

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR JUDICIAL NOMINEES
PUBLIC

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

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

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

Court of Appeals of Georgia
Fourth Floor, Suite 434
State Judicial Building
Atlanta, Georgia 30334
4. **Birthplace:** State year and place of birth.

1962; Largo, Florida
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.

1987–1990, Mercer University Walter F. George School of Law; JD, 1990

1983–1985, Georgia Southern College; BA, 1985

1982–1983, Waycross College; AA, 1983

1981–1982, Georgia Institute of Technology; no degree
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 services. Include the name and address of the employer and job title or description.

2012–Present
Court of Appeals of Georgia

Fourth Floor, Suite 434
State Judicial Building
Atlanta, Georgia 30334
Judge

2005–2012
First Superior Court District of Georgia, Waycross Judicial Circuit
800 Church Street, Suite 218
Waycross, Georgia 31501
Superior Court Judge (2005–2012)
Presiding Felony Drug Court Judge (2008–2012)

1998–2005
Michael P. Boggs, PC
214 Screven Avenue
Waycross, Georgia 31501
Sole Practitioner

2001–2004
Georgia General Assembly
Georgia State Capitol
34 Capitol Square
Atlanta, Georgia 30334
State Representative

1995–1998
Landers & Boggs, LLP
306 Isabella Street
Waycross, Georgia 31501
Partner

1992–1995, Summer 1988
Thomas & Settle
800 Plant Avenue
Waycross, Georgia 31501
Associate Attorney (1992–1995)
Summer Associate (Summer 1988)

1991–1992
McKenzie, Martin, Taylor & McConnaughey
6201 Powers Ferry Road
Atlanta, Georgia 30339
Associate Attorney

1990–1991, Summer 1989
McKenzie & McPhail

Concourse Parkway, Suite 2000
Atlanta, Georgia 30328
Associate Attorney (1990–1991)
Summer Associate (Summer 1989)

1985–1987
United States Congressman J. Roy Rowland (D-Ga.)
Cannon House Office Building
Washington, D.C. 20515
Legislative Aide

Other Affiliations (Uncompensated- unless otherwise indicated)

2014–Present
Council of State Governments
Justice Center
100 Wall Street
20th Floor
New York, NY 10005
Board of Directors

2012–Present
Citizens to Elect Judge Mike Boggs, Inc.
Court of Appeals Re-Election Committee
1438 North River Oaks Drive
Blackshear, Georgia 31516
Principal

2010–Present
Okefenokee Swamp Park
5700 Okefenokee Swamp Park Road
Waycross, Georgia 31503
Board of Directors

2006–Present
Baptist Village Retirement Community
2650 Carswell Avenue
Waycross, Georgia 31501
Ethics Committee Member

2005–Present
James M. Dye Foundation, Inc.
Affiliated with South Georgia State College
(Formerly the Waycross College Foundation, Inc.)
2001 South Georgia Parkway

Waycross, Georgia 31503
Board of Trustees

2008–2012

Waycross Judicial Circuit Drug Court Program, Inc.
First Judicial Administrative District of Georgia, Waycross Judicial Circuit
800 Church Street, Suite 218
Waycross, Georgia 31501
Founding Board Member
Director/President (2008–2012)

2005–2011

Council of Superior Court Judges
18 Capitol Square, SW
Atlanta, Georgia 30334
Secretary/Treasurer (2011)
Legislative Support Team (2009–2011)

2005–2010 (compensated)

The Patterson Bank
930 Memorial Drive
Waycross, Georgia 31501
Board of Directors (monthly stipend)

2007–2010

Okefenokee Technical College Foundation, Inc.
1701 Carswell Avenue
Waycross, Georgia 31503
Board of Trustees

1994–2009

Waycross YMCA
1634 Plant Avenue
Waycross, Georgia 31501
Board of Directors

7. **Military Service and Draft Status:** Identify any service in the US 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 United States military. I am registered for Selective Service.

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

Grass Roots Justice Award, Georgia Justice Project (2013)
 (Received by me on behalf of the Criminal Justice Reform Council)
 Leadership Georgia, Graduate (2009)
 Golden Eagle Award, Boy Scouts of America (Okefenokee Chapter) (2008)
 Special Recognition Award, Magnolia House Shelter (2007)
 Foundation Regents Award for Excellence, University System of Georgia (2004)
 Commitment to Justice Award, District Attorneys' Association of Georgia (2004)
 Leadership Award, Georgia Sheriffs' Association (2004)
 Community Service Award, YMCA of Waycross (2004)
 Legislative Award, Association of County Commissioners of Georgia (2003)
 Selected as one of "40 under 40" rising stars in Georgia, *Georgia Trend* magazine (2002)
 Distinguished Citizen Award, Lions Club (2002)
 Selected as "Outstanding Freshman Member of the Georgia General Assembly,"
 Georgia Legislative Alumni Association (2001)
 Leadership Waycross, Graduate (1993)
 Order of Barristers, Mercer University School of Law (1990)
 Moot Court Board, Mercer University School of Law (1989–1990)
 ABA/LSD Moot Court Competition Team, Mercer University School of Law (1989)

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.

Atlanta Bar Association
 Council of Superior Court Judges
 Secretary/Treasurer (2011)
 Legislative Support Team, Vice-Chairman (2009–2011)
 Court of Appeals of Georgia
 Court Personnel Committee
 Planning, Facilities Management, and Court Security Committee, Chair
 Legislation Committee
 Court Rules Committee
 Georgia Council on Criminal Justice Reform
 Co-Chair (2013)
 Governor's Judicial Nominating Commission
 Judicial Council of Georgia, Standing Committee on Accountability Courts
 Funding Subcommittee
 Special Council on Criminal Justice Reform for Georgians
 Co-Chair (2012)
 State Bar of Georgia
 Constitutional Law Section, 225th Anniversary Symposium Steering Committee
 Waycross Bar Association
 President (1996)

10. **Bar and Court Admission:**

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

Georgia, 1990.

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, 1995

United States Court of Appeals for the Eleventh Circuit, 1996

United States District Court for the Southern District of Georgia, 1992

United States District Court for the Middle District of Georgia, 1991

United States District Court for the Northern District of Georgia, 1990

Supreme Court of Georgia, 1991

Court of Appeals of Georgia, 1991

Superior Courts of Georgia, 1990

I allowed my membership in the United States Court of Appeals for the Eleventh Circuit to lapse in 2001 because I was no longer practicing in that court.

Otherwise, 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.

American Cancer Society (1992)

Central Baptist Church (1999–Present)

Deacon (2005–2008)

Lawyers Club of Atlanta (2012–Present)

Leadership Georgia Alumni Association (2010–Present)

Okefenokee Country Club (1995–Present)

Okefenokee Swamp Park OSPREY Society (2011–Present)

Waycross Rotary Club (1995–2010)

YMCA of Waycross (1994–2009)

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

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

"Georgia's Juvenile Justice System: High Costs, Low Returns," Lawyers Club of Atlanta Newsletter, May 2013. Copy supplied.

Letter to the Editor, "Partisan Rancor In 2004," *Waycross Journal-Herald*, April 21, 2004. Copy supplied.

Letter to the Editor, "State Water Council Awaits Perdue's OK," *Waycross Journal-Herald*, April 8, 2004. Copy supplied.

Letter to the Editor, "Medicaid Funds - \$172 Million Allocated For Poor," *Waycross Journal-Herald*, March 31, 2004. Copy supplied.

Letter to the Editor, "Save Our Water - House Bill Protects Water Supply," *Waycross Journal-Herald*, March 24, 2004. Copy supplied.

Letter to the Editor, "Georgia Outdoors - Hunting, Fishing Resolution OKd," *Waycross Journal-Herald*, February 4, 2004. Copy supplied.

Letter to the Editor, "Jobs, Prisons Face Cuts In '05 Budget," *Waycross Journal-Herald*, January 27, 2004. Copy supplied.

Letter to the Editor, "Budget Woes - Perdue Proposes \$800M In Cuts," *Waycross Journal-Herald*, January 21, 2004. Copy supplied.

Letter to the Editor, "Boggs' Forecast - 4.4% Revenue Growth Inadequate," *Waycross Journal-Herald*, December 23, 2003. Copy supplied.

Letter to the Editor, "Deer Get Break In Georgia," *Waycross Journal-Herald*, May 30, 2003. Copy supplied.

Letter to the Editor, "Waycross State Lab On-Track," *Waycross Journal-Herald*, May 1, 2003. Copy supplied.

Letter to the Editor, "Budget Woes - Revenue Deficit At \$600 Million," *Waycross Journal-Herald*, April 24, 2003. Copy supplied.

Letter to the Editor, "Protecting Water - House Bill Bans Rural Transfers," *Waycross Journal-Herald*, March 5, 2003. Copy supplied.

Letter to the Editor, "Bare Bones Budget - \$3.7 Million Spending Cut OKd," *Waycross Journal-Herald*, February 21, 2003. Copy supplied.

Letter to the Editor, "Perdue Retreats - Property Taxes Won't Jump \$155," *Waycross Journal-Herald*, February 11, 2003. Copy supplied.

Letter to the Editor, "FY 2004 Budget," *Waycross Journal-Herald*, January 22, 2003. Copy supplied.

Letter to the Editor, "Deer Season, Limit Extended By Law," *Waycross Journal-Herald*, June 12, 2002. Copy supplied.

Letter to the Editor, "Long Session Ends With Maps, Budget," *Waycross Journal-Herald*, April 20, 2002. Copy supplied.

Letter to the Editor, "Lawmakers Reduce Spending By 2.5%," *Waycross Journal-Herald*, March 26, 2002. Copy supplied.

Letter to the Editor, "Hunting Bills OKd By House," *Waycross Journal-Herald*, February 15, 2002. Copy supplied.

Letter to the Editor, "\$100 Million Lost To Enron," *Waycross Journal-Herald*, January 30, 2002. Copy supplied.

Letter to the Editor, "Boggs Reports Barnes Submits Lean FY '03 Budget," *Waycross Journal-Herald*, January 26, 2002. Copy supplied.

Letter to the Editor, "New Law Says 'No' To Video," *Waycross Journal-Herald*, September 14, 2001. Copy supplied.

Letter to the Editor, "Georgia's Lawmakers Increase Homestead Exemption In 2001," *Waycross Journal-Herald*, June 29, 2001. Copy supplied.

Letter to the Editor, "Little-Known State Bills Offer Help to Women, Kids, Seniors," *Waycross Journal-Herald*, May 22, 2001. Copy supplied.

Letter to the Editor, "Boggs Wins \$63,500 In Grants For Stadium, Forestry

Museum,” *Waycross Journal-Herald*, March 16, 2001. Copy supplied.

Letter to the Editor, “Teacher Pay, School Additions Lead Governor’s 2002

Budget,” *Waycross Journal-Herald*, January 17, 2001. 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.

I served on the Governor’s Special Council on Criminal Justice Reform for Georgians in 2011, as an appointee of Supreme Court Chief Justice Carol W. Hunstein. I was appointed by the Governor to co-chair the council in 2012 and to co-chair the Georgia Council on Criminal Justice Reform in 2013. We conducted a detailed analysis of Georgia’s sentencing and corrections data and made recommendations to the Legislature to improve Georgia’s adult and juvenile criminal justice systems. The Legislature adopted the majority of the 2011 and 2012 recommendations in 2012 and 2013 in House Bills 1176, 242 and 349. The recommendations of the 2013 council were published and delivered to the Georgia General Assembly on January 10, 2014.

Report of the Georgia Council on Criminal Justice Reform, January 2014. Copy supplied.

Report of the Special Council on Criminal Justice Reform for Georgians, December 2012. A summary of the work of the council can also be found in an Issue Brief by *Pew Center on the States*, Georgia’s 2013 Juvenile Justice Reform (Washington, D.C.: The Pew Charitable Trusts, July 2013). Copies of the Report and Issue Brief are supplied.

Report of the Special Council on Criminal Justice Reform for Georgians, November 2011. A summary of the work of the council can also be found in an Issue Brief by the *Pew Center on the States*, 2012 Georgia Public Safety Reform (Washington, D.C.: The Pew Charitable Trusts, July 2012). Copies of the Report and Issue Brief are supplied.

I served as the founding director and presiding judge of the Waycross Judicial Circuit Drug Court Program from 2008 to 2012. During that time, I authored the following documents:

Waycross Judicial Circuit Felony Drug Court Operations & Policy Manual (September 2010). Copy supplied.

Waycross Judicial Circuit Felony Drug Court Program Participant Handbook (June 2010). 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.

December 18, 2013: Meeting Co-Chair, Criminal Justice Reform, Georgia Council on Criminal Justice Reform public meeting, Atlanta, Georgia. I co-chaired a public meeting of the Governor's council during which I made remarks concerning the anticipated recommendations of the council. I have no notes, transcript or recording.

October 10, 2013: Meeting Co-Chair, Criminal Justice Reform, Georgia Council on Criminal Justice Reform public meeting, Atlanta, Georgia. I co-chaired a public meeting of the Governor's council during which I made remarks concerning the progress of the council workgroups and generally discussed prisoner re-entry, civil forfeiture and implementation performance measure policy recommendations. I have no notes, transcript or recording.

August 15, 2013: Meeting Co-Chair, Criminal Justice Reform, Georgia Council on Criminal Justice Reform public meeting, Atlanta, Georgia. I co-chaired a public meeting of the Governor's council during which I made remarks concerning the progress of the council workgroups and generally discussed prisoner re-entry, civil forfeiture and implementation performance measure policy recommendations. I have no notes, transcript or recording.

December 13, 2012: Meeting Co-Chair, Juvenile Justice Reform, Special Council on Criminal Justice Reform public meeting, Atlanta, Georgia. I co-chaired a public meeting of the Governor's council during which I made remarks concerning Georgia's need for juvenile justice reform. I have no notes, transcript or recording, but press coverage is supplied.

October 5, 2012: Meeting Co-Chair, Criminal Justice Reform, Special Council on Criminal Justice Reform public meeting, Atlanta, Georgia. I co-chaired a public meeting of the council during which I made remarks concerning Georgia's need for juvenile justice reform. I have no notes, transcript or recording, but press coverage is supplied.

September 18, 2012: Meeting Co-Chair, Criminal Justice Reform, Special Council on Criminal Justice Reform public meeting, Atlanta, Georgia. I co-chaired a public meeting of the council during which I made remarks concerning the State's need for juvenile justice reform. I have no notes, transcript or recording, but press coverage is supplied.

July 16, 2012: Meeting Co-Chair, Juvenile Justice Reform, Special Council on Criminal Justice Reform public meeting, Atlanta, Georgia. I co-chaired a public meeting of the council during which I made remarks concerning the State's need for juvenile justice reform. I have no notes, transcript or recording, but press coverage is supplied.

2011–2012: In my capacity as a member and co-chair of the Governor’s Special Council on Criminal Justice Reform for Georgians in 2011 and 2012, I had the occasion to testify before committees of the Georgia Legislature in presenting the work of the council. These presentations concerned recommendations for legislative or regulatory changes to the adult and juvenile criminal justice codes and the adoption of a new Juvenile Code in Georgia. The testimony was provided extemporaneously and not from written text. I relied exclusively upon the reports of the council for my remarks. Video recordings are available at <http://youtube.com/watch?v=Hhykj1mZzJ4>; <http://youtube.com/watch?v=-pmQr8TZ6q4> and <http://youtube.com/watch?v=exMRXWN1F5M>.

Fall 2011: In my capacity as a member of the Governor’s Special Council on Criminal Justice Reform for Georgians in 2011, I attended various public meetings of the council during which time I may have made remarks regarding the adult criminal justice public policy reform matters being considered by the council. I have no notes, transcript or recording.

November 4, 2011: In my capacity as a member of the Special Council on Criminal Justice Reform for Georgians, I was asked to give a report on the progress of the council to the Accountability Courts Committee of the Judicial Council of Georgia. I have no notes, transcript or recording.

August 26, 2011: I was asked by the Chief Justice to speak to the Judicial Council of Georgia on my conversations with a state legislator on his desire to introduce legislation calling for a state constitutional amendment to permit dedicated funding to the Georgia Public Defenders Standards Council (GPDSC) for indigent defense. In my capacity as Secretary and Treasurer of the council of Superior Court Judges, I reported that the council of Superior Court Judges was supportive. I have no notes, transcript or recording.

In approximately 2011, I testified before the Charlton County Commission concerning my request that they name the county courtroom in honor of the judicial circuit’s former chief judge of the superior courts. I have no notes, transcript or recording.

In approximately 2010, I testified before the Pierce County Board of Commissioners in my capacity as a superior court judge, and as the presiding judge of the Waycross Judicial Circuit Drug Court Program. I urged the board to consider using the drug-testing capabilities of the drug court for pre-employment and random employee drug screening. I have no notes, transcript or recording.

In approximately 2010, I testified before the Coffee County Board of Commissioners in my capacity as a superior court judge, and as the presiding judge of the Waycross Judicial Circuit Drug Court Program. I updated the commission on the progress of the drug court and requested office space for the drug court in the county’s abandoned law enforcement center. I have no notes, transcript or recording.

On two separate occasions between 2005 and 2010, I testified before the Waycross City Commission in my capacity as a superior court judge. I testified at the request of the Waycross City Chief of Police concerning the police department's re-certification process. I have no notes, transcript or recording.

In approximately 2009, I testified before the Ware County Board of Commissioners in my capacity as a superior court judge, and as the presiding judge of the Waycross Judicial Circuit Drug Court Program. I urged the board to consider using the drug-testing capabilities of the drug court for pre-employment and random employee drug screening. I have no notes, transcript or recording.

I served as a State Representative in the Georgia General Assembly from 2001 to 2004. During my tenure, I sponsored legislation, which required me to testify before House and Senate committees in order to explain the bills and urge committee approval. The testimony was provided extemporaneously and not from written text. Examples of legislation I sponsored covered topics including, but not limited to: strengthening laws combating sexual exploitation of children and internet child pornography; expanding and improving the law on criminal offenses against minor victims; updating the State Sexual Offender Registry requirements; creating a State Court in Charlton County; permitting certain local judicial officers to run as nonpartisan candidates; providing for increased homestead tax relief in Ware County; requiring criminal background checks on bail bondsmen; creating a residential contractors licensing law; limiting the use of the Georgia Bureau of Investigation nomenclature; providing additional jury duty exemptions for caregivers and the elderly; modernizing laws on the availability of subpoenas and warrants for certain electronic communications; adopting electronic voting practices and procedures; rewriting Georgia's Probate Code and Article 9 of the Uniform Commercial Code; and creating a local Board of Elections in Ware County. This testimony occurred at the Georgia General Assembly which is located at 34 Capitol Square, Atlanta, Georgia 30334.

In approximately 2000, I testified before the Waycross City Commission concerning their proposed closing of a public right-of-way. 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.

October 16, 2013: Program Speaker, Criminal Justice Reform - Reentry, Alabama Reentry Conference conducted by the council of State Governments Justice

Center, Birmingham, Alabama. The panel discussion was on Georgia's 2011 and 2012 criminal justice reform initiatives and the ongoing work of the 2013 Council regarding our anticipated recommendations for an improved state-wide reentry program to assist convicted felons in Georgia. I have no notes, transcript or recording. The address for the council of State Governments Justice Center is 100 Wall Street, 20th Floor, New York, NY 10005.

September 24, 2013: Program Speaker, "A Tale of Two States: What Can Florida Learn From Georgia's Criminal and Juvenile Justice Reforms?," St. Petersburg College Institute for Strategic Policy Solutions and Florida State University Project on Accountable Justice, Tallahassee, Florida. The panel discussion was on the work of Georgia's 2011 and 2012 Criminal Justice Reform Council and how Florida might adopt some of the public policy changes enacted in Georgia. I have no notes, transcript or recording, but press coverage is supplied. The address for the Project on Accountable Justice at Florida State University is Research Foundation Complex, 3200 Commonwealth Blvd, Suite 7, Tallahassee, Florida 32303.

August 1, 2013: Program Speaker, "Criminal Justice Reform Update," Parole Association of Georgia, Annual Training Conference, Athens, Georgia. I have no notes, transcript or recording. The address for the Parole Association of Georgia is P.O. Box 5164, Douglasville, Georgia 30154.

July 11, 2013: Panel Speaker, "Criminal and Juvenile Justice Policy Forum," Pew Safety Performance Project – The Pew Charitable Trusts, Atlanta, Georgia. Audio recording available at: <http://www.youtube.com/watch?v=Tnc-Qrz0IAI>.

June 6, 2013: Keynote Speaker, "Criminal Justice Reform Successes in Georgia," Lanier County Lions Club, Lakeland, Georgia. The speech was on criminal justice reform in Georgia. I have no notes, transcript or recording, but press coverage is supplied. The address for the Lanier County Lions Club is 852 West Thigpen Street, Lakeland, Georgia 31635.

May 23, 2013: Lunch and Learn Program Speaker, Court of Appeals Jurisdiction and Procedure Overview, Greenberg Traurig, LLP, Atlanta, Georgia. The speech was on the work of the Court of Appeals of Georgia, our general jurisdiction, caseload and appellate procedure. I have no notes, transcript or recording. The address for Greenberg Traurig is Terminus 200, 3333 Piedmont Road NE, Suite 2500, Atlanta, Georgia 30305.

April 24, 2013: Judge, Public remarks. The remarks, thanking the community for their hospitality and discussing the workload of the court, were made to the courtroom audience on the occasion of the Court of Appeals of Georgia oral arguments in Waycross, Georgia. I have no notes, transcript or recording, but press coverage is supplied. There was no sponsorship organization.

April 17, 2013: Panel Speaker, “2012 Georgia Juvenile Justice Reform,” Annie E. Casey Foundation – Juvenile Detention Alternatives Initiative (JDAI) Inter-Site Conference, Atlanta, Georgia. The panel discussion was on Juvenile Justice Reform in Georgia to leaders from other states interested in, or involved in, reform efforts. I have no notes, transcript or recording. The address for the Annie E. Casey Foundation is 701 St. Paul Street, Baltimore, Maryland 21202.

April 15, 2013: Judge, Public remarks, Ware County High School, Waycross, Georgia. The remarks, discussing the work of the Court of Appeals, including our jurisdiction and caseload, were made to high school students in anticipation of the upcoming visit of the Court to Ware County for oral arguments. I have no notes, transcript or recording, but press coverage is supplied. The address for Ware County High School is 700 Victory Drive, Waycross, Georgia 31503.

March 14, 2013: Speaker, Georgia Appellate Practice Overview, Institute of Continuing Legal Education (ICLE), University of Georgia, General Practice & Trial Institute, Amelia Island, Florida. The presentation was a general review of Georgia Appellate Practice. I have no notes, transcript or recording. The address for ICLE is P.O. Box 1885, Athens, Georgia 30603.

March 13, 2013: Judge, Court of Appeals Overview, Leadership Waycross class at the Georgia Court of Appeals, Atlanta, Georgia. I spoke about the work of our court and the obligation of judges to be faithful to their oath, laws, and the Constitution. I have no notes, transcript or recording, but press coverage is supplied. The address for Leadership Waycross is c/o Waycross-Ware County Chamber of Commerce, 315-B, Plant Avenue, Waycross, Georgia 31501.

February 23, 2013: Speaker, “Criminal Justice Reform: The Next Chapter,” Institute of Continuing Legal Education (ICLE), University of Georgia, Georgia Bar Media & Judiciary Conference, Atlanta, Georgia. The panel discussion was on criminal justice reform. I have no notes, transcript or recording. The address for ICLE is P.O. Box 1885, Athens, Georgia 30603.

February 21, 2013: Program Speaker, “Juvenile Justice and Civil Code Reforms in HB242,” Georgia Center Right Coalition, Atlanta, Georgia. The speech was on recently enacted juvenile justice reforms. I have no notes, transcript or recording. The Georgia Center Right Coalition has no physical address.

January 28, 2013: Panel Speaker, “Update on recent appellate decisions affecting law enforcement,” Georgia Sheriffs’ Association, Court of Appeals, Atlanta, Georgia. Notes supplied.

January 12, 2013: Speaker, “Criminal Justice Reform and Update on Juvenile Code Re-Write,” State Bar of Georgia, Midyear Bar Meeting and Board of Governors Meeting, Atlanta, Georgia. I have no notes, transcript or recording. The address for the State Bar of Georgia is 104 Marietta Street, NW, Suite 100, Atlanta, Georgia 30303.

January 10, 2013: Speaker, “Nuts & Bolts of a Civil Trial,” Institute of Continuing Legal Education (ICLE), University of Georgia, Atlanta, Georgia. I delivered remarks on perfecting rights of appeal at the trial court. I have no notes, transcript or recording. The address for ICLE is P.O. Box 1885, Athens, Georgia 30603.

November 17, 2012: Panel Judge, Mercer Law School Third Annual Legal Ethics and Professionalism Moot Court Competition, Macon, Georgia. I judged the final round of the competition. I have no notes, transcript or recording. The address for the Mercer University School of Law is 1021 Georgia Avenue, Macon, Georgia 31207.

October 22, 2012: Panel Speaker, “Drug Courts in Georgia: Current Status and Future Development,” Georgia Association of Community Service Boards, Annual Conference, St. Simons Island, Georgia. The panel discussion was on the topic of drug courts, their current status in Georgia, and how Georgia’s community service boards can assist with the delivery of services. I have no notes, transcript or recording. The address for the Georgia Association of Community Service Boards is 3150 Golf Ridge Boulevard, Suite 202, Douglasville, Georgia 30135.

October 13, 2012: Program Speaker, “Criminal Justice Reform Act,” Georgia State NAACP State Convention and Civil Rights Conference, Atlanta, Georgia. The speech was on Georgia’s recently enacted criminal justice reform. I have no notes, transcript or recording. The address for the Atlanta Branch of the NAACP is 100 Edgewood Avenue, Suite 1080, Atlanta, Georgia 30303.

October 12, 2012: Speaker, “Criminal Justice Reform,” Atlanta Bar Association, Litigation Section, Atlanta, Georgia. The speech was on Georgia’s recently enacted criminal justice reform. I have no notes, transcript or recording, but press coverage is supplied. The address for the Atlanta Bar Association is 400 International Tower, 229 Peachtree Street, NE, Atlanta, Georgia 30303.

September 24, 2012: Keynote Speaker, “Criminal Justice Reform in Georgia,” Georgia State University, Center for the Advancement of Leadership Skills Conference, Atlanta, Georgia. The speech was on Georgia’s recently enacted criminal justice reform and leadership. I have no notes, transcript or recording. The address for Georgia State University’s Andrew Young School of Policy Studies is P.O. Box 3965, Atlanta, Georgia 30302.

July 28, 2012: Master of Ceremonies, Remarks at the Judge Steve Jackson portrait unveiling event, Folkston, Georgia. I presided over the ceremony dedicating the county courtroom in honor of my former colleague and chief judge of the Waycross Circuit. I have no notes, transcript or recording, but press coverage is supplied. There was no sponsorship organization.

April 27, 2012: Law Day Keynote Speaker, “No Courts, No Access, No Freedom,” Gwinnett County Georgia Bar Association, Duluth, Georgia. Notes supplied.

April 20, 2012: Luncheon Speaker, Juvenile Justice Reform, Gwinnett County Bar Association, Duluth, Georgia. The speech was on Georgia’s recently enacted criminal justice reform. I have no notes, transcript or recording. The address for the Gwinnett Bar Association is P.O. Box 576, Lawrenceville, Georgia 30046.

April 19, 2012: Luncheon Speaker, Criminal Justice Reform, DeKalb County Bar Association, Decatur, Georgia. The speech was on Georgia’s recently enacted criminal justice reform. I have no notes, transcript or recording. The address for the DeKalb County Bar Association is P.O. Box 3136, Decatur, Georgia 30031.

April 4, 2012: Luncheon Speaker, Court of Appeals Overview, Henry County Bar Association, McDonough, Georgia. The speech was on the Georgia Court of Appeals, constitutional jurisdiction, and a general overview of the appellate process. I have no notes, transcript or recording. The address for the Henry County Bar Association is P.O. Box 3223, McDonough, Georgia 30253.

March 30, 2012: Luncheon Speaker, Court of Appeals Overview, Rome Bar Association, Rome, Georgia. The speech was on the Georgia Court of Appeals, constitutional jurisdiction, and a general overview of recently enacted criminal justice reform. I have no notes, transcript or recording. The address for the Rome Bar Association is P.O. Box 952, Rome, Georgia 30161.

March 26, 2012: Luncheon Speaker, Court of Appeals Overview, Brunswick Bar Association, Brunswick, Georgia. The speech was on the Georgia Court of Appeals, constitutional jurisdiction, and a general overview of the appellate process. I have no notes, transcript or recording. The address for the Brunswick Bar Association is P.O. Box 21828, St. Simons Island, Georgia 31522.

March 20, 2012: Luncheon Speaker, Court of Appeals Overview, Augusta Bar Association, Augusta, Georgia. The speech was on the Georgia Court of Appeals, constitutional jurisdiction, and a general overview of the appellate process. I have no notes, transcript or recording. The address of the Augusta Bar Association is P.O. Box 2426, Augusta, Georgia 30903.

March 16, 2012: Luncheon Speaker, Court of Appeals Overview, Bulloch County Bar Association, Statesboro, Georgia. The speech was on the Georgia Court of Appeals, constitutional jurisdiction, and a general overview of the appellate process. I have no notes, transcript or recording. The address for the Bulloch County Bar Association is P.O. Box 1700, Statesboro, Georgia 30458.

March 15, 2012: Luncheon Speaker, Court of Appeals Overview, Valdosta Bar Association, Valdosta, Georgia. The speech was on the Georgia Court of Appeals,

constitutional jurisdiction, and a general overview of Criminal Justice Reform. I have no notes, transcript or recording. The address for the Valdosta Bar Association is P.O. Box 5559, Valdosta, Georgia 31603.

March 9, 2012: Panel Speaker, "Lincoln on Professionalism," Atlanta Bar Association Continuing Legal Education Program, Atlanta, Georgia. Notes supplied.

March 7, 2012: Program Speaker, "What community stakeholders can do to reduce the stigma of mental health disease and the high incidence of mental health issues among felony defendants – a judicial perspective," Opening Doors to Recovery Project (ODR) Stakeholder Meeting, National Alliance for the Mentally Ill (NAMI) Georgia, Waycross, Georgia. Notes supplied.

February 12, 2012: Speaker, "Criminal Justice Reform Panel Discussion," American Legislative Exchange Council (ALEC), Atlanta, Georgia. The presentation was on the work of the Governor's 2011 Criminal Justice Reform Council. I have no notes, transcript or recording, but press coverage is supplied. The address for ALEC is 2900 Crystal Drive, 6th Floor, Arlington, Virginia 22202.

February 9, 2012: Public comments, Court of Appeals Campaign Fundraiser, Citizens to Elect Judge Mike Boggs, Waycross, Georgia. The speech included remarks thanking my supporters at my re-election fundraiser. I have no notes, transcript or recording, but press coverage is supplied. Citizens to Elect Judge Mike Boggs, Inc. has no physical address.

February, 2, 2012: Luncheon Speaker, "Adult Criminal Justice Reform in Georgia - HB1176," Douglas County Bar Association, Douglasville, Georgia. The presentation was on the work of the Governor's 2011 Criminal Justice Reform Council. I have no notes, transcript or recording. The Douglas County Bar Association has no physical address.

February, 2, 2012: Speaker, "Georgia Appellate Practice," Institute of Continuing Legal Education (ICLE), University of Georgia, Atlanta, Georgia. The presentation was a general review of Georgia appellate practice. I have no notes, transcript or recording. The address for ICLE is P.O. Box 1885, Athens, Georgia 30603.

January 10, 2012: Speaker, "Perfecting Rights of Appeal," State Bar of Georgia, Mid-Year Bar Meeting, Atlanta, Georgia. Notes supplied.

January 6, 2012: Public comments, my Court of Appeals swearing-in ceremony, State Capitol, Atlanta, Georgia. Notes supplied.

December 9, 2011: Panel Speaker, "Trial Trends as Observed from the Bench," Georgia Trial Lawyers Association, Atlanta, Georgia. I have no notes, transcript or recording. The address for the Georgia Trial Lawyers Association is 3550 Centennial Tower, 101 Marietta Street, Atlanta, Georgia 30303.

December 1, 2011: Speaker, "Citizenship," National Elementary Honor Society Induction Service, Waresboro Elementary School, Waycross, Georgia. Notes and press coverage supplied.

September 16, 2011: Panel Speaker, "Juvenile Justice Reform Update," Women in Leadership, Atlanta, Georgia. The presentation was an update on the status of Georgia's anticipated juvenile justice reform. I have no notes, transcript or recording, but press coverage is supplied. Women in Leadership has no physical address.

Spring 2009: Keynote Speaker, "Mentoring and Citizenship," High School graduates recognition program--The Consolidated Men's Club and 100 Black Men of Southeast Georgia, Blackshear, Georgia. The speech was to recent high school graduates about the importance of furthering their education, engaging in volunteer community service, and serving as mentors to others. I have no notes, transcript or recording. The Consolidated Men's Club has no physical address.

June 18, 2009: Speaker, "War Stories," Institute of Continuing Legal Education (ICLE), University of Georgia, Georgia State Bar Annual Meeting, Amelia Island, Florida. The panel discussion was on mistakes lawyers should avoid in jury trials. I have no notes, transcript or recording. The address for ICLE is P.O. Box 1885, Athens, Georgia 30603.

June 21, 2007: Speaker, "Georgia Trial Skills Clinic," Institute of Continuing Legal Education (ICLE), University of Georgia, Athens, Georgia. The presentation was on techniques for effective direct and cross examinations. I have no notes, transcript or recording. The address for ICLE is P.O. Box 1885, Athens, Georgia 30603.

November 12, 2005: Keynote Speaker, "Veterans Day Memorial Dedication," Retired Veterans Association, Baxley, Georgia. Notes supplied.

2005: Graduation Speaker, "The BASICS Program," State Bar of Georgia, Bar Association Support to Improve Correctional Services (BASICS) Program, Nicholls State Prison, Nicholls, Georgia. The presentation was on the mission of the program aimed at steering inmates toward the direction of self-rehabilitation. I have no notes, transcript or recording. The address for the State Bar of Georgia is 104 Marietta Street, NW, Suite 100, Atlanta, Georgia 30303.

May 7, 2004: Commencement Speaker, "Civic Duty," Waycross College, Waycross, Georgia. The speech was on the importance of community

involvement and civic duty. I have no notes, transcript or recording. The address for Waycross College is 2001 South Georgia Parkway, Waycross, Georgia 31503.

2001: Commencement Speaker, "Community Service," Okefenokee Technical College, Waycross, Georgia. The speech was on the importance of education and community service. I have no notes, transcript or recording. The address for Okefenokee Technical College is 1701 Carswell Avenue, Waycross, Georgia 31503.

While a member of the Georgia General Assembly from 2001 to 2004, I made a practice of speaking frequently about the work of the Legislature. I recall that these speeches were typically delivered to local civic organizations too numerous to recall. To the best of my recollection, all of these speeches focused solely on legislative updates addressing the status of bills in the General Assembly. I also held regular town hall meetings during the legislative session. These public speeches were always made extemporaneously and without notes.

During the seven years that I served as a superior court judge, I also made it a practice to speak frequently within the communities I served. To the best of my recollection, all of these speeches focused on updating the audience on the progress of the Waycross Circuit Drug Court, general comments about the jurisdiction of the superior courts, issues facing the courts, the division of responsibilities among the judges, or others matters concerning the judiciary. These public speeches were always made extemporaneously and without notes.

- 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 memory, my files, and available Internet databases including YouTube, Google, LexisNexis and Westlaw (using name variants) to assemble the list of interviews below, but there may be others that I have been unable to remember. Copies of all news clips are supplied.

Ed Finkel and Dick Mendel, "Evidence-Based Treatment Works for Georgia's Troubled Youth, but Dollars Aren't Following," *Juvenile Justice Information Exchange*, (*Public Integrity.org*), July 2, 2013.

Greg Bluestein and Bill Rankin, "Prison Reform's Aim: Inmate Rehab," *The Atlanta Journal-Constitution*, April 26, 2013.

Bill Rankin and Carrie Teegardin, "Armed Robbery: Unequal Justice," *The Atlanta Journal-Constitution*, February 24, 2013. Reprinted in multiple outlets.

Carrie Teegardin and Bill Rankin, "A Question of Justice," *The Atlanta Journal-Constitution*, February 17, 2013.

Mike Klein, "Juvenile Justice Bill Would Revise Designated Felony Act," *Georgia Public Policy Foundation* - <http://mikekleinonline.com>, February 11, 2013.

Carrie Teegardin and Bill Rankin, "Georgia Rethinks Prison Stance," *The Atlanta Journal-Constitution*, January 3, 2013.

Carrie Teegardin and Bill Rankin, "State to Reform Juvenile System," *The Atlanta Journal-Constitution*, December 13, 2012.

Walter Jones, "Changes Proposed for Juvenile Sentences in Georgia," *The Florida Times-Union*, November 18, 2012. Reprinted in multiple outlets.

Walter Jones, "Georgia Commission Searching for New Ways to Handle Juvenile Offenders," *The Florida Times-Union*, September 19, 2012.

Kathleen Baydala Joyner, "Getting Tough on Youths Doesn't Work," *Daily Report*, September 19, 2012.

Kathleen Baydala Joyner, "Reforms Studied for Georgia's Juvenile Justice System," *Daily Report*, September 6, 2012.

Bill Rankin, "Panel Studying Prison Reforms," *The Atlanta Journal-Constitution*, July 17, 2012.

Myra Thrift, "South Georgia Summit on Economic Development," *Waycross Journal-Herald*, April 30, 2012.

Kim Sloan, "Court of Appeals Judge Michael Boggs Visits Rome, Speaks to Rome Bar Association," *Rome News-Tribune* (Northwestgeorgianews.com), March 31, 2012.

Alyson M. Palmer, "Boggs Settles in at Appeals Court," *Daily Report*, February 16, 2012.

Mike Klein, "Less Time, More Treatment Possible for Low-Risk Drug Abuse," <http://mikekleinonline.com>, December 12, 2011.

Wayne Hardy, "The New War: Prescription Drug Overdose Is Now a Top Killer in Georgia," *The Blackshear Times*, November 30, 2011.

Press Release, Judge Michael P. Boggs, "Drug Court Graduates Three," *Waycross Journal-Herald*, November 8, 2011.

Jason Deal, "Giving a Second Chance," *The Blackshear Times*, December 23, 2009.

Press Release, Judge Michael P. Boggs, "Waycross Judicial Circuit Drug Court Awarded Grant," *Waycross Journal-Herald*, December 10, 2009.

Press Release, Judge Michael P. Boggs, "Local Superior Court Judges Take Voluntary Pay Cut," *Waycross Journal-Herald*, September 29, 2009.

Press Release, Judge Michael P. Boggs, "Waycross Judicial Circuit Drug Court Awarded Grant," *Waycross Journal-Herald*, June 30, 2009.

Press Release, Judge Michael P. Boggs, "Drug Court Receives Non-Profit Status," *Waycross Journal-Herald*, March 26, 2009.

Gordon Jackson, "Charlton Finally Gets its Jail," *The Florida Times-Union*, January 11, 2008.

Teresa Stepzinski, "Stephen L. Jackson: 1947 - 2007: Well-Respected Jurist Succumbs after Collapse," *The Florida Times-Union*, December 30, 2007.

Teresa Stepzinski, "Waycross Drug Court Battles Abuse," *The Florida Times-Union*, December 2, 2007.

Brandon Larrabee, "Special Session Called to Balance Budget," *The Florida Times-Union*, April 9, 2004.

Brian Basinger, "Budget Talks Go Down to the Wire," *The Florida Times-Union*, April 8, 2004.

Gordon Jackson, "Court Backlog Creates Problem," *The Florida Times-Union*, February 20, 2004.

Terri Hillhouse, "Some Democrats Have a Conscience After All," www.renewamerica.com, January 21, 2004. I discovered this article while performing an internet search to ensure that my responses to this question were complete. Although I did attend a brief private reception with President George W. Bush, I did not attend the fundraiser itself. I do not recall participating in any interviews or giving any remarks to the press, and indeed the remarks attributed to me are not accurate as I have no children.

Jeffry Scott, "President Pays Tribute to King: Bush Visits Atlanta for Ceremony, Fund-raiser," *The Atlanta Journal-Constitution*, January 16, 2004.

Dick Pettys, "Bush Gets Backing of a Dozen Democratic State Legislators," *The Associated Press*, January 15, 2004.

Kristen Wyatt, "Child Molestation Bill Stalls Over Concerns It's Too Broad," *The Associated Press*, March 3, 2003.

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.

In July 2004, I was elected as a superior court judge for the six counties of the Waycross Judicial Circuit. I was re-elected without opposition in 2008, for a term expiring December 31, 2012. The superior court is Georgia's general jurisdiction trial court.

On January 6, 2012, I was appointed by Governor Nathan Deal to serve as a judge for the Court of Appeals of Georgia. I was elected state-wide (unopposed) in July 2012, for a six-year term. My present term of office expires December 31, 2018. The Court of Appeals of Georgia has state-wide appellate jurisdiction over all cases not reserved to the Supreme Court of Georgia or conferred on other courts by law.

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

As a superior court judge, I presided over approximately 50 criminal jury trials to verdict and 30 civil trials to verdict. I conducted approximately 250 bench trials to judgment. In total, I was assigned approximately 13,794 cases (8,214 criminal cases and 5,580 civil cases) for disposition while a superior court judge.

- i. Of these, approximately what percent were:

jury trials:	24%
bench trials:	76%
civil proceedings:	40%
criminal proceedings:	60%

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

See attached list of cases.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

During my tenure as a superior court judge, I presided over the following significant cases:

1. *Huling v. Huling*, File No. 2006-SU-CV-017, Superior Court of Charlton County, *aff'd*, 707 S.E.2d 86 (Ga. 2011).

I presided over this three-day divorce jury trial, which resulted in a verdict for the wife in the amount of \$490,750 as an equitable division of marital assets, \$500 in damages for fraud, and \$23,750 in punitive damages. The wife successfully moved to join as indispensable parties the husband's father and sister, along with two of the families' incorporated businesses, alleging that the husband had transferred marital property to them in an attempt to defraud the wife of her claim to an equitable division. The case was affirmed on appeal.

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Counsel for defendant:

James B. Durham
Audra L. Rizzi
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2. *Gowen Oil Co. v. Farmland Mutual Insurance Co.*, File No. 2009-SU-CV-107, Superior Court of Charlton County.

This action involved an insured's claim against his insurer for approximately \$1.6 million in losses claimed to have arisen from the improper use of key cards at wholesale facilities owned by various customers of Gowen Oil. The plaintiff sought terminal access card coverage under the policy issued by the defendant insurer. The insurer's policy contained provisions excluding coverage for any card issued by the plaintiff to its customer and, in this case, three key cards were arguably issued to a customer of the plaintiff to fulfill contracts for fuel purchases for three stations owned by the plaintiff's customer. The matter was further complicated because the plaintiff's customer transferred his interest in the stations to a third party, thereby raising issues of whether the exclusion was applicable. The case involved complex insurance policy interpretations and was settled during the trial.

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Counsel for defendant:

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3. *State of Georgia v. Popham*, File No. 04R-141, Superior Court of Charlton County.

I presided over this five-day jury trial. The defendant was indicted for malice murder in the shooting death of his alleged girlfriend's new romantic interest. The case involved numerous evidentiary issues including the issuance of a subpoena for the production of out-of-state witnesses and multiple hearsay rulings. The trial involved nearly 25 witnesses to alleged prior difficulties between the defendant and the victim. The case arose in a very small county and garnered a substantial amount of media attention requiring individualized voir dire and constant monitoring of the jurors during the course of the trial. The case involved complex evidentiary rulings on the admissibility of several alleged similar transactions and evidence of prior difficulties between the defendant and the victim. The defendant was acquitted.

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Counsel for defendant:

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4. *Burch v. Redmon*, File No. 2010-SU-CV-220, Superior Court of Charlton County.

I presided over the jury trial of this case. Subsequent to undergoing hip replacement surgery, and while recovering at Charlton Memorial Hospital, the plaintiff allegedly fell in the shower when left alone by her nurses. The suit was pled as a medical malpractice case, including an accompanying affidavit alleging that the nurse defendants were negligent for leaving the plaintiff alone in the shower. The plaintiff's damages included the cost of bilateral knee replacement surgeries. At trial, the plaintiff's nursing expert (and affiant) testified. The defendants moved to disqualify the expert on the grounds that she did not meet the

statutory requirement of having practiced in the specific area of her testimony for three out of the last five years. I granted the defendants' motion based upon a careful review of the applicable statute. I denied the plaintiff's motion for a mistrial but allowed the plaintiff to dismiss the case without prejudice to permit time to acquire a new expert. The case ultimately settled. The case was unique in the analysis required to resolve the defendants' motion to disqualify the plaintiff's expert, and the application of our State's then-existing expert witness statute.

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Counsel for defendant:

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5. *State of Georgia v. Troupe*, File No. 2004F-12-255, Superior Court of Coffee County.

I presided over this jury trial where the defendant was tried on five counts of homicide by vehicle and DUI after she drove her car at approximately 70 miles per hour into a four-wheeler (ATV) carrying six children on a public roadway. The defendant had a blood alcohol content of .015. Five of the children were killed instantly. I granted a request from the media to televise portions of the trial and ruled on multiple unique evidentiary issues related to the admissibility of the defendant's blood alcohol content. The case involved competing medical and crash reconstruction experts and required rulings as to the admissibility of many arguably objectionable accident scene photographs. I was also required to remove a prospective juror during the course of the trial. The trial resulted in a defense verdict on all counts except DUI.

Counsel for the State:

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Counsel for defendant:

Tom Pujadas

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6. *State of Georgia v. Cutrer*, File No. 2005F-08-178, Superior Court of Coffee County, *aff'd*, 695 S.E.2d 597 (Ga. 2010).

I presided over this three-day jury trial in which the defendant, the roommate of the victim, was charged with malice murder, armed robbery, and two counts of theft by taking of an automobile. This entirely circumstantial evidence case involved an extensive investigation by the Georgia Bureau of Investigation before the victim's body was located in a freezer in the victim's home. The State presented evidence showing that the victim disappeared after inheriting a large amount of money, and that the defendant was using the victim's two vehicles, selling the victim's property, and carrying a large amount of cash. The case also involved an alleged jail-house confession. The case was unique in the evidentiary rulings necessary to address the large volume of circumstantial evidence, and the admissibility of the cellmate's statements concerning the defendant's alleged confession. The jury found the defendant guilty.

Counsel for the State:

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Counsel for defendant:

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Circuit Public Defender
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7. *State of Georgia v. Jones, et al.*, File No. 2005F-04-043, Superior Court of Coffee County.

I presided over this jury trial in May 2006. The defendants were charged with the murder of three people in a public park in Douglas, Georgia. It was alleged that the three victims had previously robbed the defendants of a substantial amount of marijuana. The two-year police investigation revealed that the murders occurred in retaliation for the robbery. The defendants were jointly indicted and tried together. Two others were charged with conspiracy to commit murder and agreed to a plea in exchange for their testimony. Numerous motions in limine were filed by the four defense attorneys representing clients with varied theories of the case and conflicting defenses. The evidence included statements by non-testifying co-defendants inculcating other defendants and thus required a careful Confrontation

Clause analysis to determine whether the statements should be excluded. The trial resulted in a defense verdict for all defendants.

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Melissa Jill Starling
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8. *State v. Wesley*, File No. 2006F-04-117, Superior Court of Coffee County.

I presided over this jury trial in 2006, in which the defendant was charged with armed robbery as a party to a crime. He was indicted along with two older acquaintances for his role as the getaway driver in the robbery of a convenience store owner at his home. The defendant, a 17-year-old, on track to graduate from high school and with no prior criminal record, cooperated with the police and testified against his co-defendants. The other defendants had substantial criminal histories. The defendant refused to accept a plea to robbery as a lesser-included offense, which would have avoided the imposition of a minimum mandatory sentence and proceeded to trial and was convicted. I imposed a minimum mandatory period of incarceration of ten years. One of his co-defendants pled to robbery and was sentenced to five years in prison. The third defendant, the other party with a weapon, subsequently was tried before me and was acquitted. I granted the defendant's motion for a new trial and the defendant pled guilty to robbery. He was given a five year prison sentence which, based on time already served, made him immediately eligible for parole. I permitted the defendant to enter the plea as a first offender. The case required multiple unique evidentiary rulings and a careful analysis of the "substantial injustice" grounds for granting a new trial.

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Counsel for defendant:

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9. *Timmerman v. Smith*, File No. 2009-SU-CS-474, Superior Court of Pierce County.

I presided over Mr. Timmerman's petition for legitimation of a minor child, which he filed after the mother of the child died and the maternal grandmother filed a petition for adoption. At issue was whether Mr. Timmerman had abandoned his constitutionally protected opportunity interest in establishing a meaningful relationship with his child. After a detailed and careful analysis of the constitutional rights of unwed fathers, the commensurate and substantial protection afforded them under the Due Process Clause, and Georgia case law authority holding that the mere existence of a biological link does not merit equivalent constitutional protection, I held that Mr. Timmerman had failed to take advantage of his constitutionally protected "opportunity interest" and denied his petition for legitimation.

Counsel for plaintiff:

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Counsel for defendant:

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10. *State v. Britt*, File No. 2006F-09-270, Superior Court of Coffee County, *aff'd*, 668 S.E.2d 461 (Ga. Ct. App. 2008).

I ruled upon the defendant's motion to suppress in which the defendant challenged the constitutionality of a police roadblock, and sought to exclude evidence (methamphetamine) seized during the stop. After a careful review of the evidence in this case, I concluded that the State satisfactorily proved that the roadblock was ordered by a supervisor and implemented to ensure roadway safety rather than as a constitutionally impermissible pretext aimed at discovering general evidence of ordinary crime. I further concluded that the officers had authority to search based upon the defendant's consent and that the defendant's detention at the stop was

not so unreasonably long as to invalidate the search. The denial of the defendant's motion to suppress was affirmed on appeal.

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

1. *Capellan v. State*, 729 S.E.2d 602 (Ga. Ct. App. 2012).

Counsel for the State: J. Bradley Smith
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2. *Zurich Am. Ins. Co. v. Heard*, 740 S.E.2d 429 (Ga. Ct. App. 2013), *cert. denied*, 2013 Ga. LEXIS 738 (Sept. 23, 2013).

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3. *Norred v. Teaver*, 740 S.E.2d 251 (Ga. Ct. App. 2013).

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Counsel for defendant:

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4. *Ga. Cash Am. v. Greene*, 734 S.E.2d 67 (Ga. Ct. App. 2012), *cert. denied*, 2013 Ga. LEXIS 165 (February 18, 2013).

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John Raymond Bevis
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5. *Ford Motor Company v. Conley*, No. A13A0453 (Ga. Ct. App. July 12, 2013) (transfer to Supreme Court on equal division-unpublished (S13A1603 docketed July 15, 2013)). Copy supplied.

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6. *Cosmo v. State*, 739 S.E.2d 828 (Ga. Ct. App. 2013), *cert. granted*, No. S13G1070, 2013 Ga. LEXIS 693 (Ga. Sept. 9, 2013).

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7. *Cheeks v. State*, 750 S.E.2d 753 (Ga. Ct. App. 2013).

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Paige Whitaker
Arthur Walton
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Counsel for defendant: Thomas S. Robinson, III
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8. *State v. Barnett*, 722 S.E.2d 865 (Ga. Ct. App. 2012).

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Joseph Myers
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Counsel for defendant Walker Chandler
Jamie B. Chaves: Marcus Glenn Howell
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C. Lauriston McLeod:

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Pro se defendant:

Jack Barnett

9. *Talifero v. State*, 734 S.E.2d 61 (Ga. Ct. App. 2012).

Counsel for the State:

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Amelia Greeson Pray
John Richard Edwards
Benjamin M. First
D. Victor Reynolds
70 Haynes Street
Marietta, GA 30090
(770) 528-3080

Counsel for defendant:

Gina Anne Smalley
401 Atlanta Street SE
Marietta, GA 30060
(770) 794-4460

10. *Teele v. State*, 738 S.E.2d 277 (Ga. Ct. App. 2012), *cert. denied*, 213 Ga. LEXIS 528 (June 3, 2013).

Counsel for the State:

Daniel J. Porter
Charles Paul Efstration, III
Gwinnett Justice & Administration Center
75 Langley Drive
Lawrenceville, GA 30046
(770) 822-8400

Counsel for defendant:

G. Richard Stepp
249 South Culver Street
P.O. Box 749
Lawrenceville, GA 30046
(678) 407-0064

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

None.

- 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.

During the seven years I served as a superior court judge, I was reversed in the following cases:

Scarborough v. Scarborough, 651 S.E.2d 42 (Ga. 2007). The Supreme Court of Georgia reversed the contempt judgment against the husband due to child support arrearages. The husband's appeal alleged that he was entitled to a credit for social security retirement benefit payments made to his former wife for the benefit of the children.

Smith v. State, 653 S.E.2d 510 (Ga. Ct. App. 2007). The Court of Appeals reversed the denial of the defendant's motion to suppress. The court held that defendant's encounter with the police amounted to a detention unsupported by sufficient reasonable suspicion.

Santaniello v. Bennett, 675 S.E.2d 282 (Ga. Ct. App. 2009). The Court of Appeals reversed the grant of summary judgment to the prospective seller in a business matter concluding that genuine issues of material fact precluded summary judgment.

Gifford v. State, 686 S.E.2d 831 (Ga. Ct. App. 2009). The Court of Appeals reversed the denial of defendant's motion for discharge and acquittal on speedy trial grounds. It held that the filing of notice of conflict letters by the defendant's counsel was insufficient to constitute a waiver of the speedy trial demand and the fact that the defendant was not physically present in court when his case was called for trial did not constitute noncompliance with the speedy trial statute.

I am not aware of any case where my rulings as a superior court judge were affirmed with significant criticism of my substantive or procedural rulings.

While a Judge on the Court of Appeals of Georgia since January 2012, I have been reversed in the following cases:

State v. Sauls, 728 S.E.2d 241 (Ga. Ct. App. 2012), *rev'd*, 744 S.E.2d 735 (Ga. 2013). The Georgia Supreme Court reversed the Court of Appeals, holding that the implied consent notice was insufficient because it omitted the portion of the notice advising the defendant of the consequence of a refusal to submit to

chemical testing. The court concluded that the trial court properly granted the defendant's motion to suppress on this ground.

State v. Brown, 726 S.E.2d 654 (Ga. Ct. App. 2012), *rev'd*, 750 S.E.2d 148 (Ga. 2013). The Georgia Supreme Court, in reversing the decision of the Georgia Court of Appeals, concluded that while a police sergeant had supervisory authority to implement a roadblock, there was *some* evidence to support the trial court's conclusion that the roadblock was not planned in advance to occur at a specific time.

Greenway v. Northside Hosp., 730 S.E.2d 742 (Ga. Ct. App. 2012), *rev'd sub nom. Roper v. Greenway*, No. S12G2030 (Nov. 18, 2013). The Georgia Supreme Court reversed the decision of the Court of Appeals and held that the deputy's act of providing a form, which subsequently led to the euthanasia of the plaintiff's dogs, could not be separated into discretionary and ministerial components. The court remanded the case back to the Court of Appeals for a determination of whether the deputy's manner of presenting the form was malicious.

While a judge on the Court of Appeals of Georgia, I have had no opinions affirmed with significant criticism of my substantive or procedural rulings.

- 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.

While a judge on the Court of Appeals of Georgia, I have authored 273 opinions of which 109 (40%) have been unpublished. In every instance where I have issued an unpublished opinion, the decision to do so was in accordance with court rules and agreed upon by the two other judges on the panel.

Unpublished opinions of the Court of Appeals of Georgia are filed and/or stored on our internal case management docket system and are searchable and accessible to court staff or judges as needed for research purposes. In the case of all unpublished opinions, the opinions are sent to the attorneys representing the parties and to the lower court judge whose decision was reviewed. Upon request, the opinions are also available to the public through our Clerk's office.

I estimate that, while a superior court judge, I wrote thousands of orders that were not published in official reporters. All written orders are available to the public in the Court Clerk's Offices of the counties within the Waycross Judicial Circuit.

- 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.

While a judge for the Court of Appeals of Georgia, I have authored no significant opinions on federal or state constitutional issues due to the limited constitutional appellate jurisdiction of the court on which I serve. Our court has state-wide

appellate jurisdiction over all cases not reserved to the Supreme Court of Georgia or conferred on other courts by law. (Georgia Constitution, Article VI, Section V, Paragraph III). The Supreme Court of Georgia has exclusive appellate jurisdiction in all cases involving the construction of the Constitution of the State of Georgia or of the United States and in all cases in which the constitutionality of a law, ordinance, or constitutional provision is in question. (Georgia Constitution, Article VI, Section VI, Paragraph II). The opinions I have authored that involve the federal and state constitutions are generally limited to a review of whether a party was denied or waived certain constitutional rights. To this extent, I provide the following cases:

Spragins v. State, A13A0941, 2013 Ga. App. LEXIS 950 (Ga. Ct. App. Nov. 20, 2013).

Bulloch County School District v. Ga. Dept. of Education, A13A0970, 2013 Ga. App. LEXIS 915 (Ga. Ct. App. Nov. 14, 2013), *petition for cert. filed*.

Seitman v. State, 740 S.E.2d 368 (Ga. Ct. App. 2013).

Hatcher v. State, 739 S.E.2d 805, 808-810 (1) (Ga. Ct. App. 2013).

Hassard v. State, 738 S.E.2d 293, 295-296 (1) (Ga. Ct. App. 2013).

Gibson v. State, 737 S.E.2d 728, 729-731 (2) (Ga. Ct. App. 2013).

Morris v. State, 734 S.E.2d 926 (Ga. Ct. App. 2012).

State v. Curry, 732 S.E.2d 459 (Ga. Ct. App. 2012).

State v. Brown, 726 S.E.2d 654 (Ga. Ct. App. 2012), *rev'd*, 750 S.E.2d 148 (Ga. 2013).

Matthews v. Dukes, 726 S.E.2d 95, 100-101 (3) (Ga. Ct. App. 2012).

During the seven years that I served as a superior court judge, I presided over and issued decisions on federal or state constitutional issues in the following cases:

State v. Reed, Case No. 2007F07216, Superior Court of Coffee County, *aff'd*, 673 S.E.2d 246, 247-248 (3) (Ga. Ct. App. 2009).

State v. Daniel, Case No. 2005F05093, Superior Court of Coffee County, *aff'd*, 679 S.E.2d 811, 813-814 (3) (Ga. Ct. App. 2009).

State v. Britt, Case No. 2006F09270, Superior Court of Coffee County, *aff'd*, 668 S.E.2d 461, 464-466 (1) (Ga. Ct. App. 2008).

State v. Hicks, Case No. 2003F04168, Superior Court of Coffee County, *aff'd*, 635 S.E.2d 830, 832-833 (1) (Ga. Ct. App. 2006).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

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:

In my former capacity as a superior court judge I did not maintain, nor was I expected to maintain, a standing recusal list. During the seven years I served, I was assigned approximately 13,794 cases for disposition. There were certainly occasions where a litigant may have moved for my recusal. I do not remember any cases where the parties moved to substitute me for cause, but it may have happened. These cases cannot be searched other than by a physical review of the file. However, I did voluntarily recuse sua sponte on occasions where I may have known a party or recusal was necessary to otherwise avoid an appearance of impropriety. This probably occurred no more than five times over seven years. My judicial circuit did not employ an automatic recusal system.

I evaluated the necessity or propriety of recusal pursuant to the provisions of Canons 3 (E) and (F) of the Georgia Code of Judicial Conduct and also considered the provisions of Canon 2, which require judges to avoid impropriety and the appearance of impropriety. I also assessed recusal motions pursuant to the provisions of Rule 25 of the Uniform Rules of Superior Court, which contains affidavit and time limitation requirements for litigants seeking recusal.

While a judge on the Court of Appeals of Georgia, I have been assigned or otherwise responsible for voting on hundreds of cases. I have never been requested to disqualify myself from a case for any reason. However, I have recused sua sponte on occasion after I evaluated the necessity or propriety of recusal pursuant to the provisions of Canons 3 (E) and (F) of the Georgia Code of Judicial Conduct and also considered the provisions of Canon 2 of the Code of Judicial Conduct which require judges to avoid the appearance of impropriety. In addition, I followed the Court of Appeals Protocol on Disqualification and Recusal of Judges as contained in the Court’s Internal Operations Manual (Appendix XXXIII). Our court does not employ an automatic recusal system. I have recused sua sponte in the following cases:

City of Douglas v. Hudson, A11A1914 (The case involved an appeal from my former judicial circuit, and involved a decision of my former judicial colleague and the chief judge of my former circuit).

Littlefield Constr. Co. v. Bozeman, A11A2363 (I recused because the case involved an appeal of a case from my former judicial circuit, and I personally knew a party).

Coastal Marshlands Protection Commission v. Altamaha Riverkeeper, A11A1844; *First Southern Bank et al. v. Altamaha Riverkeeper*, A11A1845 (The cases involved an attorney who served on my incorporated Court of Appeals election committee, and he had hosted a campaign fundraiser for me).

Hampton Island v. Asset Holding Co. 5, A12A1694; *Wallace v. Asset Holding Co. 5*, A12A1695; *Mason v. Asset Holding Co. 5*, A12A1696 (The matters involved an attorney who had hosted a fundraiser for me).

Smith v. Fairley Cisco, A12A0313; *Smith v. Fairley Cisco*, A12A0314 (I personally knew and was friends with the some of the attorneys who had hosted a campaign fundraiser for me. In addition, while a superior court judge, I had presided over related litigation).

Douglas Asphalt Co. v. Georgia DOT, A12A1593; *Douglas Asphalt Co. v. Linnenkohl*, A12A1933 (The matter involved an attorney who had hosted a fundraiser for me. I was also very familiar with extra-judicial matters concerning the litigation).

Wylie et al. v. Denton, A12I0276; *Suntrust Bank v. Denton*, A12I0277 (I was personal friends with the husband of one of the litigants).

Synovus Bank v. Griner, A12A1822 (The matter involved an attorney who had hosted a fundraiser for me).

Williams v. Eaves, A13D0216 (I presided over matters involving this litigant while serving as a superior court judge. The matter also involved a former Chief Assistant Public Defender from my former circuit as a party defendant).

Coffee Iron Works v. Qore Inc., A13A0613; *Spivey v. Qore Inc.*, A13A0616; *Spivey v. Qore Inc.*, A13A0617 (I personally knew and was friends with the some of the attorneys. I was also very familiar with extra-judicial matters concerning the litigation. Some of the lawyers also hosted a campaign fundraiser for me).

Wilkinson v. State, A13A1638 (While a superior court judge, I presided over this defendant's probation revocation hearing).

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 nominations for appointed office.

State Representative
Georgia General Assembly
District 168 (2001 – 2002)
District 145 (2002 – 2004) (District renumbered after reapportionment)

I was elected in 2000 and reelected in 2002.

- 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.

I have never maintained any membership in or held office in or rendered services to any political party or election committee. I have never held a position in or played a role in a political campaign other than my own.

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 a clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk

I have never served as a clerk to a judge.

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

1997–2004
Michael P. Boggs, PC
214 Screven Avenue
Waycross, Georgia 31501

- 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.

1990–1991
McKenzie & McPhail
Concourse Parkway, Suite 2000
Atlanta, Georgia 30328
Associate Attorney

1991–1992
McKenzie, Martin, Taylor & McConnaughey
6201 Powers Ferry Road
Atlanta, Georgia 30339
Associate Attorney

1992–1995
Thomas & Settle
800 Plant Avenue
Waycross, Georgia 31501
Associate Attorney

1995–1997
Landers & Boggs, LLP
306 Isabella Street
Waycross, Georgia 31501
Partner

1997–2004
Michael P. Boggs, PC
214 Screven Avenue
Waycross, Georgia 31501
Sole Practitioner

- 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.

From 1990 to 1992, I was employed as an associate attorney with Atlanta firms McKenzie & McPhail and McKenzie, Martin, Taylor & McConnaughey. My practice during this time involved first and third party insurance defense litigation and subrogation in state and federal courts in and around Atlanta, Georgia. I defended property insurers in claims involving suspected arson, general property insurance coverage dispute matters, and occasional subrogation litigation.

From 1992 to 1997, I worked as an associate with Thomas & Settle, as a partner with Landers & Boggs, LLP and as a sole practitioner in

Waycross, Georgia where I handled a substantial volume of divorce, child custody, child support, contempt, adoption, and modification cases. I also focused on plaintiffs' personal injury litigation, workers' compensation defense, and creditor bankruptcy litigation. I represented small businesses in business formation and litigation cases and occasionally defended clients in appointed federal criminal cases. I also maintained a significant real estate practice during this time and provided counsel to several local community banks on general banking issues. From 1992 to 1995, I also worked as a county attorney.

From 1995 to 1997, while with Landers & Boggs, LLP, my practice included general constitutional claims defense litigation in federal court as a special assistant attorney general for the State of Georgia representing the Georgia Department of Corrections. These cases involved multiple jury trials in alleged constitutional deprivation cases initiated by inmates at Ware State Prison.

From 1997 to 2004, I maintained a general civil trial practice as a sole practitioner, focusing primarily on personal injury and domestic relations/family law matters. I also represented local banking institutions in real estate closings, foreclosure proceedings, debt collection, banking regulatory compliance, collateralization, and commercial code issues. I also represented clients in medical malpractice litigation in state and federal courts and provided various small business clients with general corporate counsel and litigation assistance in matters involving business formation, franchises, and dissolution issues. My practice also included representing a local development authority in complex economic development projects, occasional appointed federal criminal defense cases, and creditor bankruptcy litigation for various local small businesses.

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

During the first two years of my career, my clients consisted entirely of property insurers. My former clients included Georgia Farm Bureau, Hartford Insurance Company, Travelers Insurance Company, and AIG Insurance Company. I returned to my home town of Waycross in 1992, and each of my practices thereafter included typical general trial practice clients. I represented small business owners in contract disputes and general business matters including incorporation, dissolution, franchise, and collection. I also represented individuals in domestic relations matters, handled federal criminal appointed cases, and represented local banks in real estate matters.

In 1995, I formed a partnership with Daniell Landers in which we specialized in plaintiffs' personal injury matters, real estate matters, and creditor bankruptcy cases. Our clients included GMAC, Chrysler Credit

and Ford Motor Credit. I also represented the Georgia Department of Corrections as a special assistant attorney general in federal constitutional claims defense litigation.

In 1997, I started my own practice where I handled a variety of general litigation matters. My clients typically included banking and credit union institutions, individuals in domestic relations cases and personal injury matters, small business owners, and a local development authority.

- 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.

From 1990 to 1992, 100% of my practice involved litigation. From 1992 through 2004, I was engaged in general trial practice which routinely involved litigation and included regular and frequent court appearances. Approximately 80% of my practice during this time involved litigation.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 10% |
| 2. state courts of record: | 90% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 90% |
| 2. criminal proceedings: | 10% |

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

I tried approximately 25 cases to verdict, judgment or final decision in courts of record while practicing from 1990 to 2004. These included 23 cases as sole counsel and two as associate counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 20% |
| 2. non-jury: | 80% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

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

- 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. *United States of America, et al. v. City of Alma, Georgia and Bacon County, Georgia, Defendants*, C.A. No. CV599-68 (1999). In the United States District Court for the Southern District of Georgia (Waycross Division). Hon. William T. Moore; Consent Decree entered on November 18, 1999.

I represented the plaintiff/intervenors in this civil rights litigation. The action was brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, following receipt by the Department of Justice from the Equal Employment Opportunity Commission of a charge of discrimination on behalf of the intervenors. My clients alleged that the defendants had discriminated against them and similarly-situated women on the basis of their sex by failing or refusing to hire them or to consider them for hire as firefighters, EMT's or paramedics, and by failing or refusing to take appropriate action to correct the effects of these discriminatory policies and practices. My clients had on file applications for full-time employment with the defendants, but the defendants instead hired eight male EMT/firefighters while never contacting or notifying the intervenors of the job vacancies.

I handled all aspects of the litigation including motions, discovery, and trial preparation and settlement negotiations. The matter was settled through the entry of a Consent Decree on November 18, 1999, which provided that the defendants would pay the sum of \$180,000 to my clients, that all EMT/firefighter positions for a period of five years would be cleared through the Department of Justice, that future vacancies would be properly advertised, that periodic compliance reports would be provided to the Justice Department, and that the defendants would adopt, implement and maintain standardized application hiring processes and implement a program designed to recruit qualified female applicants.

Counsel for the United States:

Aaron D. Schuham
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington D.C. 20530
(202) 305-4151

Opposing Counsel:

For Defendant Bacon County, Georgia
George Hoyt (Deceased)
Sharon P. Morgan
800 International Tower
229 Peachtree Street, NE
Atlanta, Georgia 30303
(404) 582-8406

Scott Atwood
4151 Ashford Dunwoody Road, NE
Suite 512
Atlanta, Georgia 30319
(678) 894-2893

For Defendant City of Alma, Georgia
W. Grady Pedrick (deceased)
Christopher E. Parker
1170 Peachtree Street, NE
Suite 300
Atlanta, Georgia 30309
(404) 962-6456

2. *Hester v. Long*, Civil Action File No. 98RCCV664, In the Superior Court of Richmond County, Georgia (2002). Hon. William M. Fleming, Jr.; Trial August 26-28, 2002.

I, along with co-counsel Del Percilla, represented Ms. Hester in this medical malpractice litigation. Ms. Hester's claim primarily included allegations that the defendant physician violated the generally accepted standard of care in his treatment of her during and subsequent to her hysterectomy surgery. Specifically, he released my uninsured client from the hospital at night without regard for her obvious and severe infection. Her discharge resulted in permanent injuries and a subsequent surgery. I represented Ms. Hester throughout this case and her five day jury trial in 2002. The case resulted in a verdict of \$225,000 for the plaintiff.

Co-Counsel:

Del Percilla, Jr.
6075 Roswell Road, NE

Atlanta, Georgia 30328
(770) 390-7548

Opposing Counsel:

Jack Slover
Two Ravinia Drive, Suite 1330
Atlanta, Georgia 30346
(404) 856-0040

3. *Luke v. Johnson and The Neurological Institute of Central Georgia, P.A., C.A.* No. 94-CV-222-HL. In the United States Court for the Middle District of Georgia. Hon. Hugh Lawson; September 9-13, 1996.

I, along with my law partner Daniell S. Landers, represented Ms. Luke in this medical malpractice litigation. Ms. Luke alleged that the defendants violated the appropriate standard of care in scheduling, and then refusing to perform, a C-7/T-1 discectomy and fusion on her knowing that the attendant and most likely risk of failing to operate was the almost certain risk of permanent paralysis. They likewise failed to refer Ms. Luke to a physician who would perform the surgery. Approximately three weeks after the cancellation of her surgery, Ms. Luke turned over in bed and ruptured her C-7/T-1 discs resulting in permanent paraplegia. This five-day jury trial was conducted in 1996 and resulted in a defense verdict. The case was subsequently settled to avoid an appeal. Ms. Luke received a confidential payment.

Co-Counsel:

Daniell S. Landers
301 Gibson Road
Lexington, South Carolina 29072
(803) 356-2829

Opposing Counsel:

Joseph H. Chambless
Chambless, Higdon Richardson Katz Griggs, LLP
3920 Arkwright Road, Suite 405
Macon, Georgia 31210
(478) 745-1181

4. *Godett v. Insley*, C.A. No. CV595-112, In the United States District Court for the Southern District of Georgia (Waycross Division). Hon. William T. Moore; Dismissed October 6, 1999.

I represented the Georgia Department of Corrections as a special assistant attorney general in the defense of this civil rights litigation. The plaintiff/inmate brought this action under 42 U.S.C. § 1983, contesting the conditions of his confinement at Ware Correctional Institute. Specifically, he claimed that the

defendant prison physician was deliberately indifferent to his previously diagnosed sickle-cell anemia disease. He claimed that the physician's revocation of his "medically unassigned" status and release to perform "light duty" prison labor violated the Eight Amendment's proscription against cruel and unusual punishment. I successfully advanced issues of sovereign immunity and claims preclusion pursuant to the Eleventh Amendment to the United States Constitution and prevailed on a motion to dismiss.

Opposing Counsel:

The plaintiff appeared pro se
Address unknown

5. *United States of America v. J.C.S.*, Case No. CR502-2, In the United States District Court for the Southern District of Georgia (Waycross Division). Hon. William T. Moore; Dismissed August 1, 2002. (For confidentiality purposes, initials are used to identify the defendant).

I, along with co-counsel Donnie Dixon, represented the defendant in this case where the defendant was charged with violations of federal drug laws including, manufacturing methamphetamine, possession of a listed chemical with intent to manufacture a controlled substance, attempt to manufacture methamphetamine, and aiding and abetting. This case was particularly unusual in that the defendant was well-known to me and I was personally aware of the defendant's life-long history of mental illness, including an early adolescent diagnosis of schizophrenia. Co-counsel Dixon and I worked for five months with the defendant's family, psychiatrist, the federal prosecutor, and the court in ultimately persuading the government to dismiss the case in recognition of the defendant's severely diminished mental capacity. The defendant agreed to hospitalization and mental health treatment as part of the disposition.

Co-Counsel:

Donnie Dixon
24 Drayton Street
Suite 100
Savannah, GA 31401
(912) 443-4070

Opposing Counsel:

Cameron Heaps Ippolito, Assistant United States Attorney
100 Bull Street
Savannah, GA 31401
(912) 652-4422

6. *Perry v. Stalvey*, C.A. No. CV593-057, In the United States District Court for the Southern District of Georgia (Waycross Division). Hon. James E. Graham; June 10, 1996.

I represented the State of Georgia as a special assistant attorney general in the defense of this civil rights litigation for the Georgia Department of Corrections. The nature of my representation included all aspects of discovery, responding to voluminous pro se motions, legal research, the preparation of substantive motions, and trial preparation. The pro se plaintiff/inmate brought this action pursuant to 42 U.S.C. § 1983, alleging that the defendant correctional officer assaulted him while the plaintiff was incarcerated at Ware Correctional Institute. Plaintiff alleged that the use of excessive force or the wanton infliction of pain violated the Eighth Amendment's proscription against cruel and unusual punishment. The issue involved whether the force used by the defendant correctional officer was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm. The defendant contended that he did not have sufficient intent to cause harm and that the force applied was de minimis and thus not actionable. The defense involved claims of sovereign immunity and claims preclusion pursuant to the Eleventh Amendment to the U.S. Constitution. The jury trial resulted in a defense verdict.

Opposing Counsel:

The plaintiff appeared pro se
Address unknown

7. *Redding v. Gaither*, C.A. No. CV593-005, In the United States District Court for the Southern District of Georgia (Waycross Division). Hon. William T. Moore; Bench Trial June 25, 1996.

I represented the State of Georgia as a special assistant attorney general in the defense of this civil rights litigation for the Georgia Department of Corrections. The nature of my representation included all aspects of discovery, responses to voluminous pro se motions, legal research, the preparation of substantive motions, trial preparation and the trial of the case for the State. The pro se plaintiff/inmate brought this action pursuant to 42 U.S.C. § 1983 seeking an order directing the defendant, the former warden at Ware Correctional Institute, to enforce the current non-smoking policy at the prison and/or to institute an inmate classification system to classify all inmates relative to their smoking status. The case survived the defendants' motion for summary judgment due to the pending United States Supreme Court case involving the environmental tobacco smoke (ETS) claims of non-smoking inmates in *Helling v. McKinney*, 509 U.S. 25 (1993). The plaintiff sought nominal damages, punitive damages and temporary and permanent injunctive relief based upon his allegation that the prison was deliberately indifferent to his risk of harm from ETS by failing to honor his request to be assigned to a non-smoking room. He likewise claimed the prison failed to implement a smoke-free policy. The case was resolved on the defendant's motion to dismiss subsequent to the decision in *Helling*.

Opposing Counsel:

The Plaintiff appeared pro se
Address unknown

8. *United States of America v. Smith*, Case No. CR502-00009-001, In the United States District Court for the Southern District of Georgia (Waycross Division). Hon. William T. Moore; Plea October 21, 2002.

I represented the defendant as court appointed counsel in a case involving alleged violations of 21 U.S.C. § 841(a) (1), possession with intent to distribute 50 grams or more of cocaine base. The nature of my representation included all aspects of the defense of the matter ranging from arraignment, review of substantial volumes of discovery, waiver of detention, motion hearings, plea discussions, review of defendant's prior record, substantive discussions with the AUSA regarding prior convictions in light of a mandatory 20-years-to-life sentence, legal research, and meetings with probation regarding the pre-sentence investigative report. The representation concluded with the defendant entering a negotiated plea resulting in a term of incarceration of 168 months, five years supervised release, and a fine. The period of incarceration was substantially less than that which the defendant originally faced.

Opposing Counsel:

Cameron Heaps Ippolito, Assistant United States Attorney
100 Bull Street
Savannah, GA 31401
(912) 652-4422

9. *Georgia Dept. of Transportation v. 2.709 Acres of Land and J. N. West*, Civil Action No.: 03V-459, In the Superior Court of Ware County, State of Georgia. Hon. Clarence Blount; Case settled in 2003.

I represented the condemnee in this appeal involving an attempt by the Georgia Department of Transportation to exercise its powers of eminent domain to condemn a portion of the condemnee's pecan orchard. The nature of my involvement included all aspects of the litigation including substantial discovery, motions, trial preparation, and mediation. Pursuant to the declaration of taking, the condemnor paid into the registry of the court the sum of \$17,800 as their estimate of the value of the taking. The case was unique in that it involved unusual damages (the value of the trees taken), including expert analysis and testimony from nationally known pecan tree valuation experts. My efforts resulted in the matter being resolved during mediation for the sum of \$60,000.

Opposing Counsel:

Jerry W. Caldwell
Special Assistant Attorney General
156 South Brunswick Street

Jesup, GA 31546
(912) 427-8954

10. *Jones v. Murphy*. Case No. CV502-00049-JEG, In The United States District Court for the Southern District of Georgia (Waycross Division). Hon. William T. Moore; Dismissed July 16, 2002.

I represented the State of Georgia as a special assistant attorney general and as co-counsel with my law partner Daniell S. Landers in the defense of this civil rights litigation for the Georgia Department of Corrections. My representation included all aspects of discovery, responses to voluminous pro se motions, legal research, the preparation of substantive motions, and trial preparation. The pro se plaintiff inmate brought this action under 42 U.S.C. § 1983 contesting the conditions of his confinement at Ware Correctional Institute. Specifically, plaintiff claimed that the sixteen defendants (members of the institution's Special Emergency Response Team), used excessive force in restraining the plaintiff in a "six point" restraint following plaintiff's disruptive behavior. The case was dismissed on motion after the plaintiff failed to appear for jury trial.

Opposing Counsel:

The plaintiff appeared pro se
Address unknown

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

I represented the Okefenokee Area Development Authority, an entity representing Ware and Pierce Counties, in various industrial recruitment matters from 2001 to 2004. Of particular significance was my direct involvement and counsel to the Authority in recruiting Simmons Manufacturing Company to locate a production facility in the Ware County Industrial Park. My legal representation on this matter involved substantial complex business counsel involving property tax abatement matters, real estate collateralization issues, Freeport tax credits, bond issuances, payment and performance bond matters, construction contracts, Environmental Protection Division wetland mitigation/compliance, application and compliance with state "One Georgia" grant funding, economic impact analysis, and generally complex contract construction and review.

In 2008, I established an adult felony drug court program in my superior court judicial circuit. I served as the presiding judge for this program until 2012. During this time I was responsible for all matters pertaining to the program, including the writing of the

Participant Handbook and the Operations and Policy Manual. I recruited the local Community Service Board to fill administrative and counseling staff positions, negotiated drug screening equipment contracts, office leases, and developed all necessary court forms. I built the collaborative team framework with the public defender, district attorney, state probation, and local law enforcement agencies including the drafting of Memorandums of Understanding required by the Department of Justice. I was also involved in all community outreach including building relationships with prospective employers, instituting a private drug screening program for local governments, and coordinating GED program providers. I wrote all state and federal grant applications and was responsible for the implementation and fidelity of these grants. My duties included managing the program's budget and the completing of all necessary matters pertaining to the court's successful application for non-profit tax status. During this time I also served on the Georgia's Judicial Council Standing Committee on Drug Courts as an appointee of Chief Justice Leah Ward Sears of the Supreme Court of Georgia.

In 2011, I was elected by my peers as Secretary/Treasurer of the council of Superior Court Judges of Georgia. As a member of the council's Executive Committee and the Legislative Support Team, I was involved in monitoring and reporting on proposed legislation affecting the operations of the courts and devoted time during the legislative session to appear before legislative committees on behalf of the council. I was also active in pursuing the successful passage of legislation requested by the state's accountability court judges requiring the adoption of state-wide standards and practices for Georgia accountability courts.

I have not performed any lobbying activities for any clients or organizations.

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.

During the Spring Semester of 2011, I taught a state and local government course (Political Science 2201-P.O.LS 2201-CRN: 20061) at Waycross College in Waycross, Georgia. The course included an introduction to the organization and processes of government at state and local levels, stressing the government and constitution of the State of Georgia with special emphasis on the legislative and judicial branches of Georgia government. A copy of the course syllabus is supplied.

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 plans, commitments, or agreements to pursue outside employment, with or without compensation, if confirmed.

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 the attached Financial Disclosure Form.

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

See the 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.

For at least some period of time, I would recuse from any matter in which I had familiarity from my service on the Court of Appeals of Georgia and any habeas corpus proceeding on any case over which I presided as a superior court judge. Otherwise, I am aware of no such conflicts of interest. Should an actual or potential conflict arise, I would consult all applicable statutes, rules, policies, procedures, case authority, and the Code of Conduct for United States Judges.

- 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 abide by the Code of Conduct for United States Judges and all applicable statutes, rules, policies, procedures, and case authority related to avoiding or resolving actual or potential conflicts of interest, erring, as I have since I have served as a judge, on the side of recusal to avoid any appearance of impropriety.

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.

The Georgia Code of Judicial Conduct prohibits state court judges from giving legal advice or otherwise practicing law. As a result, for the last nine years, I have not been permitted to represent clients pro bono or otherwise. While in private practice, I occasionally handled divorce cases pro bono for victims of domestic violence and provided pro bono legal advice to displaced tenants.

My community service involvement also included providing occasional pro bono legal advice to the YMCA on personnel and human resources issues, advice to Waycross College on the development of a conflicts-of-interest policy, and pro bono legal advice to the Baptist Village Retirement Community on medical ethics matters.

26. **Selection Process:**

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

On July 22, 2013, I was contacted by a member of Senator Saxby Chambliss' judicial nomination panel to inquire if I would be interested in being considered for possible recommendation for a federal district judgeship in the Northern District of Georgia. I was contacted on July 23, 2013, by another member of Senator Chambliss' judicial nomination panel, who made additional inquiries regarding my interest in this position. Senator Chambliss contacted me on July 31, 2013, and informed me that he was submitting my name to the President for consideration. On August 2, 2013, I was contacted by an official from the White House Counsel's Office to schedule an interview. This interview was conducted in Washington, D.C., on August 7, 2013. I was contacted again by Senator Chambliss on September 5, 2013, and informed that the process was moving forward and that I would be hearing from the White House. On September 5, 2013, I was contacted by an official from the White House Counsel's Office and informed that I would be hearing from officials at the Department of Justice. Since September 10, 2013, I have

been in contact with officials from the Office of Legal Policy at the Department of Justice. On November 13, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On December 19, 2013, the President submitted my nomination to the Senate. On January 6, 2014, the President submitted my renomination 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, Michael P. Boggs, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

January 3, 2014
(DATE)

Michael P. Boggs
(NAME)

Paula F. Mixon
(NOTARY)

