

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Thomas Lee Robinson Parker

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

United States District Court Judge for the Western District of Tennessee

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

Baker, Donelson, Bearman, Caldwell, Berkowitz, PC
165 Madison Avenue, Suite 2000
Memphis, TN 38103

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

1963; Memphis, Tennessee

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1986 to 1989 – Vanderbilt University School of Law, J.D., 1989.

1984 to 1985 – University of South Carolina, B.S., 1985.

1983 – Memphis State University (University of Memphis), No degree (transferred).

1981 to 1983 – University of Tennessee, Knoxville, No degree (transferred).

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

2004 to Present

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Shareholder

1995 to 2004
United States Attorney's Office for the Western District of Tennessee
167 North Main Street, Suite 800
Memphis, TN 38103
Assistant U.S. Attorney

1989 to 1995
Waring Cox Lawyers (merged with Glankler Brown PLLC in 2001)
50 North Front Street, Suite 1300
Memphis, TN 38103
Associate Attorney

1988 to 1989
VBA Café (no longer in business)
131 21st Avenue South
Nashville, TN 37203

1988
Waring Cox Lawyers
50 North Front Street, Suite 1300
Memphis, TN 38103
Summer Associate

1988
Trabue, Sturdivant and Dewitt Law Firm
Nashville City Center, 25th Floor
511 Union Street
Nashville, TN 37219
Summer Associate

1987
Martin Tate Morrow and Marston Law Firm
22 North Front Street
Memphis, TN 38103
Summer Associate

1986
The Video Place
5000 Park Avenue
Memphis, TN 38117
Sales Clerk

1986

Vail Associates

Vail, CO 81657

Various Restaurant positions

1985

Richardson, Plowden, Grier and Howser Law Firm

1600 Marion Street

Columbia, SC 29201

Courier

1985

Palm Beach Café (no longer in business)

638 Hardin Street

Columbia, SC 29205

Waiter

Other Affiliations (Uncompensated)

2005 to Present

American Inns of Court, Leo Bearman Chapter

c/o Annie T. Christoff, Secretary

100 Peabody Place, Suite 900

Memphis, TN 38103

Master (2005 – 2010); Emeritus (2011 – Present)

2000 to 2003; 2009 to 2016

Memphis Bar Association

145 Court Avenue, Suite 301

Memphis, TN 38103

Immediate Past President (2016); President (2015); Vice President (2014); Secretary/Treasurer (2013); Secretary (2012); Member, Board of Directors (2000 – 2003, 2009 – 2010, 2011 – 2016)

2009 to 2014, 2016

Republican Party of Shelby County

1779 Kirby Parkway, #1-63

Memphis, TN 38138

Steering Committee Member (2009 – 2014); Counsel (2016)

2015 to Present

Katherine P. Wellford Family Trust

165 Madison Avenue, Suite 2000

Memphis, TN 38103

Co-Trustee

2011 to Present
Fleetwood Foundation
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Trustee, Registered Agent

1994 to 1998
Memphis Bar Association, Young Lawyer's Division
145 Court Avenue, Suite 301
Memphis, TN 38103
Board of Directors (1994 – 1998); President (1997)

1998 to 2006
CASA (Court Appointed Special Advocate)
2180 Union Avenue
Memphis, TN 38104
Member, Board of Directors

1996 to 2001
Volunteer Center of Memphis
365 South Main Street
Memphis, TN 38103
Member, Board of Directors

1994 to 1997
Youth Villages, Inc.
5515 Shelby Oaks Drive
Memphis, TN 38134
Member, Development Board (1994 – 1995); Board of Directors (1996 – 1997)

1991 to Present
Calvary Episcopal Church
102 North Second Street
Memphis, TN 38103
Congregant (1991 to Present); Vestry (2001 – 2003), Senior Warden (2003)

1995 to Present
Christopher R. Folk 1995-1 Irrevocable Trust
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Trustee

1993 to approximately 1995
Junior Achievement
307 Madison Avenue

Memphis, TN 38103
Consultant Teacher

1991 to 1992
MIFA (Metropolitan Inner-Faith Association)
910 Vance Avenue
Memphis, TN 38126
Member, Corporate Campaign

Approximately 1991 to 1994
MSPH, Inc.
50 North Front Street
Memphis, TN 38103
Secretary

Approximately 1990 to 1995
G. Star Corporation
One Commerce Square, Suite 1900
Memphis, TN 38103
Secretary

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

I have not served in the military. I have registered for selective service.

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

American Bar Foundation, Fellow, 2014 to Present

American College of Trial Lawyers, Fellow, 2016 to Present

Best Lawyers of America, 2011 to Present

Memphis Bar Foundation, Fellow, 2008 to Present

MidSouth SuperLawyers, 2016 to Present

Organized Crime Drug Enforcement Task Force (OCDETF) Southeast Region Case of the Year, 1998, 2000.

Sam A. Myar, Jr. Memorial Award, 1999 (presented by the Memphis Bar Association to

an attorney under 40 years of age who has provided outstanding personal service to the legal profession and the community)

Tennessee Bar Foundation, Fellow, 2016 to Present

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.

Memphis Bar Association

Immediate Past President, 2016; President, 2015; Vice President, 2014;
Secretary/Treasurer, 2013; Secretary, 2012; Member Board of Directors, 2000 to 2003, 2009 to 2010, 2011 to 2016
Criminal Law Section
Health & Litigation Section

Memphis Bar Association, Young Lawyer's Division (YLD)
Board of Directors, 1994 to 1998; President, 1997

Between the YLD and the Memphis Bar, I have worked on a number of committees and initiatives such as the High School Minority Pre-law Conference (mid-1990's), Lawyers Helping Lawyers (mid-1990's), the Professionalism Committee (2010 to Present), and the Access to Justice Committee (Chairman, 2016).

Tennessee Bar Association, approximately 1989 to 1995 and approximately 2004 to Present

TBASCUS (Tennessee Bar Association Seasoned Counselors Up to Something)
TBASCUS is an informal committee of the state bar. According to the website, I am a member of this committee, but I have had no involvement with it.
Criminal Justice Section
Federal Practice Section
Health Law Section
Litigation Section
Law Related Education Committee and Teacher (1993)

American Bar Association, approximately 1989 to 1995 and 2004 to Present

American Health Lawyers Association, 2005 to Present

Association of Women Attorneys, Shelby County, Tennessee, 2015

National Bar Association, Ben F. Jones Chapter, approximately 2009 to Present

Selection Committee United States Magistrate Judge – United States District Court for the Western District of Tennessee, 2008

Standing Committee for Local Rules, United States District Court for the Western District of Tennessee, 2012 to 2016

10. **Bar and Court Admission:**

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

Tennessee, 1989. No lapses in membership.

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

Federal

United States Court of Appeals for the Sixth Circuit
Admitted in 1991

United States District Court for the Western District of Tennessee
Admitted in 1990

State

Tennessee Supreme Court
Admitted in 1989

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.

Central Gardens Association, approximately 2001 to Present

Community Foundation of Greater Memphis, Give 365, approximately 2013 to Present

Memphis Children's Museum, Member, approximately 1998 to 2011

Memphis Zoological Society, Member, approximately 1996 to Present

Park Friends, Overton Park of Memphis, approximately 2012 to Present

Phoenix Club of Memphis, Member, approximately 1989 to 1991

SADS (Sudden Arrhythmia Death Syndrome) Foundation, approximately 2013 to Present

Salvation Army - Kroc Center, 2012 to Present

WKNO, Public Broadcasting Radio and Television, approximately 1991 to Present

YMCA – Downtown, 1991 to 1999

- 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.

The Phoenix Club was originally formed to be an organization comprised of young men who were recruited to join when they could meet two basic requirements: a sincere interest in furthering the goals of serving the Boys and Girls Clubs of Greater Memphis, and potential for future leadership in the community. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Time Flies, Memphis Lawyer, Dec. 2015, at 6. Copy supplied.

Are You A Lawyer for Justice?, Memphis Lawyer, Oct. 2015, at 6–7. Copy supplied.

Remembering Amy Spain: Tragic loss 20 years ago leads to a legacy of learning, Memphis Lawyer, Aug. 2015, at 6–8. Copy supplied.

A Tradition of Leadership, Memphis Lawyer, June 2015, at 6–7. Copy supplied.

Is There More We Can Do?, Memphis Lawyer, Mar. 2015, at 6–7. Copy supplied.

Proud to be an OK Memphis Lawyer, Memphis Lawyer, Jan. 2015, at 6–7. Copy supplied.

Cellphone Technology Meets the 4th Amendment, Law 360, Sept. 10, 2012. Copy supplied.

Searching For An Exculpatory Needle In A Haystack, Law 360, Sept. 8, 2011. Copy supplied.

Website Seizure: A New Weapon Against IP Crime, Law 360, Apr. 5, 2011. Copy supplied.

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

I served on the Standing Committee for Local Rules, United States District Court for the Western District of Tennessee, from 2012 to 2016. Based upon my recollection and searches, I have supplied materials related to my service.

The Memphis Bar Association (MBA) is not a political organization. Because members of the board of directors represent all aspects of the practice of law, the board generally did not take positions on proposed legislation. Having said that, from time to time, the board did submit position statements regarding proposed rules of procedure or to make suggestions for new rules.

In November 2015, the MBA board voted to adopt and submit comments to the Tennessee Supreme Court regarding proposed changes to the Tennessee Rules of Evidence, the Tennessee Rules of Criminal Procedure, and the Tennessee Rules of Juvenile Procedure. Copy supplied.

In August 2015, the professionalism committee of the MBA prepared a petition to the Tennessee Supreme Court that would amend the rules for admission and licensing attorneys to require newly admitted members of the bar participate in a

mentoring program. The board approved the proposal and, as president of the organization, I submitted the proposal to the Tennessee Supreme Court. The proposal was not accepted. Copy supplied.

In March 2015, the MBA board voted to endorse a proposal to allow temporary bar admission to spouses of active military service-members who are stationed in Tennessee. As president of the organization, I submitted the proposal to the Tennessee Board of Law Examiners. Copy supplied.

In 2014, the MBA board of directors passed a resolution in support of the Judicial Selection Amendment to the Tennessee Constitution. Moreover, I supported the proposed amendment. I attended a luncheon for state bar leaders in Nashville with Governor Bill Haslam. I also hosted a gathering at my office to garner support for the amendment. I have supplied a copy of materials that were provided. The amendment was adopted in a statewide general election.

In January 2014, the MBA board voted to oppose proposed legislation that would eliminate two divisions of Tennessee Circuit Court in Shelby County. The board also encouraged our membership to write letters to state legislators expressing their position. I wrote to the Shelby County delegation to express my opposition. Copies supplied.

In April 2013, the MBA board voted to oppose an amendment to the Rule of Professional Conduct 8.4 due to vague language. Copies of correspondence supplied. Although I did not actively participate in the drafting of the resolution, as a board member, I voted on the resolution.

In February 2011, the MBA Board passed a resolution to encourage the Shelby County congressional delegation to support Legal Services Corporation in fiscal year 2011. Although I did not actively participate in the drafting of the resolution, as a board member, I voted on the resolution. I was unable to locate a copy of the resolution.

In January 2010, the MBA Board voted to oppose a proposed Rule that would suspend a lawyer's license to practice law for failure to pay student loans. Although I did not actively participate in the drafting of the resolution, as a board member, I voted on the resolution. I was unable to locate a copy of the resolution.

In February 2009, the MBA Board voted to oppose a proposed amendment that would change the Tennessee IOLTA program requirements. Although I did not actively participate in the drafting of the resolution, as a board member, I voted on the resolution. 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.

In 2012, I appeared before the Tennessee judicial nominating commission to speak on behalf of John Campbell, a candidate to fill a vacancy on the Tennessee Criminal Court for Shelby County. I did not retain a copy of the remarks I made that day. To my knowledge, those remarks were not transcribed, and I have been unable to locate a copy.

- 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.

November 10, 2016: Presenter, Legal Issues Confronting Inside Counsel - Internal Corporate Investigations and Whistleblowers, CLE Seminar, Baker, Donelson, Bearman, Caldwell, Berkowitz, PC, Memphis, TN. Materials supplied.

November 5, 2015: Speaker, Swearing-In Ceremony for Newly Admitted Attorneys, Tennessee Bar Association, Memphis, TN. Remarks supplied.

October 29, 2015: Speaker, Celebrate Pro Bono Celebration, Martin Tate Morrow & Marston, Memphis, TN. Remarks supplied.

April 27, 2015: Speaker, Naturalization Ceremony, Memphis Bar Association and the U.S. District Court for the Western District of Tennessee, Memphis, TN. Remarks supplied.

January 8, 2015: Speaker, Investiture for Chancellor Oscar C. "Bo" Carr, Memphis, TN. Remarks supplied.

December 3, 2014: Speaker, Annual Meeting, Memphis Bar Association, Memphis, TN. Remarks supplied.

December 27, 2013: Presenter, *Qui Tam* 101, CLE Seminar, Baker, Donelson, Bearman, Caldwell, Berkowitz, PC, Memphis, TN. Materials supplied.

October 12, 2013: Presenter, Improving Patient Outcomes and Reducing Lawsuits, "Heal on Beale" Conference, Regional Seminar for Skin Care Nurses, Memphis, TN. Materials supplied.

September 10, 2013: Presenter, CLE Webinar, What You Need to Know about Government Audits and Prosecutions of Long Term Care Facilities, Memphis, TN. Materials supplied.

November 9, 2012: Presenter, Government Enforcement in Long Term Care, Long Term Care Symposium CLE, Nashville, TN. Materials supplied.

November 8, 2012: Panelist, Public Forum on the Importance of a Fair and Impartial Justice System, Memphis Bar Association, Memphis, TN. I have no notes, transcript, or recording. The address is Benjamin L. Hooks Central Library, 3030 Poplar Avenue, Memphis, Tennessee 38111.

November 9, 2011: Presenter, Foreign Corrupt Practices Act – UK Corruption Act, CLE Seminar for Ricoh USA Legal Department (open to the public), Malvern, PA. Materials supplied.

June 9, 2006: Presenter, Attorney Client Privilege Issues in Federal Criminal Matters and Sentencing Issues, Annual Federal Criminal Practice and Procedure, CLE Seminar for Alumni of the University of Mississippi School of Law, University, MS. I have no notes, transcript, or recording. The address is The University of Mississippi School of Law, 481 Chucky Mullins Drive, University, Mississippi 38677.

April 7, 2006: Presenter, Trends in Federal Prosecutions, CLE Seminar for Alumni of the University of Mississippi School of Law, University, MS. I have no notes, transcript, or recording. The address is The University of Mississippi School of Law, 481 Chucky Mullins Drive, University, Mississippi 38677.

April 3, 2006: Presenter, Government Investigations of Corporations, General Counsel Institute CLE, Nashville, TN. Materials supplied.

August 26, 2005: Presenter, Government Investigations of Corporations, General Counsel Institute CLE, Memphis, TN. Materials supplied.

November 21, 2002: Panelist, Opening Statement and Closing Argument, Memphis Bar Association, Memphis, TN. I have no notes, transcript, or recording. The address is Memphis Bar Association, One Commerce Square, Suite 1050, Memphis, Tennessee 38103.

- 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.

Local legal tradition and culture continue to change, Memphis Daily News, Apr. 25, 2015. Copy supplied.

Ex-Millington mayor gets probation in bribery case, Associated Press, Nov. 8, 2014. Copy supplied.

Former Mayor Hodges Sentenced to Probation, Millington Star, Nov. 8, 2014. Copy supplied.

Hodges Gets Three Years Probation, Memphis Daily News, Nov. 8, 2014. Copy supplied.

Former Millington mayor gets probation in bribery case, The Commercial Appeal, Nov. 7, 2014. Copy supplied.

Former Millington mayor and businessman plead guilty to felonies, The Commercial Appeal, Sept. 9, 2014. Copy supplied.

Former Millington mayor enters guilty plea, WMC NBC Action News 5, Memphis, Sept. 8, 2014. Copy supplied.

Former Millington mayor pleads guilty, WREG, CBS News Channel 3, Memphis, Sept. 8, 2014 (discussing my statement). Copy supplied.

Hodges Bribery Arraignment Pushed Back a Month, WREG, CBS News Channel 3, Memphis, Mar. 8, 2012. Copy supplied.

Millington mayor vows to fight corruption charges, WMC-TV, ABC, Memphis, Jan. 5, 2012. Copy supplied.

Millington Mayor Hodges pleads not guilty, The Commercial Appeal, Nov. 19, 2011. Copy supplied.

Hodges' Attorneys Urge Public to Withhold Judgment, Memphis Daily News, Oct. 12, 2011. Copy supplied.

Mayor's attorney calls statements misleading; Says Millington inquiry summaries 'one-side', The Commercial Appeal, Aug. 10, 2011. Copy supplied.

Affidavit claims Millington vice, The Commercial Appeal, Aug. 6, 2011. Copy supplied.

FDA Raps Local Food Firm, The Commercial Appeal, June 2, 2011. Copy supplied.

Secret pleas revealed – Drug kingpin Petties' records, under wraps since 2009, disclosed, The Commercial Appeal, Feb. 23, 2011. Copy supplied.

Memphis drug kingpin Craig Petties pleaded guilty to 19 counts in 2009, officials reveal, The Commercial Appeal, Feb. 22, 2011. Copy supplied.

List of Hopefuls Grows by Two, The Commercial Appeal, Sept. 17, 2005. Copy supplied.

Parker Moves From Public Service to Private Practice, Memphis Daily News, July 22, 2004. Copy supplied.

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

I have not held any judicial offices.

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

- i. Of these, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
 - b. a brief description of the asserted conflict of interest or other ground for recusal;
 - c. the procedure you followed in determining whether or not to recuse yourself;
 - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have not held a judicial office.

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

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

I have never held public office.

- 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.

Republican Party of Shelby County
Steering Committee Member, 2009 to 2014; Counsel, 2016

The Steering Committee of the local Republican Party works to elect Republican candidates in county, state, and federal elections. Elections for offices in the city of Memphis are non-partisan.

I have not held a position or title in a campaign other than volunteer. In particular, I worked as a volunteer for the Senatorial campaigns for Lamar Alexander. In the summer and fall of 2002, I volunteered to put out yard signs and to hand out literature. In August 2005, I volunteered on the fund raising committee for an event in Memphis that raised money for Senator Alexander's campaign. In the summer and fall of 2008 and 2014, I volunteered to put out yard signs and handed out literature for Senator Alexander's campaign.

I similarly have served as a volunteer on campaigns for local offices, including Bobby Carter for criminal court judge, Dan Michael for juvenile court judge, Valerie Smith for circuit court judge, and Bill Gibbons for district attorney.

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

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

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

I did not serve a judicial clerk.

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

I have not practiced alone.

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

1989 to 1995
Waring Cox Lawyers (merged with Glankler Brown PLLC in 2001)
50 North Front Street, Suite 1300
Memphis, TN 38103
Associate Attorney

1995 to 2004

United States Attorney's Office for the Western District of Tennessee
167 North Main Street, Suite 800
Memphis, TN 38103
Assistant U.S. Attorney

2004 to Present

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Shareholder

- 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 as an 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.

As an associate at Waring Cox Lawyers (1989 to 1995), my practice focused on general civil litigation matters. I represented corporate and individual clients, both plaintiffs and defendants, in civil and commercial litigation. Among other things, I handled insurance defense matters, contract disputes, collections matters, and complex commercial litigation matters. My duties included serving as lead and second chair counsel for our clients at the trial court level and on appeal. As lead counsel, I prepared and argued pre-trial motions, conducted discovery, prepared cases for trial and appeal, and negotiated settlements on behalf of the firm's clients. In my role as second chair, I assisted lead counsel in all of the tasks referenced above. I appeared in both state and federal courts.

As an Assistant United States Attorney (1995 to 2004), I was assigned to the criminal division where I prosecuted criminal cases on behalf of the United States in matters involving narcotics trafficking, money laundering and white-collar crime in the United States District Court for the Western District of Tennessee and the United States Court of Appeals for the Sixth Circuit. I appeared in court several times a week. My responsibilities included organizing and conducting grand jury investigations; handling pre-trial and post-trial motion hearings; presenting cases at trial and sentencing; preparing and arguing appeals.

As a shareholder at Baker, Donelson, Bearman, Caldwell and Berkowitz, (2004 to present), my practice includes representing corporate and individual clients in civil and criminal litigation. I regularly serve as defense counsel regarding medical malpractice claims against physicians, hospitals, and other healthcare providers. I handle matters involving a variety of other substantive areas of tort and commercial litigation. I also represent clients in government investigations, internal corporate investigations, False Claims Act litigation, and white-collar criminal matters. My duties include serving as lead counsel and co-counsel, managing the preparation of cases for trial and appeal in state and federal court. This includes investigation, discovery, pre-trial and post-trial motion practice, settlement negotiations and trial.

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

1989 to 1995: At Waring Cox Lawyers, I represented corporate and individual clients, both plaintiffs and defendants, in civil and commercial litigation.

1995 to 2004: At the United States Attorney's Office for the Western District of Tennessee, I represented the United States.

2004 to Present: At Baker, Donelson, Bearman, Caldwell and Berkowitz, I represent corporate and individual clients in civil and criminal litigation.

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

My practice has been 100% litigation from 1989 to present.

From 1989 to 1995, my practice was 100% civil and it was approximately 70% state court and 30% federal court. I occasionally appeared in court.

From 1995 to 2004, my practice was 100% criminal and 100% federal court. I frequently appeared in court.

From 2004 to present, my practice has been more variable – approximately 70% to 90% civil and approximately 10% to 30% criminal. My practice also varies from federal to state, but presently it is about 60% state court and 40% federal court. I occasionally appear in court.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 40%

- 2. state courts of record: 55%
- 3. other courts: 5%
- 4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

- 1. civil proceedings: approximately 65%
- 2. criminal proceedings: approximately 35%

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

I have tried approximately 30 trials to verdict. In most of the cases, I was lead or sole counsel. In a few cases, I was co-counsel, and in five trials, I was second chair.

i. What percentage of these trials were:

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

- 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 appeared 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 v. Haynes*, 242 F. Supp. 2d 540 (W.D. Tenn. 2003); 265 F. Supp. 2d 914 (W.D. Tenn. 2003); 269 F. Supp. 2d 970 (W.D. Tenn. 2003). *See also*

United States v. Johnson, 416 F.3d 464 (6th Cir. 2005), *cert. denied*, 546 U.S. 1191 (2006).

I served as co-lead counsel with Tony Arvin on behalf of the United States before Judge Bernice B. Donald. The three defendants—Haynes, Maxwell, and Johnson—were charged with bank robbery and the killing of another person in the course of a bank robbery. The United States sought the death penalty in the case. It was the first death penalty case tried to verdict in the Western District of Tennessee. We responded to approximately 60 pretrial motions including several difficult motions to suppress. For example, Johnson, moved to suppress his confession because of his alleged mental disability.

Haynes was the first defendant to go to trial. The trial lasted approximately two weeks, and the jury found him guilty on all counts. At the conclusion of the penalty phase, the jury did not impose the death penalty and the court sentenced him to life imprisonment. Following the verdict, the United States then entered plea agreements with the co-defendants that resulted in agreed-upon life sentences.

Before pleading guilty, a co-defendant, Mr. Johnson, presented an issue of first impression to the Sixth Circuit Court of Appeals: he wanted to assert the duress defense. Mr. Johnson argued unsuccessfully that proof of his mental disability should be considered by the jury in evaluating whether his diminished capacity made him more susceptible to duress. Both the District Court and the Sixth Circuit ruled in favor of the government.

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2. *United States v. Cooney*, No. 98-cr-02271 (W.D. Tenn.) (trial and appellate counsel between 1998 and 2001). *See also United States v. Cooney*, 26 Fed. App'x 513 (6th Cir. 2002), *cert. denied*, 535 U.S. 1118 (2002); *United States v. Cooney*, 87 Fed. App'x 580 (6th Cir. 2004); *Cooney v. United States*, 543 U.S. 1099 (2005) (Judgment vacated, and case remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. 220 (2005)); *United States v. Cooney*, 239 Fed. App'x 198 (6th Cir. 2007), *cert. denied*, 552 U.S. 1122 (2008).

This case involved a large cocaine trafficking organization in Memphis and their suppliers from Miami, Florida. The presiding judge was United States District Judge Julia Gibbons. The investigation included wiretaps of multiple cellular telephones. Several members of the conspiracy entered guilty pleas and agreed to cooperate. The suppliers of the organization, Patricia Cooney and Samuel Boswell, went to trial. After a two-week trial, the proof showed the defendants supplied over 1000 kilograms of cocaine and they were found guilty on all counts, including a criminal forfeiture count. Ms. Cooney was sentenced to life imprisonment initially and Mr. Boswell received 360 months. Following the *Apprendi* decision, they were resentenced. On resentencing, Ms. Cooney received a sentence of 100 years. She later raised an appeal under the *Booker* decision and received a sentence of 432 months. The Department of Justice's Organized Crime Drug Enforcement Task Force recognized this prosecution as the case of the year in 1998 for the Western District of Tennessee.

Counsel for Defendant Patricia Cooney

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3. *United States v. Moncivais*, No. 01-20087 (W.D. Tenn.). *See also United States v. Moncivais*, 401 F.3d 751 (6th Cir. 2005); *United States v. Moncivais*, 492 F.3d 652 (6th Cir. 2007), *cert. denied*, 522 U.S. 1031 (2007); 133 S. Ct. 1292 (2013); *United States v. Laurel*, 103 Fed. App'x 875 (6th Cir. 2004); *Laurel v. United States*, 543 U.S. 1115 (2005) (Judgment vacated, and case remanded to the United States Court

of Appeals for the Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. 220 (2005)).

This case began with the seizure of several ounces of cocaine base from a local defendant. That defendant agreed to cooperate to apprehend his supplier. Officers followed him to an agreed-upon location where they arrested his supplier in possession of two kilograms of cocaine. The supplier then cooperated against his supplier and two additional defendants were arrested with ten kilograms of cocaine. As the investigation unfolded officers seized an additional fifty-eight kilograms of cocaine from a stash location. Finally the holder of the fifty-eight kilograms of cocaine agreed to cooperate against his supplier, a Mexican national, Alberto Moncivais.

Mr. Moncivais moved to suppress a recorded three-way telephone call in which the government's cooperator was patched in to speak with him by an unwitting co-conspirator to discuss an outstanding shipment of cocaine. Mr. Moncivais argued unsuccessfully that he did not consent to be recorded and that the recording was an illegal wiretap. The Magistrate Court held a hearing for five days and ruled against Mr. Moncivais. Ultimately, Mr. Moncivais entered a guilty plea and received a sentence of 30 years. He reserved the right to appeal the denial of his suppression motion. The Sixth Circuit affirmed the conviction but, due to the ruling in *Booker*, his sentence has been remanded for resentencing. The presiding judge was United States District Judge Robert H. Cleland.

Counsel for Defendant Moncivais

E. E. Bo Edwards (deceased)

4. *United States v. McDonald*, No. 2:94-cr-20207 (W.D. Tenn.). See also *United States v. \$100,375.00 in U.S. Currency*, 70 F.3d 438 (6th Cir. 1995); *United States v. McDonald*, 96 F.3d 1448 (6th Cir. 1996); *United States v. McDonald*, 173 F.3d 430 (6th Cir. 1999) (unpublished), *cert. denied*, 528 U.S. 873 (1999); *McDonald v. United States*, 101 Fed. App'x 84 (6th Cir. 2004); *United States v. McDonald*, 326 Fed. App'x 880 (6th Cir. 2009), *cert. denied*, 564 U.S. 1045 (2011).

This prosecution was the first historical drug conspiracy case to be tried in the Western District of Tennessee. The presiding judge was United States District Judge Julia Gibbons. I served as second chair co-counsel to lead counsel, Stuart Canale. Mr. McDonald and Ms. Johnson were the local leaders of a large cocaine trafficking conspiracy. Multiple convicted drug traffickers from Texas and Colombia agreed to cooperate and testify in the case. The proof at trial involved several separate events that showed this group transported cocaine from Houston, Texas to Memphis, Tennessee, from 1991 until September, 1994. As the evidence was introduced, the connections to the defendants became apparent.

This complicated trial took five weeks to complete. The jury found McDonald and Johnson guilty of conspiracy to distribute thousands of kilograms of cocaine, as well as controlling the shipment of millions of dollars of drug proceeds back to Houston to the Colombians who controlled the source of the cocaine. Each defendant was sentenced to life imprisonment.

Counsel for Defendant Curtis McDonald
Edward Witt Chandler (deceased)

Counsel for Defendant Alice Marie Johnson
Wayne Emmons (deceased)

5. *Hays v. Foley, Semmes-Murphey, & Weiman*. Shelby County, No. 95056-4 T.D. (Tenn. Circuit Ct).

I served as co-defense counsel for a neurosurgeon and a neurosurgery clinic accused of medical malpractice in a case involving complex spinal reconstruction and fusion surgery and delayed infection. The presiding judge was Circuit Court Judge Lynn Field. The case involved a young female who was involved in a serious automobile accident in which she sustained multiple injuries including fractures to her thoracic spine and several internal injuries. Our client along with a thoracic surgeon performed complex spinal surgery to repair the fractures to the thoracic spine and to perform fusion of two vertebrae. The patient failed to keep follow-up appointments.

Approximately one year after the surgery, she traveled to Bermuda for a family vacation. While in Bermuda, she suffered a serious infection and was diagnosed with spinal meningitis. She ultimately died in Bermuda. The proof at trial included multiple expert witnesses from several medical specialties and physicians from Bermuda. Following a two-week trial in February 2013, the jury returned a verdict in favor of the neurosurgeon and neurosurgery clinic.

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6. *United States v. Flowers*, No. 2:03-cr-20166 (W.D. Tenn.).

I prosecuted this case involving a unique fraud and money-laundering scheme by a local pastor and national office holder with the Memphis-based Church of God in Christ. The presiding judge was United States District Judge Jon P. McCalla. Mr. Flowers entered into an automobile fleet leasing agreement with a local company. He falsely represented that the agreement was on behalf of the church so all transactions would be exempt from state sales tax.

Over the next several months, Mr. Flowers leased over 100 vehicles and improperly registered all of them in the name of the church. Rather than conducting transactions for the benefit of the church, Mr. Flowers instead obtained luxury cars for drug dealers who paid large cash down payments to him and sent the monthly payments to the lessor. Mr. Flowers kept the down payments and fraudulently caused the lessors to falsely report that the transactions were tax exempt. The United States brought a 58-count indictment. Flowers entered a guilty plea. After I left the US Attorney's office in April 2004, the case was assigned to another prosecutor to handle the sentencing and appeal.

Counsel for Defendant Flowers

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The Wagerman Law Firm
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(901) 527-0644

7. *United States v. Gaston, et al.*, No. 1:99-cr-10054 (W.D. Tenn.). *See also United States v. Gaston*, 16 Fed. App'x 375 (6th Cir. 2001).

I prosecuted this case against several gang members from Chicago, Illinois who moved to Union City, Tennessee to establish a gang chapter. The presiding judge was United States District Judge James D. Todd. The defendants were prosecuted for possession with intent to distribute cocaine base. The investigation included several under-cover purchases of drugs from members of the gang. The leader, Mr. Gaston, was suspected for murder by the state authorities but the investigation stalled because witnesses were afraid to testify. Once Mr. Gaston and his co-defendants were arrested and detained in the federal case, several witnesses emerged in the murder investigation and Mr. Gaston was convicted of murder and received a fifty-two year sentence from the State of Tennessee. As to the federal charges, each defendant entered a guilty plea. This case was investigated by the Union City Police Department and was recognized by the Department of Justice's

Organized Crime Drug Enforcement Task Force as case of the year for the Western District of Tennessee in 2000.

Counsel for Gaston

C. Mark Donahoe
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8. *United States v. Provence*, No. 10-20158-MI (W.D. Tenn.).

I served as defense counsel for a local pharmacist accused of wire, bank and mail fraud violations. The presiding judge was United States District Judge Jon P. McCalla. My client allegedly embezzled approximately \$1 million but we introduced mitigating evidence at sentencing and he received a sentence of probation.

Mr. Provence is a local licensed pharmacist who was operating a home infusion pharmacy as a joint venture with a local hospital group. The government alleged that Mr. Provence was selling blood factor products to third parties without the knowledge of his partners and that he kept the money from those sales. Before the government filed charges against Mr. Provence, I negotiated a settlement with the joint venture partner/victim in which Mr. Provence repaid the money owed.

Counsel for United States

Stuart Canale, Assistant U.S. Attorney
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9. *Ridings v. Ralph M. Parsons Company, et al.*, No. 37110-2 T.D. Circuit Court of Shelby County, TN, No. 02A01-9306-CV-00128 (Tenn. Ct. App.), 914 S.W. 2d 79 (Tenn. 1996).

As an associate attorney at Waring Cox, I was co-counsel for the Ralph M. Parsons Company. The presiding judge was Circuit Court Judge Janice Holder. This case involved an injury to a worker on a large construction project that included multiple contractors and subcontractors. An issue of first impression arose involving the newly instituted comparative fault doctrine in Tennessee and the treatment of an employer when an employee sustains an on-the-job injury. The issue was whether the defendants could identify a plaintiff's employer as an entity to whom the jury should apportion fault. I wrote the appellate briefs and argued on behalf of our client before the Tennessee Court of Appeals and the Tennessee Supreme Court. Although we prevailed in the Court of Appeals, the Tennessee Supreme Court reversed and ruled in favor of the plaintiff in a reported decision.

Counsel for Plaintiff David E. Ridings

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10. *State of Tennessee v. Hodges*, Criminal Court for Shelby County, Tennessee, No. 12 01028.

I represented Richard Hodges, the sitting mayor of a suburb of Memphis, when he was charged with bribery. The presiding judge was Criminal Court Judge Paula Skahan. The state had recorded several telephone calls and meetings involving my client. Following months of discovery disputes with the prosecution, the state agreed to a plea bargain in which Mr. Hodges would plead to a single count. Mr. Hodges entered a guilty plea to a single count and was sentenced to probation.

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

False Claims Act litigation that did not progress to trial: I represented both individual and corporate clients in matters involving the False Claims Act. For example, I represented a large charity hospital during an investigation conducted by the Department of Justice related to a *qui tam* complaint alleging false claims related to the administration of grants. Following several document productions and interviews of multiple employees, the government chose to decline to intervene and the relator dismissed the case. I represented a regional bank in connection with an investigation of alleged false claims conducted by the Department of Justice and the Department of Housing and Urban Development. Counsel for the parties met several times to make presentations on the facts and the legal issues. Ultimately, the parties agreed to a settlement that was very favorable for my client. I represented a medical provider in another *qui tam* investigation conducted by the Department of Justice. After many years of investigation and the government's decision to intervene, the parties agreed to a settlement that was less than 5% percent of the government's initial demand.

I served as co-defense counsel for a Memphis-based spice manufacturer in an action brought by the U.S. Food and Drug Administration (FDA) in the U.S. District Court for

the Western District of Tennessee seeking broad injunctive relief including destruction of the client's entire inventory based on violations of the Food, Drug and Cosmetic Act. The Court found that our client had violated the Act. However, the Court also recognized the extensive measures undertaken by our client to ensure future compliance with FDA rules and regulations. Thus, the injunction imposed by the court did not include much of the relief sought by the government. See *United States v. Am. Mercantile Corp.*, 889 F. Supp. 2d 1058 (W.D. Tenn. 2012).

In addition, I conducted numerous internal corporate investigations involving a variety of regulatory issues including environmental compliance, health care fraud, antitrust issues, securities fraud, and foreign corrupt practices act violations.

Lobbying Activities: I have never performed lobbying activities on behalf of a client.

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

I have not taught any courses.

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

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.

No.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see attached financial disclosure report.

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

Please see attached net worth statement.

24. Potential Conflicts of Interest:

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

Over the years, I have given legal advice to family members. I have done legal work for my brother Charles Gerber's business, Gerber Taylor Associates. Moreover, two of my wife's brothers are practicing lawyers and one of my sisters-in-law is a practicing lawyer. If I am nominated and confirmed as a judge, I will recuse myself from any case in which any family members are involved as parties or counsel. I would also recuse myself from any matter in which I have a financial interest.

I would not preside over any legal matter on which I have worked as practicing lawyer. Because I have been a shareholder at Baker, Donelson, Bearman, Caldwell and Berkowitz, I plan to recuse myself from all matters involving that firm for a period of two years. After that time, I would approach potential conflicts of interest on a case-by-case basis.

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

If confirmed, I plan to consult and follow the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 USC §455 and other relevant recusal rules or guidelines.

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

I have consistently handled pro bono matters when allowed to during my legal career. My pro bono activity has included extensive work in and on behalf of the local bar association.

As a young lawyer, I worked to organize the high school minority pre-law conference at which we invited high school students to come to the University of Memphis Law School to attend a full-day conference involving lawyers and judges who spoke to them about various aspects of the legal profession and areas of study they may consider going forward in college. We held this event for approximately four years and received an

ABA Award for community involvement. For three years, I volunteered for Junior Achievement teaching an eighth-grade class regarding basic economics on a weekly basis for several weeks each year.

For over ten years, the Memphis Bar Association has sponsored a monthly legal clinic at which indigent clients are invited to come and seek free legal advice. I have participated in that clinic on a regular basis for approximately 10 years. It is not unusual for a client at one of the clinics to need additional assistance and I have given my name many times and continued to represent those persons as clients.

In December 2016, I worked at an expungement clinic in which indigent persons with a criminal record were invited to explore whether they were eligible for expungement under Tennessee law. At that clinic, over 1,000 people applied for expungement and over 600 were eligible. I am currently handling a number of matters that are pro bono in nature including a criminal matter involving an individual who entered a guilty plea and was then committed to a mental institution.

In another pro bono matter, I represent a father and his daughter. The daughter and her sister were attacked by a boyfriend. The boyfriend first attacked the daughter in her apartment so she called her sister for help. Her sister came to the apartment and the boyfriend shot and killed her. The boyfriend has been indicted for murder and attempted murder. His trial on the criminal charges is scheduled in August 2017. I have assisted the father and daughter to navigate the criminal process, and I filed a civil suit on their behalf. The family is seeking civil damages from the defendant as a result of the murder and assault. The court entered a default judgment in favor of the plaintiffs and a hearing on damages is upcoming.

Recently the Tennessee Supreme Court started a program in which it recognizes lawyers who have performed in excess of 50 hours of pro bono service and I have received that recognition for the last three years.

26. Selection Process:

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

In November 2016, I contacted the offices of Senator Lamar Alexander and Senator Bob Corker to express my interest in being nominated as a judge of the United States District Court for the Western District of Tennessee.

Since March 14, 2017, I have been in contact with the White House Counsel's Office. On March 23, 2017, I interviewed with attorneys from the White House Counsel's Office in Washington, DC.

On April 11, 2017, Senator Alexander and Senator Corker advised me that the President was considering nominating me, and officials from the Department of Justice later contacted me about filling out nominations forms. On July 13, 2017, the President submitted my nomination to the Senate.

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

No.