

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Patricia Elaine Campbell-Smith
Patricia Elaine Campbell (formerly)

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

Judge, United States Court of Federal Claims

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.

United States Court of Federal Claims
Office of Special Masters
717 Madison Place, NW
Washington, DC 20005

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

1966; Baltimore, Maryland

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.

1989 – 1992, Tulane University Law School; J.D. (with honors), 1992

1983 – 1987, Duke University; B.S.E.E. (with honors), 1987

Summer 1985, New College, Oxford University; 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 your services. Include the name and address of the employer and job title or description.

2005 – present
United States Court of Federal Claims
Office of Special Masters
717 Madison Place, NW
Washington, DC 20005
Chief Special Master (2011 – present)
Special Master (2005 – 2011)

1998 – 2005
The Honorable Emily C. Hewitt (currently Chief Judge)
United States Court of Federal Claims
National Courts Building
717 Madison Place, NW, Suite 617
Washington, DC 20005
Career Law Clerk

1993 – 1996; 1997 – 1998
Liskow & Lewis
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139
Associate Attorney

1996 – 1997
The Honorable Sarah S. Vance (currently Chief Judge)
United States District Court for the Eastern District of Louisiana
500 Poydras Street, Chambers 255
New Orleans, Louisiana 70130
Term Law Clerk

1992 – 1993
The Honorable Martin L.C. Feldman
United States District Court for the Eastern District of Louisiana
500 Poydras Street, Chambers 555
New Orleans, Louisiana 70130
Term Law Clerk

Spring 1992
The Honorable John Minor Wisdom
United States Court of Appeals for the Fifth Circuit
600 South Maestri Place
New Orleans, Louisiana 70130
Extern

Summer 1991
Liskow & Lewis
701 Poydras Street, Suite 5000

New Orleans, Louisiana 70139
Summer Associate

Summers 1990, 1991
Stone, Pigman, Walther, Witman
546 Carondelet Street
New Orleans, Louisiana 70130
Summer Associate

Summer 1990
Exxon Company, U.S.A. (now Exxon Mobil Corporation)
Office of Legal Counsel, Exploration and Production
1555 Poydras Street
New Orleans, Louisiana 70139
Summer Associate

1987 – 1989
Exxon Company, U.S.A. (now Exxon Mobil Corporation)
3329 Scenic Highway
Baton Rouge, Louisiana 70805
Electrical and Instrumentation Engineer (pipestills and flares)

Other Affiliations (uncompensated):

2006 – present
Aglow International Community Lighthouse
1718 Belmont Avenue, Suite K
Baltimore, Maryland 21244
President

2000 – 2003
Garrison Forest School
300 Garrison Forest Road
Owings Mills, Maryland 21117
Member, Board of Trustees

2001 – 2003
Samuel Ready Scholarship Foundation
Post Office Box 202
Riderwood, Maryland 21139
Member, Board of Trustees

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

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

Law School:

Moot Court Board Appointment (based on class ranking) (1990 – 1992)

Legal Research and Writing Fellow (by invitation) (1991 – 1992)

Tulane Environmental Law Clinic, advocate (1991)

Undergraduate:

A.B. Duke Merit Scholar (1983 – 1987)

Eta Kappa Nu (electrical engineering honor society) (1986 – 1987)

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

American Bar Association (2001 – present)

Court of Federal Claims Bar Association (2000 – present)

Federal Circuit Bar Association (2004 – present)

Louisiana State Bar Association (1993 – 2011, inactive 2011 – present)

Environmental Law Section (1994 – 1999)

Minority Involvement Section (1993 – 1999)

Intellectual Property Section (1998 – 1999)

Maryland State Bar Association (2001 – 2011)

National Association of Women Judges (2006 – present)

10. **Bar and Court Admission:**

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

2000, Maryland
1993, Louisiana

There have been no lapses in membership.

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

United States Court of Appeals for the Federal Circuit, 2002
United States Court of Federal Claims, 2000
Supreme Court of Louisiana, 1993
Maryland Court of Appeals, 2000

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.

Aglow International (1999 – present)
Community Lighthouse President (2006 – present)

Garrison Forest School
Member, Board of Trustees (2000 – 2003)
School Life Committee, Chair (2002 – 2003)

Samuel Ready Scholarship Foundation
Member, Board of Trustees (2001 – 2003)

United Cerebral Palsy Board of Trustees, Intern (1997 – 1998)

- 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 Garrison Forest School Board of Trustees is diverse, but the school is an all girls' school. The Samuel Ready Scholarship Foundation Board is diverse, but the scholarship foundation provides financial support to girls. Although Aglow International was founded as an organization for Christian women, the long-standing participation of men was recognized formally more than ten years ago. Consistent with this recognition, the organization changed its name in 1995 from Women's Aglow to Aglow International. Otherwise, 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 practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, and 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.

To the best of my knowledge, I have not written or edited any published material.

- 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.

To the best of my knowledge, I have not prepared or contributed to the preparation of any publicly available reports, memoranda or policy statements.

- 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.

To the best of my knowledge, I have not issued or provided any testimony, official statements or other communications.

- 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.

December 6, 2012: I provided brief remarks to the Advisory Commission on Childhood Vaccines, Department of Health and Human Services, concerning the appointment of two Special Masters, in Rockville, Maryland. I have no notes, transcript or recordings. The address of the Advisory Commission is 5600 Fishers Lane, Rockville, Maryland 20852.

November 15, 2012: I participated on a conference panel concerning proposed amendments to the Vaccine Injury Table for the Office of Special Masters during the 25th Annual U.S. Court of Federal Claims Judicial Conference, in Washington, DC. Audio of the panel is available at:
http://www.cofc.uscourts.gov/sites/default/files/conferences/2012/audio/vaccine_proposed_table_amendments.mp3.

November 15, 2012: I participated on a conference panel concerning proposed revisions to the Practice Guidelines for the Office of Special Masters during the 25th Annual U.S. Court of Federal Claims Judicial Conference, in Washington, DC. Audio of the panel is available at:
http://www.cofc.uscourts.gov/sites/default/files/conferences/2012/audio/vaccine_afternoon_sessions.mp3.

November 15, 2012: I participated on a conference panel entitled, "The Vaccine Program – Year in Review" during the 25th Annual U.S. Court of Federal Claims Judicial Conference, in Washington, DC. Audio of the panel is available at:
http://www.cofc.uscourts.gov/sites/default/files/conferences/2012/audio/vaccine_afternoon_sessions.mp3.

October 10, 2012: I participated in a panel discussion entitled, "The Role of the Judicial Law Clerk," with the Black Law Student Association at American University Law School, in Washington, DC. I have no notes, transcript or recordings. The address of American University Law School is 4801 Massachusetts Avenue, NW, Washington, DC 20016.

October 9, 2012: I participated in a panel discussion entitled, "The Role of the Judicial Law Clerk," with a judicial opinion writing class, held at Catholic University Law School in Washington, DC. I have no notes, transcript or recordings. The address of Catholic University Law School is 620 Michigan Avenue, NE, Washington, DC 20064.

July 18, 2012: I participated in a panel discussion entitled, "Introduction to the Court – Vaccine Jurisdiction" with law clerks and interns sponsored by the Court of Federal Claims Bar Association, in Washington, DC. I have no notes, transcript

or recordings. The address of the CFC Bar Association is Post Office Box 7614 (Ben Franklin Station), Washington, DC 20044.

January 26, 2012: I participated in a panel discussion entitled, “Judicial Selection – The Nuts and Bolts of Making it to the Bench” held by the National Association of Women Judges, in Baltimore, Maryland. I have no notes, transcript or recordings, but press coverage is supplied. The address of the National Association of Women Judges is 1341 Connecticut Avenue, NW, Suite 4.2, Washington, DC 20036.

December 8, 2011: I provided brief introductory remarks concerning the role of the Office of Special Masters during orientation for new members of the Advisory Commission on Childhood Vaccines, Department of Health and Human Services, in Rockville, Maryland. I have no notes, transcript or recordings. The address of the Advisory Commission is 5600 Fishers Lane, Rockville, Maryland 20852.

October 19, 2011: I participated on a conference panel entitled, “The Vaccine Program – Year in Review” during the 24th Annual U.S. Court of Federal Claims Judicial Conference, in Berkeley, California. I have no notes, transcript or recordings. The address of the Court of Federal Claims is 717 Madison Place, NW, Washington, DC 20005.

October 19, 2011: I participated on a conference panel discussing career opportunities at the Office of Special Masters with Boalt Law students and faculty during the 24th Annual U.S. Court of Federal Claims Judicial Conference, in Berkeley, California. I have no notes, transcript or recordings. The address of the Court of Federal Claims is 717 Madison Place, NW, Washington, DC 20005.

October 18, 2011: I participated in a panel discussion entitled, “The New IOM Report on Vaccine Safety” during the 24th Annual U.S. Court of Federal Claims Judicial Conference, in Berkeley, California. Audio of the panel is available at: <http://www.cofc.uscourts.gov/sites/default/files/conferences/2011/2011JC01.wav>.

October 18, 2011: I participated in a panel discussion entitled, “Contemplating Genetic Variation and adverse Events” during the 24th Annual U.S. Court of Federal Claims Judicial Conference, in Berkeley, California. Audio of the panel is available at: <http://www.cofc.uscourts.gov/sites/default/files/conferences/2011/2011JC01.wav>.

September 1, 2011: I provided a brief introduction and comments regarding the role of the Office of Special Masters during a meeting of the Advisory Commission on Childhood Vaccines; Department of Health and Human Services, in Rockville, Maryland. Transcript supplied.

July 20, 2011: I participated in a panel discussion entitled, “Introduction to the Court – Vaccine Jurisdiction” with law clerks and interns, sponsored by the Court

of Federal Claims Bar Association, in Washington, DC. I have no notes, transcript or recordings. The address of the CFC Bar Association is Post Office Box 7614 (Ben Franklin Station), Washington, DC 20044.

June 29, 2010: I participated in a panel discussion entitled, "Using Your Internship or Clerkship to Springboard Your Legal Career" with law clerks and summer interns, sponsored by the Court of Federal Claims Bar Association, in Washington, DC. I have no notes, transcript or recording. The address of the CFC Bar Association is Post Office Box 7614 (Ben Franklin Station), Washington, DC 20044.

July 22, 2009: I participated in a panel discussion entitled, "Introduction to the Court – Vaccine Jurisdiction" with law clerks and summer interns, sponsored by the Court of Federal Claims Bar Association, in Washington, DC. I addressed the Court's vaccine litigation and talked about my experience as a former clerk. I have no notes, transcript or recordings. The address of the CFC Bar Association is Post Office Box 7614 (Ben Franklin Station), Washington, DC 20044.

- 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.

To the best of my knowledge, I have not given any interviews.

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 was appointed in December 2005 by the judges of the Court of Federal Claims to serve as one of the eight special masters within the Office of Special Masters. In this role, I hear and decide vaccine injury claims brought pursuant to the National Vaccine Injury Compensation Program. Established by the Vaccine Act in 1986, the Office of Special Masters is a component of the Court of Federal Claims. I am now serving my second term of four years as a special master.

In April 2011, I was appointed by the judges of the Court of Federal Claims to serve as chief special master of the office, adding various administrative and budgetary responsibilities to my ongoing case management responsibilities as a judicial officer.

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

1663

i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%
civil proceedings:	100%
criminal proceedings:	0%

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

See attached list.

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).

1. Doe 11 v. Sec'y of Health & Human Servs., 2008 WL 649065 (Fed. Cl. Spec. Mstr. Jan. 31, 2008), vacated and remanded, 2008 WL 4899356 (Fed. Cl.), on remand, 2008 WL 4899356 (Fed. Cl. Spec. Mstr.), aff'd, 87 Fed. Cl. 1 (2009), aff'd, 601 F.3d 1349 (Fed. Cir. 2010), cert. denied, 131 S. Ct. 573 (2010).

This matter concerned a vaccine injury claim presenting the issue of whether petitioners' minor daughter died as a result of receiving a hepatitis B vaccine. I found that petitioners failed to establish vaccine-related causation. On review, my decision was vacated and remanded, with criticism that I had applied an overly onerous burden of proof. Relying, in part, upon evidence provided by respondent that undercut petitioners' assertions, I found on remand that petitioners had failed to demonstrate entitlement to compensation. The remand decision was affirmed on review by the Court of Federal Claims and on appeal to the Federal Circuit.

Counsel for Petitioner: Richard Gage
1815 Pebrican Avenue
Post Office Box 1223
Cheyenne, Wyoming 82001
(307) 433-8864

Counsel for Respondent: Glenn A. MacLeod
United States Department of Justice
Vaccine/Torts Branch, Civil Division
Post Office Box 146
Ben Franklin Station

Washington, DC 20044
(202) 616-4122

2. Hazlehurst v. Sec'y of Health & Human Servs., No. 03-654V, 2009 WL 332306 (Fed. Cl. Spec. Mstr. Feb. 12, 2009), aff'd, 88 Fed. Cl. 473 (2009), aff'd, 604 F.3d 1343 (Fed. Cir. 2010).

This matter concerned a vaccine injury claim, selected as one of three Omnibus Autism Proceeding test cases, presenting the general issue of whether children can develop autism as a result of receiving a measles, mumps, and rubella (MMR) vaccine in combination with thimerosal-containing vaccines. After carefully considering extensive evidence, including the testimony of a number of exceptionally well-qualified medical and scientific expert witnesses, I found in a 172-page decision that the evidence was not sufficient to establish that the receipt of a MMR vaccine in combination with thimerosal-containing vaccines caused autism either in general or in the specific case involving petitioners' minor son. The decision was affirmed on review by the Court of Federal Claims and on appeal to the Federal Circuit.

Counsel for Petitioner: Curtis R. Webb
752 Addison Avenue
Post Office Box 1768
Twin Falls, Idaho 83303
(208) 734-1616

Counsel for Respondent: Linda Renzi
United States Department of Justice
Vaccine/Torts Branch, Civil Division
Post Office Box 146
Ben Franklin Station
Washington, DC 20044
(202) 616-4133

3. Mead v. Sec'y of Health & Human Servs., No. 03-215V, 2010 WL 892248 (Fed. Cl. Spec. Mstr. Mar. 12, 2010).

This matter concerned a vaccine injury claim, selected as one of three Omnibus Autism Proceeding test cases presenting the general issue of whether children can develop autism as the result of receiving thimerosal-containing vaccines. After careful consideration of extensive evidence, including the testimony of a number of preeminent scientific and medical expert witnesses, I found in a 127-page decision that the evidence was not sufficient to establish that the receipt of thimerosal-containing vaccinations caused autism either in general or in the specific case of petitioners' minor son. Petitioners did not seek review of the decision.

Counsel for Petitioner: Thomas Powers
9755 Southwest Barnes Road
Suite 45
Portland, Oregon 97225
(503) 295-2924

Counsel for Respondent: Lynn Ricciardella
United States Department of Justice
Vaccine/Torts Branch, Civil Division
Post Office Box 146
Ben Franklin Station
Washington, DC 20044
(202) 616-4356

4. Bast v. Sec'y of Health & Human Servs., No. 01-565V, 2012 WL 6858040 (Fed. Cl. Spec. Mstr. Dec. 20, 2012), appeal docketed (Fed. Cl. Jan. 22, 2013).

This matter concerned a vaccine injury claim alleging petitioner's minor daughter suffered seizures, an encephalopathy, and liver damage as a result of a hepatitis B vaccination. Petitioner proceeded on the alternate theories of vaccine-induced autoimmunity and mitochondrial dysfunction. I found in a 71-page decision that the record did not support a finding of entitlement on either of the theories that petitioner pursued. As to the theory of vaccine-induced autoimmunity, I found no reliable evidence that petitioner suffered from an autoimmune condition, either vaccine-induced or otherwise. As to the theory of mitochondrial dysfunction, I found that petitioner failed to prove that her daughter suffered from a mitochondrial dysfunction that was either caused or aggravated by the receipt of a hepatitis B vaccination.

Counsel for Petitioner: Clifford Shoemaker
9711 Meadowlark Road
Vienna, Virginia 22182
(703) 281-6395

Counsel for Respondent: Ann Martin
United States Department of Justice
Vaccine/Torts Branch, Civil Division
Post Office Box 146
Ben Franklin Station
Washington, DC 20044
(202) 616-4310

5. Wax v. Sec'y of Health & Human Servs., No. 03-2830V, 2012 WL 3867161 (Fed. Cl. Spec. Mstr. Aug. 7, 2012), aff'd, --- Fed. Cl. ---, 2012 WL 6771576 (Dec. 18, 2012).

This matter concerned a vaccine injury claim pending in the court's Omnibus Autism Proceeding filed after the Vaccine Act's statute of limitations had run. I dismissed the claim after determining that the petition was time-barred. I addressed the constitutionality of the Act's statute of limitations, and I found the doctrine of equitable tolling inapplicable under the factual circumstances of the case.

Counsel for Petitioner: Michael London
111 John Street
14th Floor
New York, New York 10038
(212) 931-9980

Counsel for Respondent: Lynn Ricciardella
United States Department of Justice
Vaccine/Torts Branch, Civil Division
Post Office Box 146
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Washington, DC 20044
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6. Waddell v. Sec'y of Health & Human Servs., No. 10-316V, 2012 WL 4829291 (Fed. Cl. Spec. Mstr. Sept. 19, 2012).

This matter concerned a vaccine injury claim alleging that petitioner's minor son suffered a vaccine-induced encephalopathy caused by or significantly aggravated by the minor's receipt of his twelve-month vaccinations, including an MMR vaccine. After issuing a fact ruling, I ruled on petitioner's motion for a decision. Dismissing the claim for insufficient proof, I addressed the difference between an encephalopathy as narrowly defined by the Vaccine Injury Table, which is presumptively compensable under the Vaccine Program, and an encephalopathy as more broadly understood by medical professionals.

Counsel for Petitioner: Mark T. Sadaka
20 North Van Burnt Street, Suite 4
Englewood, New Jersey 07631
(201) 266-6570

Counsel for Respondent: Lynn Ricciardella
United States Department of Justice
Vaccine/Torts Branch, Civil Division

Post Office Box 146
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7. Riddick v. Sec'y of Health & Human Servs., No. 99-643V, 2006 WL 2990220 (Fed. Cl. Spec. Mstr. Oct. 4, 2006).

This matter concerned a vaccine injury claim involving an allegation that petitioner's receipt of the hepatitis B vaccine during his first year of medical school caused him to develop chronic fatigue syndrome and postural orthostatic tachycardia syndrome. I denied respondent's motion to dismiss, finding sufficient circumstantial evidence of vaccination in the absence of an immunization record. My ruling enabled the parties to reach an agreement regarding a damages award. I issued a decision awarding compensation to petitioner based on the parties' stipulation of damages.

Counsel for Petitioner: Ronald C. Homer
16 Shawmut Street
Boston, Massachusetts 02116
(617) 695-1990

Counsel for Respondent: Althea Davis
United States Department of Justice
Vaccine/Torts Branch, Civil Division
Post Office Box 146
Ben Franklin Station
Washington, DC 20044
(202) 616-0515

8. Shaw v. Sec'y of Health & Human Servs., No. 01-707V, 2009 WL 3007729 (Fed. Cl. Spec. Mstr. Aug. 31, 2009), reconsideration denied, (Fed. Cl. Spec. Mstr. Sept. 29, 2009), review granted in part, remanded by 91 Fed. Cl. 715 (2010).

This matter concerned a vaccine injury claim involving an allegation that petitioner's receipt of the hepatitis B vaccine series caused him to suffer a neuropathy. I dismissed the claim, finding that petitioner had failed to meet his burden of proof establishing vaccine-related causation. Among the factors that informed my decision to dismiss was petitioner's reliance upon a medical expert who lacked the expertise in neurology to address the pertinent medical issues. Petitioner moved for reconsideration of my dismissal decision, and I declined to grant that motion. Petitioner then sought review from the Court of Federal Claims. The Court of Federal Claims affirmed my dismissal decision, but reversed my decision not to consider the new evidence introduced by

petitioner in the motion for reconsideration. The case is now before me on remand.

Counsel for Petitioner: Ronald C. Homer
16 Shawmut Street
Boston, Massachusetts 02116
(617) 695-1990

Counsel for Respondent: Voris Johnson
United States Department of Justice
Vaccine/Torts Branch, Civil Division
Post Office Box 146
Ben Franklin Station
Washington, DC 20044
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9. Shaw v. Sec'y of Health & Human Servs., No. 01-707V, 2009 WL 1010058 (Fed. Cl. Spec. Mstr. Mar. 27, 2009), review dismissed by 88 Fed. Cl. 463 (2009), rev'd, 609 F.3d 1372 (Fed. Cir. 2010), denying review (Fed. Cl. Feb. 14, 2012) (filed under seal).

This matter concerned petitioner's counsel's motion for an award of interim fees prior to the issuance of a ruling on petitioner's entitlement to compensation. I granted in part, and deferred the remainder of, the request for interim attorneys' fees and costs and thereby permitted a fee award prior to the conduct of an entitlement decision. The Court of Federal Claims held, on review, that it lacked jurisdiction to consider the motion and dismissed it. On appeal, the Federal Circuit reversed the dismissal decision finding that the Court of Federal Claims did have jurisdiction to consider the motion for review. Subsequently, the Court of Federal Claims affirmed my decision awarding a partial grant of the requested interim fees. A second motion for interim fees was filed and granted in conformance with the parties' stipulation.

Counsel for Petitioner: Ronald C. Homer
16 Shawmut Street
Boston, Massachusetts 02116
(617) 695-1990

Counsel for Respondent: Voris Johnson
United States Department of Justice
Vaccine/Torts Branch, Civil Division
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(202) 616-4136

10. Lowrie v. Sec'y of Health & Human Servs., No. 03-1585, 2012 WL 5853026 (Fed. Cl. Spec. Mstr. Oct. 26, 2012).

This matter concerned a vaccine injury claim alleging that a Vaccine Table injury of encephalopathy occurred as a result of a diphtheria, tetanus, acellular pertussis vaccine. I issued a ruling on entitlement in response to respondent's motion for ruling on the record, finding that petitioner was entitled to compensation. The ruling required careful review of the fact findings, which were made by a former special master who had held two fact hearings, and the opinions on causation provided by both parties' experts. In response to my ruling, the parties filed a proffer on damages. I issued a decision awarding the proffered damages.

Counsel for Petitioner: Robert T. Moxley
2718 Oneil Avenue
Cheyenne, Wyoming 82001
(307) 632-1112

Counsel for Respondent: Darryl Wishard
United States Department of Justice
Vaccine/Torts Branch, Civil Division
Post Office Box 146
Ben Franklin Station
Washington, DC 20044
(202) 616-4357

- 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. Doe 11 v. Sec'y of Health & Human Servs., No. 99-212V, 2008 WL 4899356 (Fed. Cl. Spec. Mstr. Oct. 29, 2008), aff'd, 87 Fed. Cl. 1 (2009), aff'd, 601 F.3d 1349 (Fed. Cir. 2010), cert. denied, 131 S. Ct. 573 (2010).

Counsel for Petitioner: Richard Gage
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Post Office Box 1223
Cheyenne, Wyoming 82001
(307) 433-8864

Counsel for Respondent: Glenn A. MacLeod
United States Department of Justice

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2. Hazlehurst v. Sec'y of Health & Human Servs., No. 03-654V, 2009 WL 332306 (Fed. Cl. Spec. Mstr. Feb. 12, 2009), aff'd, 88 Fed. Cl. 473 (2009), aff'd, 604 F.3d 1343 (Fed. Cir. 2010).

Counsel for Petitioner: Curtis R. Webb
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(208) 734-1616

Counsel for Respondent: Linda Renzi
United States Department of Justice
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3. Mead v. Sec'y of Health & Human Servs., No. 03-215V, 2010 WL 892248 (Fed. Cl. Spec. Mstr. Mar. 12, 2010)

Counsel for Petitioner: Thomas Powers
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Suite 450
Portland, Oregon 97225
(503) 295-2924

Counsel for Respondent: Lynn Ricciardella
United States Department of Justice
Vaccine/Torts Branch, Civil Division
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Washington, DC 20044
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4. Bast v. Sec'y of Health & Human Servs., No. 01-565V, 2012 WL 6858040 (Fed. Cl. Spec. Mstr. Dec. 20, 2012), appeal docketed (Fed. Cl. Jan. 22, 2013).

Counsel for Petitioner: Clifford Shoemaker
9711 Meadowlark Road

Vienna, Virginia 22182
(703) 281-6395

Counsel for Respondent: Ann Martin
United States Department of Justice
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5. Wax v. Sec'y of Health and Human Servs., No. 03-2830V, 2012 WL 3867161 (Fed. Cl. Spec. Mstr. Aug. 7, 2012), aff'd, --- Fed. Cl. ---, 2012 WL 6771576 (Dec. 18, 2012).

Counsel for Petitioner: Michael London
111 John Street
14th Floor
New York, New York 10038
(212) 931-9980

Counsel for Respondent: Lynn Ricciardella
United States Department of Justice
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6. Waddell v. Sec'y of Health & Human Servs., No. 10-316V, 2012 WL 4829291 (Fed. Cl. Spec. Mstr. Sept. 19, 2012).

Counsel for Petitioner: Mark T. Sadaka
20 North Van Burnt Street, Suite 4
Englewood, New Jersey 07631
(201) 266-6570

Counsel for Respondent: Lynn Ricciardella
United States Department of Justice
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7. Riddick v. Sec'y of Health & Human Servs., No. 99-643V, 2006 WL 2990220 (Fed. Cl. Spec. Mstr. Oct. 4, 2006).

Counsel for Petitioner: Ronald C. Homer
16 Shawmut Street
Boston, Massachusetts 02116
(617) 695-1990

Counsel for Respondent: Althea Davis
United States Department of Justice
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8. Shaw v. Sec'y of Health & Human Servs., No. 01-707V, 2009 WL 3007729 (Fed. Cl. Spec. Mstr. Aug. 31, 2009), reconsideration denied, (Fed. Cl. Spec. Mstr. Sept. 29, 2009), review granted in part, remanded by 91 Fed. Cl. 715 (2010).

Counsel for Petitioner: Ronald C. Homer
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Counsel for Respondent: Voris Johnson
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9. Shaw v. Sec'y of Health & Human Servs., No. 01-707V, 2009 WL 1010058 (Fed. Cl. Spec. Mstr. Mar. 27, 2009), review dismissed by 88 Fed. Cl. 463 (2009), rev'd, 609 F.3d 1372 (Fed. Cir. 2010), denying review (Fed. Cl. Feb. 14, 2012) (filed under seal).

Counsel for Petitioner: Ronald C. Homer
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10. Lowrie v. Sec'y of Health & Human Servs., No. 03-1585, 2012 WL 5853026 (Fed. Cl. Spec. Mstr. Oct. 26, 2012).

Counsel for Petitioner: Robert T. Moxley
2718 Oneil Avenue
Cheyenne, Wyoming 82001
(307) 632-1112

Counsel for Respondent: Darryl Wishard
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- e. Provide a list of all cases in which certiorari was requested or granted.

Doe 11 v. Sec'y of Health & Human Servs., No. 99-212V, 2008 WL 4899356 (Fed. Cl. Spec. Mstr. Oct. 29, 2008), aff'd, 87 Fed. Cl. 1 (2009), aff'd, 601 F.3d 1349 (Fed. Cir. 2010), cert. denied, 131 S. Ct. 573 (2010).

- 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.

Doe 11 v. Sec'y of Health & Human Servs., 2008 WL 649065 (Fed. Cl. Spec. Mstr. Jan. 31, 2008), vacated and remanded, 2008 WL 4899356 (Fed. Cl.), on remand, 2008 WL 4899356 (Fed. Cl. Spec. Mstr.), aff'd, 87 Fed. Cl. 1 (2009), aff'd, 601 F.3d 1349 (Fed. Cir. 2010), cert. denied, 131 S. Ct. 573 (2010). With respect to the Doe 11 petitioners' entitlement claim, I decided that petitioners had failed to prove that their minor daughter died as a result of receiving a hepatitis B vaccine. On review, the Court of Federal Claims (COFC) found that I had applied the legal standard incorrectly. The COFC vacated my decision and remanded the case to me with particular instructions. On remand, I held that petitioners failed to prove entitlement to compensation relying, in part, on evidence provided by respondent that undercut petitioners' assertions. My decision on remand was

affirmed on review by the Court of Federal Claims and on appeal to the Federal Circuit. The Supreme Court denied petitioners' petition for writ of certiorari.

Doe 11 v. Sec'y of Health & Human Servs., 2009 WL 1803457 (Fed. Cl. June 9, 2009) rev'd and remanded in part sub nom. Doe/11 v. Sec'y of Health & Human Servs., 89 Fed. Cl. 661 (Fed. Cl. 2009), remanded to Doe 11 v. Sec'y of Health & Human Servs., XX-XXXV, 2010 WL 529425 (Fed. Cl. Jan. 29, 2010). With respect to the Doe 11 petitioners request for interim attorneys' fees and costs, I awarded the undisputed portion of requested fees and deferred a decision on the disputed aspect of the interim fee petition until counsel submitted a final application for fees. On review, the court awarded fees for the portion of work performed by counsel before the court on review. The court then remanded the case to me to resolve the disputed aspect of the interim fee petition that I earlier had sought to defer. On remand, I resolved the remaining interim fee dispute.

House v. Sec'y of Health & Human Servs., No. 99-406V, 2011 WL 7341503 (Fed. Cl. Spec. Mstr. Feb. 28, 2011), rev'd and remanded, (Fed. Cl. Aug. 29, 2011) (filed under seal), remanded to (Fed. Cl. Spec. Mstr. Feb. 14, 2012) (decision based on the parties' stipulation). I dismissed petitioner's claim for compensation, finding that he had failed to prove that the hepatitis B vaccine series he had received led to his development of Crohn's Disease. On review, the court determined that I had erred in my evaluation of two of the three prongs of the applicable legal standard. The court reversed and remanded the case to me. On remand, the parties reached an agreement regarding a damages award. I subsequently issued a decision awarding the amount of damages to which the parties had stipulated.

Shaw v. Sec'y of Health & Human Servs., No. 01-707V, 2009 WL 3007729 (Fed. Cl. Spec. Mstr. Aug. 31, 2009), reconsideration denied, 2009 WL 3007729 (Fed. Cl. Spec. Mstr. Sept. 29, 2009), review granted in part and remanded, 91 Fed. Cl. 715 (2010). I dismissed petitioner's claim, finding that he had failed to meet his burden of proof establishing vaccine-related causation. Among the factors that informed my decision to dismiss was petitioner's expert's insistence that petitioner suffered not from the injury petitioner's treating doctors repeatedly considered, but from a neurological injury that none of his many treating doctors had diagnosed or contemplated. Petitioner moved for reconsideration of my dismissal decision, offering evidence in support of a finding that the received vaccine caused the injury petitioner's treating physicians suspected he might have. I denied the motion for reconsideration. On review, the court affirmed my initial dismissal decision, but remanded the case for consideration of the evidence submitted in the motion for reconsideration. The parties then tried to resolve the matter informally. Those efforts were unsuccessful. The matter is now ripe before me for decision.

- 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.

I have issued more than 1,500 unpublished decisions. These decisions constitute approximately 95% of the decisions I have issued. These unpublished decisions include: (1) summary dismissal decisions based on petitioner's acknowledgment that she cannot prove her claim; and (2) decisions awarding either damages or attorneys' fees based on the parties' stipulations. The Clerk of the Court is the custodian of the decisions, some of which are available through the court's electronic case filing system. The unpublished decisions are also posted on the Court of Federal Claims website. Some of the decisions are available on Westlaw, and substantially fewer are available on Lexis.

- 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.

Wax v. Sec'y of Health and Human Servs., No. 03-2830V, 2012 WL 3867161 (Fed. Cl. Spec. Mstr. Aug. 7, 2012), aff'd, --- Fed. Cl. ---, 2012 WL 6771576 (Dec. 18, 2012) (addressing petitioners' contention that applying the Vaccine Act's limitations period in their son's autism case violated their federal constitutional rights to due process and equal protection).

- 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:

- 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 received any requests for my recusal. Nor has a conflict of interest arisen that requires my recusal.

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

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

Other than judicial office, I have not held any public office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not held office in or rendered services to any political party or election committee. I have not held a position or played a role in a political campaign.

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 have served as a law clerk to three federal judges. I served as a term law clerk to The Honorable Martin L.C. Feldman, United States District Court for the Eastern District of Louisiana, from 1992 to 1993. I served as a term law clerk to The Honorable Sarah S. Vance, United States District Court for the Eastern District of Louisiana, from 1996 to 1997. I served as a career law clerk to The Honorable Emily C. Hewitt, United States Court of Federal Claims, from 1998 to 2005.

- 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.

1993 – 1996, 1997 – 1998
Liskow & Lewis
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139
Associate Attorney

1998 – 2005
The Honorable Emily C. Hewitt (currently Chief Judge)
United States Court of Federal Claims
National Courts Building
717 Madison Place, NW, Suite 617
Washington, DC 20005
Career Law Clerk

- 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 mediated four vaccine claims that resulted in awards of compensation to petitioners.

Niazi v. Sec'y of Health & Human Servs., No. 01-617V
Assisted the parties in resolving a petitioner's claim that the hepatitis B vaccine she received caused her to develop chronic fatigue syndrome.

Hayes v. Sec'y of Health & Human Servs., No. 06-738V
Assisted the parties in resolving a claim that the influenza vaccine petitioner received caused him to suffer various neurological injuries.

Taylor v. Sec'y of Health & Human Servs., No. 07-458V
Assisted the parties in resolving a petitioner's claim that he developed Guillain Barre Syndrome as a result of an influenza vaccine he received.

Davey v. Sec'y of Health & Human Servs., No. 11-794V
Assisted the parties in resolving a petitioner's claim that the human papillomavirus (HPV) vaccines she received caused her to suffer neurological and gastrointestinal injuries.

b. Describe:

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

I began in private practice at Liskow & Lewis in 1993, following a one-year clerkship term. The areas of focus during my tenure with the firm were environmental law, toxic tort litigation, consultation regarding patent infringement claims, and oil and gas regulatory work. I researched compliance issues concerning water and air emissions and disclosure issues regarding the disposal of hazardous materials. I drafted opinion letters for various clients with either environmental regulatory compliance concerns or concerns regarding potential patent infringement by their competitors. I drafted cease and desist letters for clients concerned about infringing competitors. I researched oil and gas lease terms and payment history for clients with concerns about receiving proper royalties. I researched insurance coverage issues for clients with potential toxic tort liability and prepared memoranda that were incorporated into either opinion letters or summary judgment briefing.

While working at the firm, I was invited to complete an unexpired clerkship term from 1996 to 1997. Upon completion of that clerkship term, I returned to the firm.

In 1998, I began a seven-year term of service as a federal law clerk preparing draft opinions involving the diverse areas of subject matter considered by the Court of Federal Claims, including military pay, takings, contracts, and bid protests. I maintained case files and reviewed case submissions to make recommendations regarding next steps. I gathered case materials for trial and provided statements regarding case posture for status conferences.

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

The clients with whom I worked most closely at the firm were petrochemical companies, shipping companies, and the Honorable Kathleen Blanco, then a commissioner with the Louisiana Public Service Commission. For these clients, I researched issues affecting natural gas providers as well as matters involving royalties from oil and gas leases, environmental restrictions and infractions, and potential patent infringement claims.

I did not have clients during my tenure as a career law clerk with the Court of Federal Claims.

- 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.

While in private practice, my responsibilities were split between providing client advice and counseling and conducting depositions in support of the asbestos litigation the firm was handling. Toward the end of my tenure in private practice, I occasionally appeared in court to argue various motions in connection with the asbestos litigation.

As a career law clerk, I routinely supported the judge in preparation for various bench trials.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 70% |
| 2. state courts of record: | 30% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

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

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

I have not tried any cases in courts of record.

- i. What percentage of these trials were:

- | | |
|--------------|----|
| 1. jury: | 0% |
| 2. non-jury: | 0% |

- 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.

I practiced as an attorney during the years of 1993 to 1996 and 1997 to 1998, as an Associate with Liskow & Lewis. Most of my work with the firm pertained to client counseling. The litigation with which I was involved involved the representation of Todd Shipyards, its executives and its insurers. Todd Shipyards was one of the defendants in the multi-party asbestos litigation brought by former shipyard workers in New Orleans, Louisiana in Civil District Court. The litigation involved a group of cases before various courts involving numerous counsels for plaintiffs and defendants. See Walls v. Am. Optical Corp., No. 478-932 (La. Civ. Dist. Ct. Parish of Jefferson) (Jacob L. Karno, J.) (on best knowledge, this case was filed in 1995); Meredith v. Asbestos Corp., No. 95-12312 (La. Civ. Dist. Ct. Parish of Orleans Aug. 18, 1995) (Richard J. Ganucheau, J.); and Perque v. Avondale Indus., No. 93-677 (La. Civ. Dist. Ct. Parish of Orleans) (Roland L. Belsome, J.). See also Landry v. Avondale Industries, Inc., 864 So.2d 117 (La. 2003); Meredith v. Asbestos Corp., Ltd., 707 So.2d 1334 (La.App. 4 Cir. 1998); Walls v. American Optical Corp., 703 So.2d 800 (La.App. 5 Cir. 1997).

I managed a significant document review effort in connection with this toxic tort action. I prepared and maintained the privileged documents log for that case, conducted a score of depositions, and drafted portions of the summary judgment motions that narrowed the case issues for trial. Our client was ultimately dismissed as a defendant.

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Counsel overseeing this
litigation for the firm was:

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Liskow & Lewis
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New Orleans, Louisiana 70139
(504) 556-4159

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.)

During my tenure at the firm, I advised a number of our petrochemical companies of the scope of potential fines likely to be imposed by federal and state authorities for various water, air, and hazardous material regulatory violations.

As a special master, I have participated in a significant revision to the Guidelines for Practice under the National Vaccine Injury Compensation Program, which is forthcoming. This document provides practical guidance to practitioners and self-represented litigants with Program claims.

Also as a special master, I have also served on the Technology Committee of the Court of Federal Claims.

I have not performed any lobbying activities.

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

Legal Research and Writing, Senior Fellow, Tulane University Law School, 1991 to 1992. In this capacity, I taught first year law students how to write persuasive and well-reasoned legal memoranda. I do not have a copy of the syllabus.

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

I have made no arrangements for deferred income or future benefits to be derived from previous professional or business relationships.

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 do not have any such plans, commitments, or agreements.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

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

Vaccine claims that were previously on my docket as a special master would present a conflict of interest if I were to be confirmed. Were I assigned those cases on review, I would recuse myself. I do not anticipate any other conflicts, but I would carefully review each assigned case for potential conflicts.

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

If confirmed, I would conduct a conflict check with each case assigned to me to ensure that I have no conflict of interest. To evaluate whether a potential conflict exists, I would comply with the relevant federal statutes and follow the guidance provided by the Code of Conduct for United States Judges and any applicable federal ethics opinions as well as the practices of the United States Court of Federal Claims. Were I to identify a conflict of interest, I would recuse myself from the case promptly.

- 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 served two years as the court-appointed lawyer in Juvenile Court in Orleans Parish, Louisiana for three children in foster care. That appointment required that I monitor the progress of the children and represent their interests in the proceedings that were initiated to terminate the parental rights of the children's biological parents. I visited with the children several hours a month, and I prepared for and attended all of the court proceedings over the course of the two-year appointment.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department

regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In January 2013, I received a call from an official from the Office of Legal Policy at the Department of Justice, asking whether I would be interested in serving on the Court of Federal Claims. I have been in contact with officials from the Office of Legal Policy since that time. On February 12, 2013, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On March 19, 2013, the President submitted my nomination to the Senate

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

No.

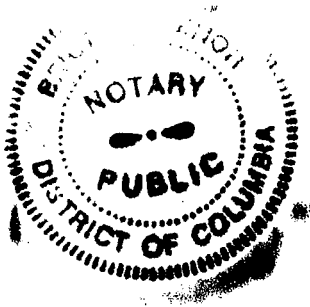
AFFIDAVIT

I, Patricia E. Campbell-Smith, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

March 19, 2013
(DATE)

Patricia E. Campbell-Smith
(NAME)

Brigette Tenor
(NOTARY)



**BRIGETTE TENOR
NOTARY PUBLIC, DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES OCT 31, 2013**