

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Corey Landon Maze

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

United States District Judge for the Northern District of Alabama

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 of the Attorney General
501 Washington Avenue
Montgomery, Alabama 36130

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

1978; Gadsden, Alabama

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.

2000 – 2003, Georgetown University Law Center; J.D. (*cum laude*), 2003
1996 – 1999, Auburn University; B.A. (*summa cum laude*), 1999

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
Office of the Alabama Attorney General
501 Washington Avenue
Montgomery, Alabama 36130
Special Deputy Attorney General, Civil Litigation (2011 – present)
Solicitor General (2008 – 2011)
Assistant Attorney General, Criminal Trials and Appeals (2003 – 2008)

2005 (estimated) – present
Huntingdon College
1500 East Fairview Avenue
Montgomery, Alabama 36106
Basketball stadium announcer

2005 – 2007
Montgomery Bears
1555 Federal Drive
Montgomery, Alabama 36107
Arena football stadium announcer

Summer 2002
Kanukuk Kamps
1353 Lake Shore Drive
Branson, Missouri 65616
Volunteer Camp Counselor

Summer 2002
Auburn University
182 South College Street
Auburn, Alabama 36849
Law Clerk to the General Counsel

Summer 2002 & Summer 2001
Balch & Bingham, LLC
1901 6th Avenue North, #1500
Birmingham, Alabama 35203
Summer Associate

Summer 2001
Sirote & Permut, PC
2311 Highland Avenue
Birmingham, Alabama 35205
Summer Associate

Summer 2000
Kanukuk Kamps
1353 Lake Shore Drive
Branson, Missouri 65616
Camp Counselor

Winter 2000 – Spring 2000
Auburn University Medical Clinic
400 Lem Morrison Drive
Auburn, Alabama 36849
Records Clerk

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 registered for the selective service upon turning 18.

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.

Miriam Shehane Award for the Advancement of Victims' Rights (2011)

National Association of Attorneys General, Best Brief Award (2011)

National Association of Attorneys General, Best Brief Award (2010)

National Association of Attorneys General, Best Brief Award (2009)

Attorney General Award for Excellence, Best Solicitor (2009)

Attorney General Award for Excellence in Appellate Advocacy (2008)

Attorney General Award for Excellence in Appellate Advocacy (2005)

Phi Kappa Phi Honor Society (1999)

Enlisted National Guard Association of Alabama Scholarship (1997)

Auburn University License to Learn Scholarship (1996)

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.

None.

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.

Alabama, 2003.

There have been no lapses in memberships.

- 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, 2007
United States Court of Appeals for the Fifth Circuit, 2011
United States Court of Appeals for the Eleventh Circuit, 2006
United States District Court for the Western District of Washington, 2015
United States District Court for the Northern District of Alabama, 2003
United States District Court for the Middle District of Alabama, 2003
United States District Court for the Southern District of Alabama, 2004

I procured membership to the United States District Court for the Western District of Washington for the limited purpose of handling a discovery matter. I did not renew my membership once the matter was resolved.

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.

Federalist Society for Law & Public Policy Studies (2017 – present)

Inner City Evangelism (2007 – 2018)
Chair, Board of Directors (2010 – 2011)

- 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, neither of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

Review, *Coco*, sevensentencereviews.com, Nov. 29, 2017. Copy supplied.

Review, *Split*, sevensentencereviews.com, Jan. 21, 2017. Copy supplied.

Review, *Passengers*, sevensentencereviews.com, Jan. 2, 2017. Copy supplied.

Review, *Suicide Squad*, sevensentencereviews.com, Jan. 2, 2017. Copy supplied.

Letter to the Editor, *News Ignores Evidence*, Birmingham News, June 15, 2006. Copy supplied.

Training Manual, *The Alabama Open Meetings Act: A Manual for Alabama Public Officials*, 2005. 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.

While I served as its President, the Student Bar Association of the Georgetown University Law Center wrote and adopted its Constitution. The Constitution governs the organization and function of the Student Bar Association. The address of the Georgetown Law Student Bar Association is 600 New Jersey Avenue N.W., Suite 208, Washington, D.C. 20001. Copy supplied.

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

Hearing, Alabama Contract Review Permanent Legislative Oversight Committee, Aug. 2, 2018 (statement given as Special Deputy Attorney General regarding an amendment to the State's contingency fee contract with outside counsel to litigate the State's case against Purdue Pharma, *et al.*). I have no notes, transcript, or recording.

Hearing, Alabama Contract Review Permanent Legislative Oversight Committee, Mar. 1, 2018 (statement given as Special Deputy Attorney General regarding the State's contingency fee contract with outside counsel to litigate the State's case against Purdue Pharma). I have no notes, transcript, or recording.

Letter to Sens. Mitch McConnell, Charles Schumer, Chuck Grassley, Dianne Feinstein, Bill Cassidy, and John Kennedy, Concerning the Nomination of Kyle Duncan, Nov. 16, 2017. Copy supplied.

Letter to Sens. Charles E. Grassley and Dianne Feinstein, Concerning the Nomination of Kevin C. Newsom, June 7, 2017. Copy supplied.

Presentation, "*A Statewide Training for Public Officials on Alabama's Revised Open Meetings Law*," 2005 – 2006 (training presentation for multiple State agencies between). PowerPoint provided.

Hearing, Alabama House Judiciary Committee, Feb. 8, 2006 (statement given as an Assistant Attorney General regarding a bill to permit evidence of out-of-state convictions based on no-contest pleas during sentencing proceedings). I have no notes, transcript, or recording.

- 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.

Aug. 19, 2016: Speaker, "Open Meetings/Open Records: Alabama Code Review," Alabama Broadcasters Association 2016 Annual Conference, Wynfrey Hotel, Hoover, Alabama. PowerPoint supplied.

Apr. 8, 2016: Speaker, "BP Oil Spill Litigation: A (Premature) Post-mortem," Judge Alvin B. Rubin Conference on Maritime Personal Injury Law, Louisiana State University Law Center, Baton Rouge, Louisiana. PowerPoint supplied.

Jan. 21, 2016: Panelist, "*Macondo* update," University of Texas Law Admiralty and Maritime Law Conference, Norris Conference Center, CityCenter, Houston, Texas. PowerPoint supplied.

Oct. 22, 2015: Speaker, "*5 More* Lessons Learned from the BP Litigation," Alabama Attorney General Continuing Legal Education, Alabama State Capitol, Montgomery, Alabama. Copy supplied.

Oct. 16, 2014: Panelist, "Recent Developments in Punitive Damages Litigation: Alabama and Federal Decisions," Birmingham Litigation Lunch & Learn, Bradley Arant LLP, Birmingham, Alabama. PowerPoint provided.

Aug. 21, 2014: Advocate, Mock Oral Argument, Eleventh Circuit Appellate Practice Institute (ECAPI V). I argued the position of Respondent in *Warger v. Shauers*, 135 S.Ct. 521 (2014). The mock argument was held at the Renaissance Hotel, 201 Tallapoosa St., Montgomery, Alabama 36104. Schedule supplied.

July 11, 2014: Speaker, "When 5 Years is *Fast!*: The State's Journey through MDL 2179," Alabama State Bar Annual Meeting, Sandestin Hilton, Destin, Florida. PowerPoint supplied.

Apr. 4, 2014: Panelist, "Lessons Learned from BP," New Orleans Bar Association, Bench Bar Conference 2014, Beau Rivage Resort and Casino, Biloxi, Mississippi. PowerPoint and written materials supplied.

Nov. 2013 (approximate date): Speaker, "Sovereign & Subordinate: State Participation in Environmental, Mass Tort Litigation," Cumberland School of Law, Birmingham, Alabama. PowerPoint provided.

May 2013 (approximate date): Speaker, "Oil Spill Trial: Phase 1, Update & Lessons Learned," Alabama Attorney General Continuing Legal Education, Alabama State Capitol, Montgomery, Alabama. PowerPoint provided.

Jan. 17, 2012: Speaker, Q&A Session, "Oil Spill Litigation Press Conference." The press conference was held at the Office of the Attorney General, 501 Washington Avenue, Montgomery, Alabama 36130. I have no notes, transcript, or recording. Press reports supplied.

Oct. 2011 (approximate date): Speaker, "Oil Spill MDL," Thomas Goode Jones School of Law, Montgomery, Alabama. PowerPoint provided.

Nov. 15, 2010: Speaker, Q&A Session, Multistate Tax Commission. I answered questions regarding the United States Supreme Court oral argument in *CSX Transportation v. Alabama Department of Revenue* via teleconference. The Multistate Tax Commission's address is 444 North Capitol Street N.W., Suite 425, Washington, D.C. 20001. I have no notes, transcript, or recording.

Nov. 10, 2010: Speaker, Q&A Session, United States Supreme Court. I spoke to a group of students from the United States Military Academy regarding the oral argument in *CSX Transportation v. Alabama Department of Revenue*. The session was hosted by the United States Supreme Court, One First Street N.E., Washington, D.C. 20543. I have no notes, transcript, or recording.

Nov. 4, 2009: Speaker, Q&A Session, United States Supreme Court. I spoke to a group of students from the United States Military Academy regarding the oral argument in *Wood v. Allen*. The session was hosted by the United States Supreme Court, One First Street N.E., Washington, D.C. 20543. I have no notes, transcript, or recording.

Sept. 11, 2002: Speaker, Georgetown University Law Center Student Bar Association. As president of the Georgetown University Law Center Student Bar Association, I spoke on the one-year anniversary of the September 11, 2001 attacks. The address of the Georgetown University Law Student Bar Association is 600 New Jersey Avenue N.W., Washington, D.C. 20001. I have no notes, transcript, or recording.

- 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.

Casey Toner, *Gulf Coast: \$1B BP Dollars Belong Here*, Mobile Press Register, Oct. 30, 2015. Copy supplied. Reprinted in multiple outlets.

Casey Toner, *How Should Alabama Use \$1 Billion BP Oil Settlement? Cash Will Flow to State's General Fund, but Some Say Coastal Communities Deserve Biggest Share*, Birmingham News, Oct. 30, 2015. Copy supplied.

Casey Toner, *What to Do with Alabama's \$1 Billion BP Oil Settlement*, al.com, Oct. 27, 2015. Copy supplied. Reprinted in multiple outlets.

Kyle Barnett, *Alabama AG's Office Re-deputized Private Firm to Avoid Legal Challenge from BP; Says It Has Always Intended to Use Firm for Trial*, Louisiana Record, June 2, 2015. Copy supplied. Reprinted in multiple outlets.

Michael Finch II, *Alabama Attorney General: State First in Line with Lawsuit Against BP for Economic Losses*, Mobile Press Register, Apr. 18, 2014. Copy supplied.

Richard Thompson, *BP, Alabama Demand Sanctions*, Mobile Press Register, Mar. 22, 2013. Copy supplied.

Richard Thompson, *Sanctions Sought Against Halliburton Over Cement*, Times-Picayune, Mar. 22, 2013. Copy supplied. Reprinted in multiple outlets.

Debbie Elliott and Steve Inskeep, *Civil Penalties at Stake in BP's Trial*, NPR Morning Edition, Feb. 20, 2013. Transcript supplied.

George Talbot, *AG Readies for BP Trial of the Century*, al.com, Jan. 18, 2012.

Copy supplied. Reprinted in multiple outlets.

Brian Lyman, *Strange Leaves Door Open to Gulf Coast Oil Spill Settlement*, Montgomery Advertiser, Jan. 18, 2012. Copy supplied.

Bob Johnson, *Ala. AG Says Agreement Possible Before Spill Trial*, Associated Press, Jan. 17, 2012. Copy supplied.

Brian Lyman, *Deepwater Horizon Suit Could Be Historic, Says Luther Strange*, Montgomery Advertiser, Jan. 17, 2012. Copy supplied.

Debbie Williams, *BP Lawsuit: Trial or Settlement*, CBS-5 WKRG Mobile, Jan. 17, 2012. Copy supplied.

Mary Ellen Klas and Katie Sanders, *Florida Bypasses Transocean Suit*, Tampa Bay Times, Apr. 20, 2011. Copy supplied.

Gulf Spill: Fla. Will File Its Own Suit Against BP, Greenwire, Apr. 20, 2011. Copy supplied.

Mary Ellen Klas and Katie Sanders, *Florida Won't Sue Transocean Over Gulf Oil Spill*, The Miami Herald, Apr. 19, 2011. Copy supplied.

Mary Orndorff, *Missed Deadline on Death Row to Get Review*, Birmingham News, Mar. 22, 2011. Copy supplied. Reprinted in multiple outlets.

Editorial Board, *Getting BP to Pay: Strange Takes on the Case*, Anniston Star, Feb. 3, 2011. Copy supplied.

Bob Johnson, *Alabama's New AG Pursuing BP Suit as Lead Attorney*, Associated Press, Jan. 27, 2011. Copy supplied.

Sebastian Kitchen, *AG to Lead Oil Spill Fight*, Montgomery Advertiser, Jan. 27, 2011. Copy supplied.

George R. Altman, *State's Diesel Tax is Challenged by CSX, Money Generated Goes to Education*, Birmingham News, Nov. 9, 2010. Copy supplied.

George R. Altman, *U.S. Supreme Court to Hear Challenge to State Tax Law*, Mobile Press Register, Nov. 9, 2010. Copy supplied.

Jesse J. Holland, *Court to Decide if Man Can Fight Death Sentence*, Associated Press, Mar. 24, 2010. Copy supplied.

Erin Miller, *Podcasts: Magwood v. Patterson*, SCOTUSblog, Mar. 24, 2010. Recording supplied.

Erin Moriarty, *Lies and Whispers*, 48 Hours Mystery, Feb. 20, 2010. Transcript supplied.

Vicky Santos, *Alumni Spotlight: Corey Maze*, Auburn University College of Liberal Arts Tiger Tales, 2009. Copy supplied.

Tony Mauro, *Forensic Ruling Adds Burden for Prosecutors*, Nat. L. J., June 29, 2009. Copy supplied.

Nina Totenberg, *3 High Court Rulings Change Legal Landscape*, NPR Morning Edition, June 26, 2009. Transcript supplied.

Nina Totenberg, *High Court: School Violated Teen's Rights*, NPR All Things Considered, June 25, 2009. Transcript supplied.

Sheryl Marsh, *Tipton Judge Cites Misconduct – Haddock Says Prosecutors Withheld Evidence, But Delays Motion to Dismiss Charges; Jury Selection Begins*, Decatur Daily, Apr. 14, 2009. Copy supplied.

Erin Moriarty, *Truth on Trial: Murder of Karen Tipton*, 48 Hours Mystery, Nov. 15, 2008. Transcript supplied.

Marcia Coyle, *Prosecutors' Liability Tactics Under Review; Snitches, Crime Lab Use Before Justices*, Nat. L. J., Nov. 3, 2008. Copy supplied. Reprinted in multiple outlets.

Bobby Shuttleworth, *Mistrial Declared in Daniel Wade Moore Trial On the 9-Year Anniversary of Tipton's Death*, WAFF 48 News, Apr. 6, 2008. Copy supplied.

Sallie Owen, *Committee Approves Anti-groping Bill House Committee Approves Anti-groping Legislation*, Mobile Press-Register, Feb. 9, 2006. Copy supplied.

Taylor Bright, *Accused Killer Asks for Release Until New Trial*, The Huntsville Times, Nov. 29, 2005. Copy supplied.

Editorial Board, *Choosing Life in A Death Penalty State, A Question of Innocence*, Birmingham News, Nov. 9, 2005. Copy supplied.

Jannell McGrew and John Davis, *New Law Increases Access to Public Meetings*, Montgomery Advertiser, Oct. 1, 2005. Copy supplied.

Bill Barrow, *Open Meetings Law to Take Effect*, Mobile Press Register, Sept. 30, 2005. Copy supplied.

Bill Bright, *Attorney General, Press Group Plan Workshop on Sunshine Law*, Mobile Press Register, Sept. 13, 2005. Copy supplied.

Taylor Bright, *Moore's Release or Retrial in Hands of Appeals Court*, Times Montgomery Bureau, Aug. 17, 2005. Copy Supplied.

Taylor Bright, *Print Key to Barber New Trial*, Times Montgomery Bureau, Apr. 22, 2005. Copy supplied.

Shawn Anderson, *While SU Students Protest, Georgetown Remains Silent*, The Daily Orange, May 8, 2002. Copy supplied.

Amanda Clayton, *CCHS Grad Makes Good Run on Game Show*, Cherokee County Herald, May 30, 2001. Copy supplied.

Answering the Question, Rome News-Tribune, May 30, 2001. Copy supplied.

Mike Royer, WVTM Channel 13 News, interview regarding appearance on television game show, May 22, 2001. Video provided.

I also reviewed movies on the television show *Profiles*, which aired on local broadcast channel WFRZ, around 2005. I have no notes, transcript, or recording of my segments.

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

I have not held any judicial offices.

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

- i. Of these, approximately what percent were:

jury trials: _____ %
bench trials: _____ % [total 100%]

civil proceedings: _____ %
criminal proceedings: _____ % [total 100%]

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

- c. For each of the 10 most significant cases over which you presided, provide: (1) a

capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held 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 been a candidate for or held an elected public office. I have held the following appointed positions:

Solicitor General, State of Alabama, 2008 – 2011. Appointed by then-Attorney General Troy King.

Special Deputy Attorney General, State of Alabama, 2011 – present. Appointed by then-Attorney General Luther Strange.

- 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, Clay Crenshaw for Alabama Court of Criminal Appeals (2006). I handed out flyers on the day of the primary election.

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 for a judge after graduating from law school.

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

I have never practiced law alone.

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

of your affiliation with each.

2003 – present
Office of the Attorney General
501 Washington Avenue
Montgomery, Alabama 36130
Special Deputy Attorney General (2011 – present)
Solicitor General (2008 – 2011)
Assistant Attorney General (2003 – 2008)

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

I have never served as a mediator or arbitrator.

b. Describe:

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

I have practiced law at the Office of the Alabama Attorney General since graduating law school in May 2003. I litigated non-capital criminal appeals in Alabama state and federal court from 2003 to 2005. From 2005 to 2009, I prosecuted capital murder trials and litigated capital murder appeals and habeas proceedings. In 2008, I was appointed Solicitor General for the State of Alabama, a position I held until January 2011. During my time as Solicitor General, I litigated and supervised other State attorneys who litigated appeals to the United States Supreme Court, United States Circuit Courts of Appeal, and Alabama Appellate Courts. I also reviewed legal opinions issued by the Attorney General to state and local officials. In January 2011, I became Special Deputy Attorney General for complex civil litigation, the position I presently hold. In that role, I represent the State in matters that often result in federal multidistrict litigation, such as the Gulf Oil Spill, the Volkswagen “Clean Diesel” scandal, and the on-going opioid crisis.

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

My clients at the Attorney General’s Office have been the State of Alabama, state agencies, and state officers. While not clients in the legal sense, I worked closely with crime victims and their families from 2005 to 2010.

- 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.

My practice has been exclusively litigation. During my years litigating non-capital criminal appeals (2003 – 2005), I appeared in court rarely, approximately one or two times per year. Since 2005, I have appeared in court frequently, primarily in state trial and appellate courts on criminal matters from 2005 to 2009, in state and federal appeals courts from 2009 to 2011, and in federal district and circuit courts since 2011.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|----------------------|
| 1. federal courts: | 40% (90% since 2011) |
| 2. state courts of record: | 60% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----------------------|
| 1. civil proceedings: | 30% (100% since 2011) |
| 2. criminal proceedings: | 70% |

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

I was associate counsel in six capital murder trials, and one attempted murder trial, that were tried to verdict in state court (including one hung jury). I was the State's chief counsel in both phases of the Gulf Oil Spill limitation and liability trial, which resulted in a finding of liability. I was chief counsel in the bench trial on remand from the Supreme Court's opinion in *Alabama Dep't of Revenue v. CSX Transp. Inc.*, 135 S.Ct. 1136 (2015), which resulted in a denial of CSX's claim. I have also been counsel in civil cases that resulted in summary judgment or dismissal.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 70% |
| 2. non-jury: | 30% |

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 practiced extensively before the United States Supreme Court from 2009 to 2011, when I served as Solicitor General for the State of Alabama.

I argued three merits cases in the Supreme Court. I filed the following documents and participated in the following oral arguments in each case:

Supplemental Brief of Respondents (cert. stage), *CSX Transp. Inc. v. Alabama Dep't of Revenue*, 131 S.Ct. 1101 (2011). Copy supplied.

Brief of Respondents, *CSX Transp. Inc. v. Alabama Dep't of Revenue*, 131 S.Ct. 1101 (2011). Copy supplied.

Oral argument transcript, *CSX Transp. Inc. v. Alabama Dep't of Revenue*, 131 S.Ct. 1101 (2011). Copy supplied.

Brief of Respondents in opposition to the Petition for Writ of Certiorari, *Magwood v. Patterson*, 130 S.Ct. 2788 (2010). Copy supplied.

Brief of Respondents, *Magwood v. Patterson*, 130 S.Ct. 2788 (2010). Copy supplied.

Oral argument transcript, *Magwood v. Patterson*, 130 S.Ct. 2788 (2010). Copy supplied.

Brief of Respondents in opposition to the Petition for Writ of Certiorari, *Wood v. Allen*, 130 S.Ct. 841 (2010). Copy supplied.

Brief of Respondents, *Wood v. Allen*, 130 S.Ct. 841 (2010). Copy supplied.

Oral argument transcript, *Wood v. Allen*, 130 S.Ct. 841 (2010). Copy supplied.

I filed the following briefs as counsel of record for *amicus curiae* in the following merits cases:

Brief of 30 States and the District of Columbia, *Perdue v. Kenny A.*, 130 S.Ct. 1662 (2010). Copy supplied.

Brief of 35 States and the District of Columbia, *Melendez-Diaz v. Massachusetts*, 129 S.Ct. 2527 (2009). Copy supplied.

Brief of the Honorable Bob Riley, Governor of the State of Alabama, as Amicus Curiae in Support of Neither Party, *Northwest Austin Municipal Utility District Number One v. Holder*, 129 S.Ct. 2504 (2009). Copy supplied.

I filed the following documents as counsel of record in the following non-merits matters:

Petition for a Writ of Certiorari, *Allen v. Lawhorn*, 131 S.Ct. 562 (No.

10-24). Copy supplied.

Reply in Support of Petition, *Allen v. Lawhorn*, 131 S.Ct. 562 (No. 10-24). Copy supplied.

I was listed as supporting counsel in the follow non-merits matter:

Petition for a Writ of Certiorari, *Allen v. Williams*, 129 S.Ct. 2383 (No. 08-1032). Copy supplied.

I was counsel of record for a party at the certiorari stage on the following documents in the following merits case:

Brief in Opposition, *Maples v. Thomas*, 132 S.Ct. 912 (2012). Copy supplied.

Supplemental Brief of Respondent, *Maples v. Thomas*, 132 S.Ct. 912 (2012). Copy supplied.

I was listed as supporting counsel on the following document in the following merits case:

Brief of Seven States as *Amici Curiae* in Support of Respondents, *Caperton v. A.T. Massey Coal Co., Inc.*, 129 S.Ct. 2252 (2009). Copy supplied.

I was listed as supporting counsel for either a party or *amicus curiae* on the following documents in the following non-merits matters:

Petition for a Writ of Certiorari, *Alabama v. Pope*, 129 S.Ct. 763 (No. 08-345). Copy supplied.

Reply Brief of Petitioners, *Alabama v. Pope*, 129 S.Ct. 763 (No. 08-345). Copy supplied.

Brief of 14 States as *Amici Curiae* in Support of Petitioner, *Virginia v. Jaynes*, 129 S.Ct. 1670 (No. 08-765). Copy supplied.

In addition to these cases, I presently serve as counsel for Alabama in *Arkansas, et al., v. Delaware*, No. 22O146. I have not written or filed any briefs in this case of original jurisdiction.

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. *Alabama v. BP p.l.c., et al.*, Case Nos. 2:10-cv-4182, 2:10-cv-4183, 2:13-cv-2645; 2:13-cv-2646; 2:13-cv-2647; 2:13-cv-2813 (E.D. La.)

I was chief counsel for Alabama in its lawsuit resulting from the 2010 Gulf Oil Spill. Among many duties, I authored the State's complaints, coordinated written discovery, deposed witnesses, defended depositions, and questioned witnesses during the 2013 limitation and liability trial that resulted in a finding that Defendants BP, Transocean, and Halliburton were liable for the State's damages. I also argued on behalf of Alabama as *amicus curiae* before the United States Court of Appeals for the Fifth Circuit. The parties settled the State's claims for damages and penalties in July 2015.

Dates of Representation: 2011 – 2015

United States District Court for the Eastern District of Louisiana: Hon. Carl J. Barbier
United States Circuit Court of Appeals for the Fifth Circuit: Hon. Edith H. Jones, Hon. Rhesa H. Barksdale, Hon. Leslie H. Southwick

Co-Counsel:

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Counsel for Plaintiffs Steering Committee:

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Counsel for the United States:

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United States Department of Justice, Environmental Enforcement Section
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(202) 514-2779

Counsel for Louisiana:

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Kanner & Whitely, L.L.C.
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Counsel for Louisiana Parishes in the Fifth Circuit Appeal:

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Counsel for Halliburton Energy Services, Inc.:

Donald E. Godwin
Godwin Bowman & Martinez
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Dallas, Texas 75270
(214) 939-4412

R. Alan York
Reed Smith LLP
811 Main Street, Suite 1700
Houston, Texas 77002-6110

(713) 469-3824

2. *Alabama v. Daniel Wade Moore*, CC-00-1260, CC-02-646 (Morgan County Circuit Court)

I represented the State at trial and on pre-trial appeal in this capital murder prosecution. Daniel Wade Moore was convicted of capital murder and sentenced to death, until the trial court granted Moore's motion to set aside his conviction and dismiss his indictment. I represented the State as lead counsel on appeal from the dismissal of Moore's indictment. After successfully arguing for the reinstatement of Moore's indictment, I then successfully argued for the recusal of the trial court judge who dismissed the indictment. I then served as associate counsel during Moore's second and third trials, at which I argued evidentiary matters, questioned witnesses, and gave closing argument. The second trial resulted in a hung jury, and the third trial resulted in a vote for acquittal.

Dates of Representation: 2005 – 2009

Alabama Circuit Court for Morgan County: Hon. Steven Haddock
Alabama Court of Criminal Appeals: Hon. Pamela Baschab, Hon. Sue Bell Cobb,
Hon. Bucky McMillan, Hon. Greg Shaw, Hon. Alisa Kelli Wise

Co-counsel:

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Beth Slate Poe
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Counsel for Daniel Wade Moore:

Sherman B. Powell, Jr.
[Deceased]

James Timothy Kyle
Russell, Straub & Kyle
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Decatur, Alabama 35602
(256) 353-7641

3. *Alabama v. Jeremy Bryan Jones*, CC-05-1601 (Mobile County Circuit Court)

I represented the State at trial and on direct appeal in the capital murder prosecution of

confessed serial killer Jeremy Bryan Jones. I was associate counsel at Jones' capital murder trial for rape and murder, at which I argued evidentiary matters, questioned witnesses, and gave closing argument in the sentencing phase. The jury returned a guilty verdict, and the trial court sentenced Jones to death. I was chief counsel on direct appeal, where the Alabama Court of Criminal Appeals affirmed Jones' conviction and sentence.

Dates of Representation: 2005 – 2007

Alabama Circuit Court for Mobile County: Hon. Charles Graddick
Alabama Court of Criminal Appeals: Hon. Pamela Baschab, Hon. Sue Bell Cobb,
Hon. Bucky McMillan, Hon. Greg Shaw, Hon. Alisa Kelli Wise

Co-counsel:

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Counsel for Jeremy Bryan Jones at trial:

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Mobile, Alabama 36602-2004
(251) 433-3671

Counsel for Jeremy Bryan Jones on direct appeal:

Glenn L. Davidson
1203 Dauphin Street
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(251) 432-0400

4. *Alabama v. Purdue Pharma, et al.*, Case No. 2:18-OP-45236 (N.D. Ohio)

I am the supervising government attorney in Alabama's civil litigation against prescription drug manufacturers Endo Pharmaceuticals and Purdue Pharma and distributor McKesson Corporation. Alabama alleges (among other things) that Defendants deceptively marketed opioids to Alabama consumers and that the on-going opioid crisis constitutes a public nuisance. I presently represent the State in bellwether proceedings and settlement discussions ordered by the district court overseeing the federal multidistrict litigation.

Dates of Representation: 2018 – present

United States District Court for the Northern District of Ohio: Hon. Dan Aaron Polster

Co-counsel:

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Winfield J. Sinclair
Michael Dean
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Counsel for Endo Pharmaceuticals:

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Counsel for McKesson Corporation:

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Covington & Burling LLP
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850 Tenth Street N.W.
Washington, D.C. 20001

Counsel for Purdue Pharma:

Mark S. Cheffo

Quinn, Emanuel, Urquhart & Sullivan, L.L.P.
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New York, New York 10010
(212) 849-7000

5. *Alabama v. Volkswagen AG, et al.*, Cases No. 01-CV-2016-903390, 01-CV-2016-0904599, (Jefferson County, Alabama Circuit Court)

I am chief counsel for the State in this civil litigation. The State filed two complaints against Volkswagen AG and its subsidiaries: one alleging that Defendants' "Clean Diesel" advertising campaign violated Alabama's Deceptive Trade Practices Act and the other alleging that Defendants violated Alabama's anti-tampering law by installing computer software that disabled a vehicle's emissions control system. The parties settled the deceptive trade practice claim. Defendants removed the State's anti-tampering claim to federal court, and the State successfully sought remand back to state court. The state trial court subsequently dismissed the State's anti-tampering claim as preempted, and the State appealed to the Alabama Supreme Court. That appeal is pending.

Dates of Representation: 2016 – present

Jefferson County, Alabama Circuit Court: Hon. Joseph L. Boohaker

Alabama Supreme Court: Chief Justice Lyn Stuart, Justice Michael F. Bolin, Justice Tom Parker, Justice Greg Shaw, Justice James Allen Main, Justice Alisa Kelli Wise, Justice Tommy Bryan, Justice William B. Sellers, Justice Brady E. Mendheim, Jr.
United States District Court for the Northern District of California: Hon. Charles R. Breyer

Co-counsel:

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Noel S. Barnes
Robert Tambling
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Counsel for Volkswagen:

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Lightfoot, Franklin & White LLC
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(205) 581-0720

David M.J. Rein
Sullivan & Cromwell LLP
125 Broad Street
New York, New York 10004
(212) 558-4000

6. *Alabama v. Westley Devone Harris*, CC-02-106, CC-02-107, CC-04-36 (Crenshaw County, Alabama Circuit Court)

I represented the State at trial and on direct appeal in this capital murder prosecution. Westley Devone Harris murdered six members of his girlfriend's family over the span of nine hours, constituting Alabama's largest mass murder at the time. I was associate counsel at Harris' capital murder trial, at which I argued evidentiary matters, questioned witnesses, and gave closing argument in the sentencing phase. The jury returned a guilty verdict, and the trial court sentenced Harris to death. I was chief counsel on direct appeal, where the Alabama Court of Criminal Appeals affirmed Harris' conviction and sentence.

Dates of Representation: 2005 – 2007

Crenshaw County Alabama Circuit Court: Hon. H. Edward McFerrin
Alabama Court of Criminal Appeals: Hon. Pamela Baschab, Hon. Bucky McMillan,
Hon. Greg Shaw, Hon. Samuel Welch, Hon. Alisa Kelli Wise

Co-counsel:

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Montgomery, Alabama 36117

Henry T. "Sonny" Reagan, II
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Counsel for Westley Devone Harris at trial:

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Stephen J. Townes
2nd Judicial Circuit, Office of the District Attorney
700 Court Square
Greenville, Alabama 36037
(334) 382-7444

Counsel for Westley Devone Harris on direct appeal:

LaJuana S. Davis
Cumberland School of Law
800 Lakeshore Drive
Birmingham, Alabama 35229
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7. *CSX Transp. Inc. v. Alabama Dep't of Revenue*, 131 S.Ct. 1101 (2011)

CSX Transportation sued the Alabama Department of Revenue, seeking to enjoin the imposition of Alabama's sales and use tax on CSX's purchase of diesel fuel. I have twice represented the Department as chief counsel in this litigation. I first represented the Department before the United States Supreme Court in "*CSX I*," in which the Supreme Court ruled 7-2 that a rail carrier can challenge a State's sales and use tax exemption as discriminatory under the Railroad Revitalization and Regulatory Reform Act. I next represented the Department at the post-"*CSX IP*" re-trial, including coordination of discovery, questioning of witnesses at trial, and post-trial briefing. The district court ruled in favor of the Department. CSX appealed to the circuit court, and I argued on behalf of the Department. The circuit court reversed the district court. The case is pending.

Dates of Representation: 2010 – 2011, 2015 – present

United States District Court for the Northern District of Alabama: Hon. Abdul K. Kallon
United States Circuit Court of Appeals for the Eleventh Circuit: Hon. Susan H. Black,
Hon. Ed Carnes, Hon. Leigh Martin May (by designation)
United States Supreme Court: Chief Justice John Roberts, Justice Samuel Alito, Justice Stephen Breyer, Justice Ruth Bader Ginsburg, Justice Elena Kagan, Justice Anthony Kennedy, Justice Antonin Scalia, Justice Sonia Sotomayor, Justice Clarence Thomas

Co-counsel:

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William Keith Maddox
Alabama Department of Revenue
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Co-counsel before the Supreme Court in *CSX I*:

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Co-counsel during the 2016 re-trial and 2017 appeal:

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Laura Howell
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First Tennessee Building
165 Madison Avenue, Suite 2000
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8. *Magwood v. Patterson*, 130 S.Ct. 2788 (2010)

I was counsel of record for Respondent Tony Patterson in this capital case. Petitioner Billy Joe Magwood was sentenced to death for murdering a sheriff and was later re-sentenced to death after successfully petitioning the federal courts for a new sentencing hearing. The question presented to the Supreme Court was whether 28 U.S.C. § 2244(b) barred Magwood from challenging his second death sentence on grounds that he could have raised against his original death sentence. The Court ruled 5-4 in Magwood's favor. Justice Thomas wrote the majority opinion that was joined in whole by Justice Scalia and in part by Justices Breyer, Stevens, and Sotomayor. Justice Kennedy filed a dissenting opinion that was joined by Chief Justice Roberts and Justices Ginsberg and Alito.

Dates of Representation: 2009 – 2010

United States Supreme Court: Chief Justice John Roberts, Justice Samuel Alito, Justice Stephen Breyer, Justice Ruth Bader Ginsburg, Justice Anthony Kennedy, Justice Antonin Scalia, Justice John Paul Stevens, Justice Sonia Sotomayor, Justice Clarence Thomas

Co-counsel:

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Counsel for Appellant Magwood:

Jeffrey L. Fisher
Pamela S. Karlan

Stanford Law School Supreme Court Litigation Clinic
559 Nathan Abbott Way
Stanford, California 94305
(650) 724-7081

9. *Melendez-Diaz v. Massachusetts*, 129 S.Ct. 2527 (2009)

I was counsel of record for a group of 35 States and the District of Columbia who appeared as *amicus curiae* in this criminal case. The question presented to the Supreme Court was whether the Confrontation Clause requires live testimony from a state laboratory technician before that technician's report can be introduced during a criminal trial. The *amicus* States argued that requiring the State's lab technician to testify at every trial would significantly burden the States. The Supreme Court ruled 5-4 that the Confrontation Clause does require live testimony from the State laboratory technician. Justice Scalia wrote the majority opinion, which was joined by Justices Thomas, Ginsburg, Souter, and Stevens. Justice Kennedy filed a dissenting opinion that was joined by Chief Justice Roberts and Justices Breyer and Alito. The dissenting opinion twice cited the States' *amicus* brief.

Dates of Representation: 2009 – 2010

United States Supreme Court: Chief Justice John Roberts, Justice Samuel Alito, Justice Stephen Breyer, Justice Ruth Bader Ginsburg, Justice Anthony Kennedy, Justice Antonin Scalia, Justice David Souter, Justice John Paul Stevens, Justice Clarence Thomas

Co-counsel:

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Margaret L. Fleming
[retired]

Counsel for Appellant Melendez-Diaz:

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Pamela S. Karlan
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Counsel for Massachusetts:

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10. *Wood v. Allen*, 130 S.Ct. 841 (2010)

I was counsel of record for Respondent Richard Allen in this capital case. The Supreme Court was presented with two questions: (1) Whether the deference required to be given to state court factual findings by 28 U.S.C. § 2254(e)(1) applies in habeas proceedings that challenge the reasonableness of a state court's findings pursuant to 28 U.S.C. § 2254(d)(2); and (2) whether the state court's factual findings in this case were unreasonable. Answering only the second question, the Supreme Court affirmed the reasonableness of the state court's findings in an opinion written by Justice Sotomayor and joined by Chief Justice Roberts and Justices Scalia, Thomas, Ginsburg, Breyer, and Alito. Justice Stevens wrote a dissenting opinion that Justice Kennedy joined.

Dates of Representation: 2009 – 2010

United States Supreme Court: Chief Justice John Roberts, Justice Samuel Alito, Justice Stephen Breyer, Justice Ruth Bader Ginsburg, Justice Anthony Kennedy, Justice Antonin Scalia, Justice John Paul Stevens, Justice Sonia Sotomayor, Justice Clarence Thomas

Co-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.)

As the Special Deputy for complex litigation, I have been involved in multiple matters that did not progress to trial or appeal. For example, I presently serve on the leadership committee of a pre-litigation, multistate investigation of an automobile manufacturer. Part of my role on the committee is to depose current and former employees.

During my time as Solicitor General, I had a role in supervising the drafting of Attorney General's Opinions, which resolve questions of state law for the benefit of local and state officials. These opinions can be found at <https://www.ago.state.al.us/opinions>.

I have never acted or registered as a lobbyist, and I am precluded from engaging in private practice or *pro bono* activities. Ala. Code § 36-15-9.

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 never taught a course.

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

None.

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

I have no plan, commitment, or agreement to pursue outside employment if confirmed. I may seek to teach a university or law school course, understanding that my responsibilities on the court would come first.

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 confirmed, I will recuse in any litigation where I have ever played a role. I intend to recuse from any current or future case that challenges a government law or policy that I have previously defended. I also intend to recuse from any current or future cases in which I was involved in a previous iteration of the case involving a criminal defendant. This means, for example, that I will recuse from a future federal habeas petition filed by a state or federal prisoner who was prosecuted in a state court case in which I was, or appeared to be, involved. For a period of time, I anticipate recusing in all cases where the Office of the Alabama Attorney General represents a party. If I directly own stock in any business, I will recuse from any litigation involving that business. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will review and address any real or potential conflicts by reference

to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing such circumstances.

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 am precluded from providing *pro bono* legal services due to my service as a State attorney, Ala. Code § 36-15-9, but I have volunteered in other ways. For example, as a volunteer for Inner City Evangelism, I have taught children in Montgomery Public Housing Communities and have also donated Thanksgiving meals, Christmas gifts, and other items to families who live in Montgomery's Public Housing Communities. As a member of Frazer United Methodist Church, I have volunteered on many community projects, including construction and remodeling projects, as well as cleanup of storm-damaged homes.

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 November 2016, I informed Senator Richard Shelby and members of the White House transition team of my interest in the vacancies in the United States District Courts for Alabama. At various points over 2017, I discussed my interest with personnel in the offices of Senator Shelby and then-Senator Luther Strange. I interviewed with Senator Shelby for the present vacancy on November 15, 2017, and was informed by Senator Shelby's Chief of Staff on January 19, 2018 that Senator Shelby intended to pass my name to the White House and Department of Justice. I interviewed with officials in the White House and Department of Justice on January 29, 2018 and was informed later that the President intended to nominate me for the present vacancy. Since that time, I have been in touch with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice about my candidacy. The President submitted my nomination to the Senate on May 15, 2018.

- 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.