with the Office of Compliance, my role was not primarily as a litigator.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 70% |
| 2. state courts of record: | 20% |
| 3. other courts: | |
| 4. administrative agencies: | 10% |

- ii. Indicate the percentage of your practice in:

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

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

I have been sole or lead counsel in 11 cases. I tried five cases as associate counsel. In addition, I have handled to decision approximately 30 trial-like hearings before Administrative Law Judges with the Tennessee Department of Labor, Employment Security Division.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 45% |
| 2. non-jury: | 55% |

- 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 participated in the preparation of a petition for certiorari, reply brief, and supplemental brief in the case of *Alexander v. Bosch Automotive Systems, Inc.*, 232 Fed. Appx. 491 (6th Cir. 2007). Our petition was denied. Copies of those briefs are supplied.

I also participated in the preparation of a brief in opposition to certiorari in *Riccardi v. Vanderbilt University Medical Center*, 363 Fed. Appx. 350 (6th Cir. 2010). The petition was denied. Copy supplied.

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. *Alexander v. Bosch Auto. Sys.*, 3:01-cv-00060 (M.D. Tenn), Hon. Aleta A. Trauger, 2001 – 2005.

I served as lead counsel to approximately 39 individual plaintiffs in an ERISA action against their former employer and the union that represented them during their employment. I managed the two more senior lawyers working with me on the case. The plaintiffs' claims were based upon the company's violation of Section 510 of ERISA. Plaintiffs claimed that the timing of their layoff by Bosch was an effort by the company to avoid paying "plant closing" benefits as required by the UAW Collective Bargaining Agreement. There was also a claim against the UAW for failure to carry out its duty of fair representation. A settlement was reached with the UAW. The case was tried on the Section 510 issue before Judge Trauger during a multi-day bench trial. Following proof, Judge Trauger ruled in favor of the plaintiffs. Bosch appealed and the judgment was overturned by the Sixth Circuit on an issue of available remedies under Section 502 of ERISA. *Alexander v. Bosch Auto. Sys., Inc.*, 232 Fed. Appx. 491 (6th Cir. 2007). We filed a petition for certiorari to the Supreme Court of the United States, which was denied.

Co-Counsel

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2. *Riccardi v. Vanderbilt Univ. Med. Ctr.*, 3:06-cv-00605 (M.D. Tenn.), Hon. Thomas Wiseman, 2006 – present.

I served as lead counsel to defendant Dr. Robert Kessler in a sexual harassment and retaliation claim brought against Vanderbilt University and Dr. Kessler. I filed a counterclaim on behalf of Dr. Kessler for, among other things, defamation and assault and battery. Following the court's rulings on motions for summary judgment, which were granted in part and denied in part, the University settled with the plaintiff. My client, however, remained adamant that he was innocent and wished to proceed to trial. Following a multi-day trial, the jury rejected plaintiff's claims and returned a verdict in favor of my client on his defamation and assault/battery counter-claims for \$2,025,000 in compensatory damages and \$950,000 in punitive damages. The court granted plaintiff a remittitur to \$500,000 total compensatory and punitive damages. On appeal, the Sixth Circuit upheld the verdict on the counter-claim, and remanded a portion of the case back to trial on plaintiff's remaining claim of retaliation related to two research grants on which she was not included. 363 Fed. Appx. 350 (6th Cir. 2010). That portion of the case is still pending and plaintiff is proceeding *pro se*. Plaintiff also filed a petition for certiorari in the Supreme Court of the United States, which we opposed, and it was denied in October 2010. After remand, plaintiff filed a motion to set aside the prior judgment under F.R.C.P. Rule 60, which was denied by the district court. Plaintiff appealed the Rule 60 denial to the Sixth Circuit. I filed a brief in response on October 26, 2010. A decision is still pending.

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3. *Peacock v. Pace Int'l Union Pension Fund Plan*, 3:06-cv-00703 (M.D. Tenn.), Hon. William J. Haynes, Jr., 2006 – 2008.

I served as lead counsel representing the plaintiffs, Mr. Peacock and his spouse, in a claim to determine their rights under the Pace Pension Plan. Mr. Peacock was divorced from his first wife, but still had matters related to the divorce pending in Louisiana state court. His ex-wife died and the couple had not executed a Qualified Domestic Relations Order dealing with the pension funds. Mr. Peacock had remarried and his second wife had her own interests in the pension funds. The administrator of the ex-wife's estate was seeking the retirement accounts as part of the corpus of the estate. In an effort to protect the interests of Mr. Peacock and his new spouse, I filed a declaratory judgment action in Tennessee federal court. Ultimately, the district court granted our summary judgment motion, ruling that any claim by the estate under Louisiana law was preempted by ERISA.

Opposing Counsel for Defendant Pace Union, Pension Fund and 401(k)

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Opposing Counsel for Defendant Succession of Alice Peacock

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4. *Cooper v. Cent. Parking Corp.*, 3:05-cv-00632 (M.D. Tenn.), Hon. Todd Campbell, 2005 – 2007.

I served as co-counsel in this case, which involved an Americans with Disabilities Act violation under the Title III (Public Accommodations) provision claim. My co-counsel had extensive experience in Title III issues and I handled the litigation aspects of the case. Our clients were three individuals with disabilities that required them to use wheelchairs for mobility. Because of the placement and setup of the payment kiosks in unattended parking lots, they were not able to use the lots in question because the automatic payment systems were situated in such a way that they could not make the necessary payments by credit card or cash. Ultimately, we were able to reach a settlement with the defendant in which the corporation agreed to remove and replace the kiosks and make the parking lots accessible to individuals with disabilities.

Co-Counsel

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5. *Barrett v. Whirlpool Corp.*, 3:06-cv-00017 (M.D. Tenn.), Hon. Aleta A. Trauger, 2006 – 2009.

I served as co-counsel in this case of retaliation under Title VII of the Civil Rights Act of 1964. Although the case had gone up on appeal to the Sixth Circuit and several of the original plaintiffs were excluded from trial, we were able to proceed on the claim of Ms. Nickens. Ms. Nickens, who is Caucasian, alleged that she was retaliated against by other white employees after she opposed harassing conduct directed at African-American employees at Whirlpool. Following a week-long trial, the jury returned a verdict in favor of the defendant.

Co-Counsel

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Keith C. Hult, Garrison L. Phillips, and Adam Carl Wit
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6. *EEOC v. Tri-State Plumbing, Heating & Air Conditioning Contractors, Inc.*, 2:05-cv-02717 (W.D. Tenn.), Hon. S. Thomas Anderson, 2005 – 2008.

Along with co-counsel, I represented eight African-American members of the plumbers union in Shelby County who were assigned to work for Tri-State Plumbing on the construction of the FedEx Forum in Memphis, Tennessee. During the course of their employment they were subjected to racial harassment and were treated less favorably than white employees when given job assignments and overtime. After the clients filed charges with the EEOC, the Commission decided to prosecute the cases and we filed as intervenors. We remained significantly involved in the prosecution of the clients' claims through the discovery process and took the lead during mediation. We were ultimately able to settle the case with the help of a mediator.

Co-Counsel

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Equal Employment Opportunity Commission
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Mediator

Allen S. Blair
Harris Shelton Hanover Walsh, PLLC
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7. *Seismic Sound, Inc. v. Wells Fargo Bank*, 3:04-ap-00012 (Bankr. M.D. Tenn.), Hon. Keith M. Lundin, 2004.

I served as counsel to Seismic Sound in what began as a breach of contract/collections matter by Wells Fargo in the U.S. District Court for the Southern District of New York. Seismic had previously entered into a financing arrangement with Terminal Marketing Company/Terminal Finance whereby Seismic Sound sold its recording equipment for a lump sum and then leased the equipment back in order to get immediate operating capital for the business. At the end of the lease term, Seismic would buy back its equipment for a nominal charge. After Seismic executed the Sale/Lease Back Agreement and provided Terminal with the initial lease payment, Terminal failed to purchase the equipment and assigned the paper to Wells Fargo. When Seismic refused to continue making lease payments, Wells Fargo commenced an action in New York federal court and obtained a summary judgment on the issue of liability under the lease/note although no hearing had been held on the issue of damages. In the interim, Seismic Sound filed for bankruptcy in Tennessee, and I instituted an adversary proceeding against Terminal Marketing, Wells Fargo, and others. The case was transferred from New York to the Middle District of Tennessee. During the course of discovery it was uncovered that Wells Fargo knew or should have known prior to the assignment that Terminal was in breach of these agreements. The case was settled.

Opposing Counsel

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8. *HealthStream, Inc. v. Emergency Med.*, 3:01-cv-00675 (M.D. Tenn.), Hon. Aleta A. Trauger, 2001 – 2003.

I served as lead counsel to HealthStream, Inc., in the prosecution of copyright infringement and violation of a non-compete agreement claims. I directed the drafting and filing of the documents and evidence necessary to obtain a temporary restraining order. Following the granting of our motion for a TRO, I supervised and participated in the discovery process and was lead counsel at the hearings in the case. In or around September 2001, the parties entered into a Consent Order and Judge Trauger retained jurisdiction over the case to enforce the terms of the agreement. In January 2002, the case was reopened as part of a Show Cause motion filed by HealthStream. After additional briefing by the parties and a hearing before Judge Trauger, the defendants were held in contempt for their violations of the previous Order and liquidated damages of \$570,000 plus costs and attorneys' fees were awarded to my client.

Opposing Counsel

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9. *Wargo v. Echosphere Corp.*, AAA Arbitration, Barbara J. Moss, 2004 – 2006.

I was lead counsel for Mr. Wargo, who was terminated from his employment when he was unable to immediately return to work following surgery. I filed the claim for violation of Title I of the ADA. Mr. Wargo's surgery was for the removal of his lung following his diagnosis with lung cancer. His employer, relying upon its "no-fault" absent from work policy, refused to reasonably accommodate his disability and ultimately fired my client. Following a trial before Barbara Moss in accordance with the American Arbitration Association Employment Arbitration Rules, a judgment was entered in favor of Mr. Wargo and the company was ordered to pay damages.

Arbitrator

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Opposing Counsel

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10. *Drulman v. CareerBuilder, LLC*, 3:07-cv-00024 (M.D. Tenn.), Hon. John T. Nixon, 2007.

I served as lead counsel to the plaintiff, who alleged she was terminated from her employment in violation of Title VII of the Civil Rights Act of 1964. The allegations revolved around plaintiff's claim that her supervisor, a devout Catholic, disapproved of events in plaintiff's personal life that were not consistent with the teachings of the Catholic Church. Following written discovery and the taking of key depositions, we believed we had direct evidence that plaintiff's failure to follow traditional church doctrine led to her termination. The defendant settled the case without a trial.

Opposing Counsel

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

Although much of my current practice involves representing individuals in civil rights matters, I have experience in the interpretation and drafting of regulations through my work with the Office of Compliance, where I also assisted in the inspection of the Capitol for occupational safety and health compliance and Americans with Disabilities Act compliance. I have handled matters on behalf of large public companies, sole proprietorships and non-profit entities such as Highland Rim Economic Corporation, which among other things, operates the Head Start program in rural middle Tennessee. I served ten years as volunteer legal counsel to the Cumberland Valley Girl Scout Council. Furthermore, I actively participated as a board member for the Lawyers' Fund for Client Protection, an organization created by the Tennessee Supreme Court to promote public confidence in the administration of justice and the integrity of the legal profession as a whole by reimbursing at least a portion of losses caused by instances of dishonest conduct of lawyers licensed to practice law in Tennessee.

I served on the Tennessee Board of Professional Responsibility Disciplinary Hearing Panel from 2000 to 2006. In this capacity, I reviewed and approved findings and recommendations for disciplinary action or for no action by the investigators; in one instance, I was part of a three-member panel in which an attorney challenged the staff findings and recommendation. In 2001, I acted as Special Disciplinary Counsel to the Supreme Court of Tennessee, in which capacity I investigated and reported to the Tennessee Supreme Court on an ethical complaint against a member of the Board of Professional Responsibility.

I have performed no lobbying activities.

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

I have not taught any courses.

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

Except for the purchase of my stock in the law firm of Drescher & Sharp, P.C. should I be confirmed, I have no other anticipated receipt of future benefits based upon current or prior financial or business interests.

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.

If I am confirmed, I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the Court.

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.

If I am confirmed, I would recuse myself in any case involving my father-in-law, who is a practicing attorney with the Nashville law firm of Waller Lansden Dortch & Davis, PLLC. I would also recuse myself in any case in which I was directly involved while in private practice or in which my firm was involved while I was a member of the firm. In addition, for a period of time I would recuse myself in any case involving my former law firm.

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

I will evaluate all matters involving actual or potential conflicts of interest within the framework of the Code of Conduct for United State Judges and all other applicable ethical canons and statutory provisions, and then act in accordance with same, up to and including recusal where warranted.

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

I have always taken my obligations as an attorney seriously and responded accordingly to the privilege bestowed upon me to practice law in this state. In addition to the time I have given to non-profit entities by performing free legal services, I have consistently taken pro bono unemployment compensation appeals referred to me through the Nashville Bar Association Pro Bono Program. I have also served on the Access to Justice Committee of the Tennessee Bar Association, which has worked to ensure TBA members are aware of and fulfilling their duties to provide free legal service to the community.

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 late November 2008, I contacted Representative Jim Cooper expressing an interest in being considered by the President for the open U.S. District Court seat in the Middle District of Tennessee. Shortly thereafter, Congressman Cooper's office sent me a package of material outlining the general information that would be needed by the White House before considering a presidential nomination.

Over the next couple of weeks I also contacted Senator Lamar Alexander and Senator Bob Corker's offices telling them of my interest in the position. On December 23, 2008, I met with Rep. Cooper in his Nashville office to discuss the position and the selection process. Following that meeting and over the next several months, I stayed in contact with Mr. Cooper's office about the process and forwarded additional supporting information. Over the next year or so, I had occasional conversations with Rep. Cooper or members of his staff about my paperwork and/or the process.

Since June 21, 2010, I have been in contact with pre-nomination officials at the U.S. Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C., on August 5, 2010. On November 17, 2010, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, **KEVIN HUNTER SHARP**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

11-15-10

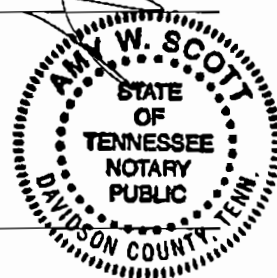
(DATE)

Kevin Hunter Sharp

(NAME)

Amy W. Scott

(NOTARY)



My Commission Expires: 7/7/14



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January 5, 2011

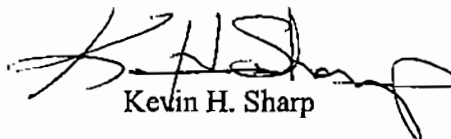
The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on November 17, 2010, to be United States District Judge for the Middle District of Tennessee. I certify that the information contained in that document is and remains, to the best of my knowledge, true and accurate.

I also am forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



Kevin H. Sharp

cc: The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510