

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

William Holcombe Pryor Jr.
Bill Pryor

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

Member, United States Sentencing Commission

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 Appeals for the Eleventh Circuit
1729 Fifth Avenue North, Suite 900
Birmingham, Alabama 35203

Residence: Vestavia Hills, Alabama

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

1962; Mobile, Alabama

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

1984 – 1987, Tulane University School of Law; J.D. (*magna cum laude*), 1987

1980 – 1984, Northeast Louisiana University (now University of Louisiana at Monroe);
B.A. (*magna cum laude*), 1984

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 – present
United States Court of Appeals for the Eleventh Circuit
1729 Fifth Avenue North, Suite 900
Birmingham, Alabama 35203
United States Circuit Judge

2013 – present; 1989 – 1995
Cumberland School of Law at Samford University
800 Lakeshore Drive
Birmingham, Alabama 35229
Adjunct Professor

2006 – present
University of Alabama School of Law
Box 870382
101 Paul W. Bryant Drive, East
Tuscaloosa, Alabama 35487
Distinguished Visiting Professor of Law

1995 – 2004
State of Alabama
501 Washington Avenue
Montgomery, Alabama 36104
Attorney General (1997 – 2004)
Deputy Attorney General (1995 – 1997)

1991 – 1995
Walston, Stabler, Wells, Anderson & Bains (now part of Jones Walker)
One Federal Place
1819 Fifth Avenue North, Suite 1100
Birmingham, Alabama 35203
Associate Attorney

1988 – 1991
Cabaniss, Johnston, Gardner, Dumas & O’Neal
2001 Park Place North, Suite 700
Birmingham, Alabama 35203
Associate Attorney

1987 – 1988
United States Court of Appeals for the Fifth Circuit
600 Camp Street
New Orleans, Louisiana 70130
Law Clerk for the Honorable John Minor Wisdom

Summers 1984, 1985, 1987
Cabaniss, Johnston, Gardner, Dumas & O'Neal
2001 Park Place North, Suite 700
Birmingham, Alabama 35203
Summer Associate (Summers 1985 & 1987)
Summer Intern (Summer 1984)

Summers 1986 & 1987
Liskow & Lewis
One Shell Square
701 Poydas Street, Suite 5000
New Orleans, Louisiana 70139
Summer Associate

Summer 1986
Stone, Pigman, Walther, Wittmann & Hutchinson
546 Carondelet Street
New Orleans, Louisiana 70130
Summer Associate

Other Affiliations (uncompensated unless otherwise indicated):

1992 – present
Tulane Law Review
Tulane University Law School
6329 Freret Street
New Orleans, Louisiana 70118
Member, Board of Advisory Editors

2011 – present
Yale Law & Policy Review
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Member, Advisory Board

2005 – 2011; 1997 – 2003
Alabama Center for Law & Civic Education
Cumberland School of Law
800 Lakeshore Drive
Birmingham, Alabama 35229
Director and Vice President

1997 – 2004
Washington Legal Foundation
2009 Massachusetts Avenue, NW

Washington, D.C. 20036
Member, Legal Policy Advisory Board

1997 – 2004
Alabama Children First Foundation
1425 I-85 Parkway, Suite C
Montgomery, Alabama 36106
Vice Chairman, Board of Directors

1997 – 2004
Alabama Chapters of the Federalist Society for Law and Public Policy Studies (now defunct)
Board of Advisors

2000 – 2004
Children's Scholarship Fund of Alabama (now defunct)
Board of Directors

2000 – 2004
Policy Consensus Initiative
Portland State University
720 Urban Center
506 SW Mill Street
P.O. Box 1762
Portland, Oregon 97207
Board of Directors

1999 – 2000
Republican Attorneys General Association
No physical address
Treasurer

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

I have not served in the military. I registered for selective service upon turning 18.

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

Professional
National Catholic Educational Association Distinguished Graduate Award, St. Mary's School (2011)

University of Louisiana at Monroe, Hall of Traditions (2010)
 Honorary Membership, Pi Sigma Alpha (national political science honor society), Eta Nu Chapter, St. Joseph's University (2006)
 Honorary Doctorate of Laws, John Marshall Law School (2006)
 Honorary Membership, Phi Alpha Delta Law Fraternity, Atlanta Alumni Chapter (2005)
 Honorary Doctorate of Laws, Regent University (2004)
 Joint Resolution of the 108th U.S. Congress, H.R. 389 and S.R. 460, honored the victims of the Sixteenth Street Baptist Church bombing and commended the successful prosecutions of Thomas Blanton and Bobby Frank Cherry (2004)
 Governor's Award for Distinguished Service to Alabama, Governor Bob Riley, in recognition of service to Governor's Commission on Efficiency, Consolidation, and Funding (2004)
 McGill-Toolen Catholic High School Hall of Fame (2003)
 Penelope House Law Enforcement Hall of Fame Inductee for Advocacy Against Domestic Violence (2002)
 Harlon B. Carter Award, National Rifle Association-Institute for Legislative Action (2001)
 Friend of the Taxpayer Award, Alabama Citizens for a Sound Economy (2000)
 Guardian of Religious Freedom Award, Prison Fellowship Ministries, Justice Fellowship, and Neighbors Who Care (1999)
 Civil Justice Achievement Award, American Tort Reform Association (1999)

Tulane University School of Law

Faculty Honor Scholarship (1984 – 1987)
 Editor in Chief, *Tulane Law Review*
 Order of the Coif
 Rufus C. Harris Award in Torts (Best paper in torts)
 George Dewey Nelson Memorial Award (highest grade point average in common law curriculum)
 Best Oralist, Freshman Moot Court Competition

Northeast Louisiana University (now known as University of Louisiana at Monroe)

Band Scholarship (full tuition) (1980 – 1982)
 Academic Scholarship (1980 – 1984)
 Debate Scholarship (full tuition) (1983 – 1984)
 Winton Mizell Pre-Law Scholarship (1983 – 1984)
 Phi Kappa Phi (junior year)
 Omicron Delta Kappa
 Mortar Board
 President, Phi Eta Sigma (freshman honor society)
 Treasurer, Phi Alpha Theta (history honor society)
 Who's Who Among Students in American Universities & Colleges (1983 – 1984)
 Debate Team, Louisiana State Champion (1984)

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.

Advisory Committee to the Eleventh Circuit Judicial Council on the Future of Judicial Conferences

Vice-Chairman (2007)

Alabama District Attorneys Association (ex officio member)

Alabama State Bar Task Force on Legal Education

Alabama Supreme Court Commission on Dispute Resolution

American Bar Association

American Inns of Court, Hugh Maddox Chapter

Master of the Bench (1998 – 2004)

American Law Institute

Sustaining Member (2000 – present)

Eleventh Circuit Judicial Conference

Planning Committee, Chair (2009)

Eleventh Circuit Judicial Council (2010 – present)

Information Technology Committee, Chair

Personnel Committee

Petition for Review Panel Committee

Security and Preparedness Committee

Space and Facilities Committee

Federalist Society for Law and Public Policy Studies (1984 – present)

Chairman, Federalism & Separation of Powers Practice Group (2001 – 2003)

Judicial Conference of the United States

Judicial Resources Committee (2006 – 2013)

National Association of Attorneys General

Convenor, Federalism Working Group (2000 – 2004)

Member, Executive Working Group on Prosecutorial Relations (2000 – 2004)

Planning Committee, Eleventh Circuit Judicial Conference

Chairman (2009)

Tulane Law Review

Board of Advisory Editors (1992 – present)

United States Court of Appeals for the Eleventh Circuit

Electronic Records Committee, Chair

Equal Employment Opportunity Committee, Chair

Information Technology Committee, Chair

Human Resources Committee

Security Committee

Space and Facilities Committee

Judicial Misconduct Complaints Committee (ad hoc)

Budget Committee

10. Bar and Court Admission:

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

Alabama, 1988 (Special Member since 1995)

There has been no lapse in membership.

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

Supreme Court of the United States, 1993

United States Court of Appeals for the Eleventh Circuit, 1988

United States District Court for the Middle District of Alabama, 1988

United States District Court for the Northern District of Alabama, 1988

United States District Court for the Southern District of Alabama, 1988

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.

Alabama Fraternal Order of Police # 59 Flying Wheel Lodge (1997 – 2004)

Arrowhead Country Club (1999 – 2004)

Downtown Club (Junior Member) (1990 – 1993)

Equestrian Order of the Holy Sepulchre of Jerusalem, Knight Commander with Star (2005 – present)

Knights of Columbus, Third Degree Knight (1982 – present)

National Rifle Association (1998 – 2004)

Red Elephant Club of Birmingham (2012 – present)

Republican Attorneys General Association (1997 – 2004)
Chair (2011)

Treasurer (1999 – 2000)

Rotary Club of Birmingham (Honorary Member) (2007 – present)

State and Local Officials Senior Advisory Committee to the President's
Homeland Security Advisory Council (2002 – 2003)

- b. 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.

Prior to my membership, the Rotary Club limited membership to men. Membership in the Equestrian Order of the Holy Sepulchre of Jerusalem is limited to Roman Catholics and membership in the Knights of Columbus is limited to male Roman Catholics. To the best of my knowledge, none of the other organizations listed in response to 11a 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.

I wrote many opinion pieces during my time as Attorney General of Alabama that were reprinted widely across the state. I have included only one citation to each of those pieces in this list. Although I have searched my records, my memory, and internet databases for all opinion pieces I published during my service as Attorney General, this list may be incomplete. Copies of all pieces are supplied.

Note, *The Single Incident Inference of Municipal Liability Under Section 1983: City of Oklahoma City v. Tuttle*, 60 TUL. L. REV. 874 (1986).

A Survey of Alabama Law Pertaining to Improper Closing Arguments, 50 ALA. LAW. 9 (1989) (with Benjamin Rowe).

Applying Batson in Civil Trials: The Greatest Sideshow on Earth!, 22 CUMB. L. REV. 49 (1991), reprinted in 41 DEF. L. J. 551 (1992).

Attorney general says time is now for tort reform, MONTGOMERY ADVERTISER, Mar. 30, 1997.

Litigators' Smoke Screen, WALL ST. J., Apr. 7, 1997, at A-14.

Religious Display Proper, USA TODAY, Apr. 11, 1997, at 14-A.

Civil justice reform: Time to put issue behind us, Opelika-Auburn News, Apr. 13, 1997.

The Law Is at Risk in Tobacco Suits, N.Y. TIMES, Apr. 27, 1997, at E-15.

When federal judges should be impeached, HUNTSVILLE TIMES, July 25, 1997.

In the people's hands: A legislative solution is more flexible, DOTHAN EAGLE, Oct. 27, 1997.

Prayer ruling limits students' rights, TUSCALOOSA NEWS, Nov. 23, 1997.

Judge DeMent's prayer ruling is vague and overly broad, MOBILE REG., Nov. 23, 1997.

Letter to the Editor: Pursuit of welfare fraud is intense, BIRMINGHAM BUS. J., Dec. 22, 1997.

The Attorney General's agenda for safe schools, ALA. SCH. J., Jan. 30, 1998, at 5.

Voters can restore religious freedom, MONTGOMERY ADVERTISER, Oct. 23, 1998 (with Mark Wilkerson).

Delinquent Justice: One State's Struggle with Endless Death Penalty Appeals, WASH. LEGAL FOUND., Legal Backgrounder, vol. 13, no. 32 (1998).

Trial Lawyers Target Rule of Law, ATLANTA CONST., January 13, 1999, at A-11.

Law clerk recalls judicial giant, TUSCALOOSA NEWS, June 6, 1999.

Preface to JOHN FUND & MARTIN MORSE WOOSTER, *THE DANGERS OF REGULATION THROUGH LITIGATION: THE ALLIANCE OF PLAINTIFFS' LAWYERS AND STATE GOVERNMENTS* (2000).

A Comparison of Abuses and Reforms of Class Actions and Multigovernment Lawsuits, 74 TUL. L. REV. 1885 (2000), abridged version reprinted in METRO. CORP. COUNSEL, vol. 8, no. 11 (2000).

The War on Guns, in *THE RULE OF LAW IN THE WAKE OF CLINTON*, 135 (R. Pilon ed. 2000).

Book Review, 4 Q. J. AUSTRIAN ECON. 87 (2001) (reviewing MICHAEL KRAUSS, *FIRE AND SMOKE: GOVERNMENT, LAWSUITS, AND THE RULE OF LAW* (2000)).

Battling Violence Against Women: States, Not Feds, Should Lead in Protection Efforts, WASH. TIMES, January 11, 2000, at A-15.

Welfare fraud: A crime that won't be tolerated, CALL-NEWS DISPATCH, Feb. 10, 2000.

State needs truth in sentencing, SHELBY CO REPORTER, Mar. 15, 2000.

Criminal sentencing system must be reformed, OPP NEWS, Mar. 16, 2000.

Lower electric bills, WASH. COUNTY NEWS (CHATOM, ALA.), June 21, 2000.

Alabama doesn't execute innocent people, HUNTSVILLE TIMES, July 4, 2000, at A3.

Workman's comp fraud is against the law, ISLANDER (GULF SHORES, ALA.), Aug. 30, 2000.

Adults must help save young people, MONTGOMERY ADVERTISER, Sept. 11, 2000.

Voters should repeal marriage ban, MONTGOMERY ADVERTISER, Oct. 13, 2000.

Alabama faces redistricting challenge, DEMOCRAT REPORTER (LINDEN, ALA.), Dec. 21, 2000.

Comment, 31 SETON HALL L. REV. 604 (2001).

Government "Regulation By Litigation" Must Be Terminated, WASH. LEGAL FOUND., Legal Backgrounder, vol. 16, no. 21 (2001).

Regulation Through Litigation, 71 Miss. L. J. 613 (2001).

A Report from the State's Law Firm, 62 ALA. LAW. 264 (2001).

Teach them young before jail, GREENVILLE ADVOCATE, Jan. 17, 2001.

Fighting theft of identities, TIMES J. (FORT PAYNE, ALA.), Apr. 11, 2001.

Liberal politics of ABA earn Bush's rebuke, OUTLOOK (ALEXANDER CITY, ALA.), Apr. 20, 2001.

Alabama needs new crime laws, TIMES DAILY (FLORENCE, ALA.), May 3, 2001.

Attorney General looking out for consumers, VALLEY TIMES (LANETT, ALA.), Aug. 8, 2001.

Cooperation can improve school safety, MONTGOMERY ADVERTISER, Sept. 11, 2001.

Alabama has law enforcement heroes, OUTLOOK (ALEXANDER CITY, ALA.), Oct. 12, 2001.

Critical issue: Restructuring sentencing system, OUTLOOK (ALEXANDER CITY, ALA.), Nov. 7, 2001.

Mentors needed to curb juvenile crime, MONTGOMERY ADVERTISER, Jan. 15, 2002.

Water Works issues unchanged over 30 years, BIRMINGHAM NEWS, Jan. 27, 2002.

Pryor: Mentoring works, CULLMAN TIMES, Mar. 3, 2002.

National Police Week, TIMES STANDARD (MARION, ALA.), May 15, 2002.

Protect yourself from repair fraud, ST. CLAIR NEWS, May 16, 2002.

Alabama's juvenile violent crime rate drops by 11 percent in 2001, SOUTH ALABAMIAN, June 13, 2002.

Moment of Silence; A Schoolroom Pause Is Not Coercive and Doesn't offend the Constitution, CHARLOTTE OBSERVER, June 24, 2002, at 10A.

'One nation under God' will survive, SOUTHEAST SUN (ENTERPRISE, ALA.), July 10, 2002.

The Demand for Clarity: Federalism, Statutory Construction, and the 2000 Term, 32 CUMB. L. REV. 361 (2002).

Madison's Double Security: In Defense of Federalism, the Separation of Powers, and the Rehnquist Court, 53 ALA. L. REV. 1167 (2002).

Federalism and Congressional Reform of National Class Actions, WASH. LEGAL FOUND., Working Paper, No. 111 (2002).

Outrageous Illinois decision strengthens case for death, BIRMINGHAM NEWS, Feb. 23, 2003, at 2C.

Christian Duty and the Rule of Law, 34 CUMB. L. REV. 1 (2004).

The Tempting of Western Civilization, 5 ENGAGE: J. FEDERALIST SOC'Y PRAC. GROUPS 151 (2004) (reviewing ROBERT BORK, COERCING VIRTUE: THE WORLDWIDE RULE OF JUDGES (2003)).

Lessons of a Sentencing Reformer from the Deep South, 105 COLUM. L. REV. 943 (2005).

The Murder of Father James Coyle, The Prosecution of Edwin Stephenson, and the True Calling of Lawyers, 20 NOTRE DAME J. L. ETHICS & PUB. POL'Y 401 (2006).

Foreign and International Law Sources in Domestic Constitutional Interpretation, 30 HARV. J.L. & PUB. POL'Y 173 (2006).

The Religious Faith and Judicial Duty of an American Catholic Judge, 24 YALE L. & POL'Y REV. 347 (2006).

Neither Force Nor Will, But Merely Judgment, WALL ST. J., Oct. 4, 2006, at A14.

Judicial Independence and the Lesson of History, 68 ALA. LAW. 389 (2007).

Not-So-Serious Threats to Judicial Independence, 93 VA. L. REV. 1759 (2007), reprinted in THE BRIEF: A.B.A. SEC. TORT TRIAL & INS. PRAC., Winter 2008, 34.

Moral Duty and the Rule of Law, 31 HARV. J.L. & PUB. POL'Y 153 (2008).

Keeping the Study of Law in Proper Perspective: Remarks to the Class of 2010, 32 J. LEGAL PROF. 1 (2008).

The Perspective of a Junior Circuit Judge on Judicial Modesty, 60 FLA. L. REV. 1007 (2008).

Federalism and Freedom: A Critical Review of ERWIN CHERMERINSKY, ENHANCING GOVERNMENT: FEDERALISM FOR THE 21ST CENTURY (2008), 83 TUL. L. REV. 585 (2008).

Bill Pryor Op-Ed: Alabama on verge of real ethics reform, HUNTSVILLE TIMES, Dec. 5, 2010.

Viewpoints: Make Laws as Strong as Possible, BIRMINGHAM NEWS, Dec. 5, 2010.

The Legacy of Albert John Farrah, 72 ALA. LAW. 211 (2011).

Federalism and Sentencing Reform in the Post-Blakely/Booker Era, 8 OHIO ST. J. CRIM. L. 515 (2011).

The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths, 12 ENGAGE: J. FEDERALIST SOC'Y PRAC. GROUPS 94 (2011).

- 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.

Report of the Task Force on Tobacco Litigation, 27 CUMB. L. REV. 577 (1997). 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.

Testimony on Judicial Activism before the United States Senate Judiciary Committee, Subcommittee on the Constitution, Federalism, and Property Rights, July 15, 1997. Copy supplied.

Testimony on the Proposed Innocence Protection Act of 2001 before the United States Senate Judiciary Committee, June 27, 2001. Copy supplied.

Testimony on New Source Review Under the Clean Air Act, Joint Hearing before the United States Senate Judiciary Committee and the Environment & Public Works Committee, July 16, 2002. Copy supplied.

Testimony regarding my nomination to be Circuit Judge for the Eleventh Circuit before the United States Senate Judiciary Committee, June 11, 2003. Copy supplied.

- 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.

As a candidate for election in two statewide races, Attorney General of Alabama, and a United States Circuit Judge, I have spoken extensively to the public. I have searched my memory and my records to compile this list of speeches. Despite my best efforts, it is possible that this list is incomplete.

I have been unable to find any copies or transcripts of the vast majority of speeches I gave as the Attorney General of Alabama, and the press releases about those speeches have long since been removed from the website of the Office of the Attorney General. For those speeches that I have given since my appointment

to the federal bench, I have provided citations where applicable, and copies or videos of my remarks where I could find them.

Investiture Speech of Attorney General Bill Pryor, State Capitol, Old House Chambers, Montgomery, Alabama, Jan. 2, 1997.

Baccalaureate Speech to the 1997 Graduating Class of Independent Methodist School, Mobile, Alabama, Mar. 25, 1997.

Commencement Speech to 1997 Graduating Class of McGill-Toolen School, Mobile, Alabama, May 31, 1997.

“The Rule of Law and the Tobacco Settlement,” Remarks before the Policy Forum of the CATO Institute, Washington, District of Columbia, August 5, 1997.

“Federalism and the Court: Do Not Uncork the Champagne Yet,” Annual Conference, National Lawyer’s Division, Federalist Society for Law and Public Policy Studies, Federalism and Separation of Powers Practice Group, Washington, District of Columbia, October 16, 1997,
<http://www.fed-soc.org/publications/detail/federalism-revived-the-printz-and-city-of-boerne-decisions>.

Remarks at the Truth in Sentencing Press Conference, Montgomery, Alabama, January 23, 1998.

Remarks at the FOP Memorial Service for National Law Enforcement Week, State Capitol Lawn, Montgomery, Alabama, May 14, 1998.

Remarks at the National Drug Court Week Inaugural Graduation Ceremony, Tuscaloosa, Alabama, June 3, 1998.

Remarks at the Annual Banquet of the Alabama Peace Officers Association, Holiday Inn, Montgomery, Alabama, June 18, 1998.

Remarks to the Automobile Dealers Association of Alabama Annual Banquet, Sandestin Resort, Destin, Florida, June 19, 1998.

Remarks for National Drug Court Week, Inaugural Graduation Ceremony, Birmingham, Alabama, July 9, 1998.

Inauguration Speech of Attorney General Bill Pryor, Alabama State Capitol, Montgomery, Alabama, January 18, 1999.

“The Smoking Gun—The Next Case of Lawsuit Abuse,” American Shooting Sports Council Annual Convention, Atlanta, Georgia, February 1, 1999.

“Big Brother versus Big Business: The Latest Cases of Lawsuit Abuse,” American Tort Reform Association Annual Meeting, Four Seasons Hotel, Washington, District of Columbia, March 9, 1999.

“When States Sue the Feds: Recent Developments in Federalism Litigation,” Federalist Society for Law & Public Policy Studies and the Heritage Foundation, Washington, District of Columbia, March 23, 1999.

“Big Brother versus Big Business: The Latest Cases of Lawsuit Abuse,” Vanderbilt Federalist Society, Nashville, Tennessee, April 15, 1999.

National Law Enforcement Week Speech, Fraternal Order of Police Memorial Service, Alabama State Capitol Grounds, Montgomery, Alabama, May 10, 1999.

“The Dangerous Trend of Novel Government Tort Suits Against Entire Industries,” Birmingham Chapter of the Federalist Society for Law and Public Policy Studies, Harbert Center, Birmingham, Alabama, May 12, 1999.

Remarks to the D.A.R.E. Drug Abuse Resistance Education Program, Graduating Class, Birmingham, Alabama, May 12, 1999.

Commencement Speech for Spring Graduation at Northeast Louisiana University, Monroe, Louisiana, May 15, 1999.

Remarks to the Business Council of Alabama Environment and Energy Conference, The Grand Hotel, Point Clear, Alabama, June 14, 1999.

“Novel Government Lawsuits Against Industries: An Assault of the Rule of Law,” The New Business of Government-Sponsored Litigation: State Attorneys General & Big City Lawsuits, sponsored by the Federalist Society, the Manhattan Institute, and U.S. Chamber of Commerce Institute for Legal Reform, Washington, District of Columbia, June 22, 1999, <http://www.fed-soc.org/publications/detail/novel-government-lawsuits-against-industries-an-assault-on-the-rule-of-law>.

Remarks to the Selma Police Academy Graduating Class, Selma, Alabama, July 23, 1999.

“Curbing the Abuses of Government Lawsuits Against Industries,” American Legislative Exchange Council, Nashville, Tennessee, August 11, 1999.

Remarks at Christian Coalition Road to Victory Rally, Washington Hilton, Washington, District of Columbia, October 1, 1999.

“Curbing the Abuses of Government Lawsuits Against Industries,” American Tort Reform Association Annual Legislative Conference for State Coalition Leaders,

New York, New York, October 4, 1999, and American Tort Reform Conference, San Antonio, Texas, on October 5, 1999. Also presented to American Trucking Association 1999 Annual Management Conference, Orlando, Florida, on November 3, 1999.

“Should Business Support Federalism?,” Annual Conference, National Lawyer’s Division, Federalist Society for Law and Public Policy Studies, Corporations, Securities, and Antitrust Practice Group, Washington, District of Columbia, November 12, 1999.

“Curbing the Abuses of Government Lawsuits Against Industries,” Civil Justice Reform Group Steering Committee, Washington, District of Columbia, December 8, 1999.

Speech by Alabama Attorney General Bill Pryor for Dadeville Chamber of Commerce, Still Waters Resort, Dadeville, Alabama, January 11, 2000.

Speech by Alabama Attorney General Bill Pryor for State Farm Ambassadors of the Alabama-Mississippi Regional Offices, Birmingham, Alabama, February 9, 2000.

Speech to the Annual Banquet of the Alabama Chiefs of Police, Embassy Suites Hotel, Montgomery, Alabama, February 17, 2000.

“Prosecuting Worker Compensation Fraud,” 1999 Safety Seminar and Awards Luncheon, Auburn University Conference Center, Auburn, Alabama, February 23, 2000.

Remarks at the Catholic High School Prayer Breakfast, Montgomery, Alabama, March 7, 2000.

Remarks to the Moody Business Association, Moody, Alabama, March 9, 2000.

Speech to Alabama School Safety Leadership Training Conference, Keynote Luncheon, Lake Guntersville Lodge, Guntersville, Alabama, April 18, 2000.

“Novel Theories of Corporate Liability,” Speech to Southeastern Corporate Law Institute, The Grand Hotel, Point Clear, Alabama, April 29, 2000.

“Improving the Image of the Legal Profession by Restoring the Rule of Law,” Law Day Luncheon, Montgomery, Alabama, May 3, 2000.

Speech to Troy Exchange Club, One Nation Under God Luncheon, Holiday Inn, Troy, Alabama, May 4, 2000.

“Restorative Justice: How the Church Can Partner with Government,” National Forum on Restorative Justice, Hyatt Regency, Reston, Virginia, May 5, 2000.

Commencement Speech for the Troy State University Spring 2000 Graduation, Troy, Alabama, May 12, 2000.

“The Supreme Court as Guardian of Federalism,” Federalist Society for Law and Public Policy Studies, Federalism and Separation of Powers Practice Group and The Heritage Foundation’s Congress and the Constitution Series: “Federalism: The Quiet Revolution,” Washington, District of Columbia, July 11, 2000.

“Protecting Privacy: Some First Principles,” Privacy Symposium, American Council of Life Insurers, Grand Hyatt Hotel, Washington, District of Columbia, July 11, 2000.

“Extortion Parading as Law: The War on Guns,” CATO Institute Conference on the “Rule of Law in the Wake of Clinton,” Washington, District of Columbia, July 12, 2000.

“Curbing the Abuses of Government Lawsuits Against Industries,” Conference of State Manufacturers Association, Hilton Head, South Carolina, August 9, 2000.

Remarks to the Alabama Citizens for Life, Birmingham Area Chapter, Kickoff Meeting, Shelby County Library, September 5, 2000.

Greetings from Attorney General Bill Pryor to the Alabama Lawyers Association, Montgomery, Alabama, September 19, 2000.

“Practical Reform of the Constitution of Alabama,” Symposium on the Alabama Constitution, Jacksonville State University, Jacksonville, Alabama, September 26, 2000.

Remarks of Attorney General Bill Pryor to St. Mary’s Parish, Mobile, Alabama, October 8, 2000.

Remarks to the Alabama State Bar Board of Bar Commissioners Regarding the Moratorium Issue, Alabama State Bar Meeting, Montgomery, Alabama, October 27, 2000.

“Curbing the Abuses of Government Lawsuits Against Industries,” Annual Meeting of the Alabama Civil Justice Reform Committee, Embassy Suites, Montgomery, Alabama, October 31, 2000.

“Fulfilling the Reagan Revolution by Limiting Government Litigation,” An Address at the Reagan Forum, The Ronald Reagan Presidential Library, Simi Valley, California, November 14, 2000.

“The Future of Federalism,” Federalism After the Election: Opportunities and Challenges, Remarks before the Federalism and Separation of Powers Practice Group, National Lawyers Convention, The Federalist Society for Law & Public Policy, The Mayflower Hotel, Washington, District of Columbia, November 18, 2000.

“Curbing the Abuses of Government Lawsuits Against Industries,” Annual States and National Policy Summit of the American Legislative Exchange Council, Washington, District of Columbia, December 7, 2000.

“The State of Law Enforcement,” The Alabama Law Enforcement Summit, Montgomery Civic Center, Montgomery, Alabama, December 12, 2000.

Commencement Speech of Attorney General Bill Pryor for the Faulkner University Fall Graduation, Montgomery, Alabama, December 16, 2000.

“The One Thing Our Children Need the Most,” 2001 Faith Summit on Mentoring, Scrushy Conference Center, Birmingham, Alabama, January 9, 2001.

“Tort Liability, the Structural Constitution, and the States,” Federalist Society Litigation Practice Group Symposium, The National Press Club, Washington, District of Columbia, January 11, 2001.

Remarks at a Ceremony Honoring Dr. Martin Luther King, Jr., Alabama State Capitol, Montgomery, Alabama, January 15, 2001.

Statement in Support of Nomination of John Ashcroft for United States Attorney General, Senate Russell Building, Room 189, Washington, District of Columbia, January 18, 2001.

“The State of the State of Law Enforcement,” The Alabama Sheriff’s Association Winter Conference, Embassy Suites, Montgomery, Alabama, January 30, 2001.

Alabama Cattlemen’s Association Legislative Luncheon, Montgomery Civic Center, Montgomery, Alabama, February 16, 2001.

Remarks to Southwest Alabama Better Business Bureau Annual Luncheon, Mobile, Alabama, February 28, 2001.

“Fulfilling the Reagan Revolution by Limiting Government Litigation,” Joint Conference presented by The Alabama Policy Institute, The American Legislative Exchange Council, The Heritage Foundation, and The State Policy Network, The Wynfrey Hotel, Birmingham, Alabama, March 2, 2001.

“Fighting for Federalism,” Atlanta Lawyers Chapter of the Federalist Society, Atlanta, Georgia, March 28, 2001.

“Fulfilling the Reagan Revolution by Limiting Government Litigation,” 24th Annual Resource Bank Meetings of the Heritage Foundation, Sheraton Society Hilton, Philadelphia, Pennsylvania, April 18, 2001.

Remarks to the Fraternal Order of Police Memorial Service, State Capitol Lawn, Montgomery, Alabama, May 4, 2001.

“Competitive Federalism in Environmental Enforcement,” Alabama State Bar Environmental Section, 10th Annual Beach and Bar Symposium, Environmental and Business Law Under the New Bush Administration, Division of Responsibility Between the State and Federal Governments, Marriott’s Grand Hotel, Point Clear, Alabama, June 8, 2001.

“The Demand for Clarity: Federalism, Statutory Construction, and the 2000 Term—Viva La Revolution?” Federalism and the Supreme Court’s October 2000 Term, the Federalism Project of the American Enterprise Institute, Washington, District of Columbia, July 11, 2001, text available at 32 CUMB. L. REV. 361 (2002).

“What Hath the MSA Wrought? The Consequences of the State Tobacco Litigation,” Mississippi Bar Litigation and General Practice Section Annual Meeting at the Sandestin Beach Hilton, July 13, 2001.

“Federalism vs. Economic Efficiency,” 2001 American Legislative Exchange Council Annual Meeting, Marriott Marquis, New York, New York, August 1, 2001.

“The One Thing Our Children Need the Most,” Keynote Remarks to Mentor Birmingham, August 3, 2001, text available at 53 ALA. L. REV. 1167 (2002).

“Should There Be a Moratorium on the Death Penalty in Alabama?” A Debate with Senator Hank Sanders, Spring Hill College, Mobile, Alabama, September 10, 2001.

Speech of Alabama Attorney General Bill Pryor to the State Law Enforcement Summit, Montgomery Civic Center, Montgomery, Alabama, October 16, 2001.

Garrett, Disability Policy, and Federalism: A Symposium on Board of Trustees of the University of Alabama v. Garrett, University of Alabama School of Law, Tuscaloosa, Alabama, October 26, 2001.

“Regulation by Litigation: What Next for the State Attorneys General?”
Symposium: Litigation in Mississippi Today, University of Mississippi School of
Law, November 9, 2001.

Moment of Silence Debate, Panel on Religious Liberties, 15th Annual Lawyers
Convention of the Federalist Society, The Mayflower Hotel, Washington, District
of Columbia, November 16, 2001, [http://www.fed-
soc.org/doclib/20070913_RelLiberties2001Lawcon.pdf](http://www.fed-soc.org/doclib/20070913_RelLiberties2001Lawcon.pdf).

Debate with Walter Dellinger, former Solicitor General of the United States,
broadcast on the NPR program, “Justice Talking,” on November 16, 2001,
www.justicetalking.org/getshow.asp?showid=211.

“The One Thing Our Children Need the Most,” Big Brothers/Big Sisters of
Greater Birmingham, Faith Summit on Mentoring, Birmingham, Alabama,
January 15, 2002.

Montgomery County Partners in Education, Tutor Recognition Luncheon,
Montgomery, Alabama, January 24, 2002.

Remarks of Attorney General Bill Pryor to the U.S. Chamber of Commerce
Committee, South Seas Resort, Captiva Island, Florida, January 26, 2002.

Big Brothers/Big Sisters Legislative Breakfast, Montgomery, Alabama, January
31, 2002.

“Prosecuting Worker Compensation Fraud,” Alabama Textile Manufacturers
Association Safety Seminar and Achievement Awards Program, Montgomery,
Alabama, February 21, 2002.

WAKA Protect and Serve Reception, Channel 8 Studio, Montgomery, Alabama,
February 28, 2002.

“Madison’s Double Security: In Defense of Federalism, the Separation of Powers,
and the Rehnquist Court,” Louisiana Lawyers Chapter of the Federalist Society,
Dickie Brennan’s Steakhouse, New Orleans, Louisiana, March 1, 2002, text
available at 53 ALA. L. REV. 1167 (2002).

Remarks of Attorney General Bill Pryor at the 2002 Annual Membership Meeting
of the American Tort Reform Association, Four Seasons, Washington, District of
Columbia, March 14, 2002.

Montgomery Association of Legal Secretaries Week, Capital City Club,
Montgomery, Alabama, March 26, 2002.

Montgomery United Way Mentor Alabama Recognition Speech, Montgomery, Alabama, March 28, 2002.

Alabama Education Association Professional Rights and Responsibilities Conference, Montgomery Civic Center, Montgomery, Alabama, April 12, 2002.

VOCAL Annual Conference on Victim Rights, Montgomery, Alabama, April 24, 2002.

Comments at the FOP Memorial Service, Montgomery, Alabama, May 3, 2002.

Speech to the Georgia Washington Middle School Honor Roll Banquet, Montgomery, Alabama, May 7, 2002.

Comments at the 6th Annual Law Enforcement Officers' Memorial Service for the Alexander City Police Department and the Tallapoosa County Sheriff's Department, Alexander City, Alabama, May 15, 2002.

Huntsville Chapter of the Alabama Education Association, Huntsville, Alabama, May 19, 2002.

Commencement Speech for 2002 Graduating Class at Marion Military Institute, Marion, Alabama, May 25, 2002.

Statement of Attorney General Pryor at press conference regarding the Prison Rape Reduction Act of 2002, Washington, DC, approx. June 2002.

Opening Remarks by Attorney General Bill Pryor, "Is the Death Penalty in Alabama Fair?" A Debate with Brian Stevenson before the Downtown Rotary Club, Birmingham, Alabama, August 28, 2002.

Speech to Odenville Middle School, Student Government Day, St. Clair County, October 29, 2002.

Wither Federalism?: The Impact of Globalization and the War on Terror, Showcase Roundtable, National Lawyers' Convention, Federalist Society for Law & Public Policy Studies, Washington, District of Columbia, November 16, 2002.

Comments of Attorney General Bill Pryor for Catholic Education Week, St. Mary's School, McGill-Toolen High School, Heart of Mary School, and Holy Family Catholic School, Mobile, Alabama, January 28, 2003.

Remarks of Attorney General Bill Pryor at the Investiture Ceremony of Judge Mark Fuller, U.S. District Court for the Middle District of Alabama, February 20, 2003, Montgomery, Alabama.

Speech of Attorney General Bill Pryor, "How We Can Improve the Lives of Children in Alabama," Alabama Children's Policy Council Conference, Birmingham, Alabama, February 27, 2003.

Commencement speech at Regent University, Virginia Beach, Virginia, May 8, 2004, <http://www.c-spanvideo.org/program/181765-1>.

Remarks at the World Forum, American Enterprise Institute, Beaver Creek, Colorado, June 19-23, 2003.

Remarks to the St. Thomas More Society, St. Stephen's Catholic Church, Birmingham, Alabama, August 26, 2004.

"The Duty of a Catholic Lawyer or Judge," Christian Legal Society, Birmingham, Alabama, November 9, 2004. This speech was an earlier version of the text published at 24 YALE L. & POL'Y REV. 347 (2006).

Moderator, Panel Discussion on the Use of Foreign Law in American Courts, National Lawyers' Convention, Federalist Society for Law and Public Policy, November 11, 2004.

"The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers," Remarks to the Federal Bar Association, Atlanta, Georgia, January 12, 2005. This speech was an earlier version of the text published at 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 401 (2006).

Keynote Address, Symposium, Sentencing: What's at Stake for the States?, Columbia Law Review, Columbia Law School, New York, New York, January 21, 2005, text available at 105 COLUM. L. REV. 943 (2005).

"The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers," St. Thomas More Society, Atlanta, Georgia, June 22, 2005. This speech was an earlier version of the text published at 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 401 (2006).

"The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers," Christian Legal Society, Mobile, Alabama, August 25, 2005. This speech was an earlier version of the text published at 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 401 (2006).

"The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers," Birmingham Jewish Federation, Birmingham, Alabama, September 8, 2005. This speech was an earlier version of the text published at 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 401 (2006).

Religion and Judging, Panel Discussion, Sarah Smith Memorial Conference on Moral Leadership, Yale Center for Faith and Culture, Yale Law School and Yale Divinity School, New Haven, Connecticut, September 16, 2005.

“The Duty of a Catholic Lawyer or Judge,” St. Paul’s Cathedral, Birmingham, Alabama, September 21, 2005. This speech was an earlier version of the text published at 24 YALE L. & POL’Y REV. 347 (2006).

Moderator for Panel Discussion on Consumer Protection Statutes/Unfair and Deceptive Acts and Practices, National Lawyers’ Convention, Federalist Society for Law and Public Policy, Washington, District of Columbia, November 11, 2005.

“The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers,” Notre Dame University School of Law, South Bend, Indiana, January 24, 2006, text available at 20 NOTRE DAME J.L. ETHICS & PUB. POL’Y 401 (2006).

“The Religious Faith and Judicial Duty of an American Catholic Judge,” Inaugural Lecture, Catholic Think Tank America, Notre Dame University, Student Government Association, South Bend, Indiana, January 24, 2006, text available at 24 YALE L. & POL’Y REV. 347 (2006).

The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers,” Northwestern School of Law Federalist Society, Chicago, Illinois, January 25, 2006, text available at 20 NOTRE DAME J.L. ETHICS & PUB. POL’Y 401 (2006).

Moderator of Panel Discussion, Birmingham Lawyers Chapter, Federalist Society, Birmingham, Alabama, February 16, 2006.

Moderator, Panel Discussion on Foreign and International Law Sources in Domestic Constitutional Interpretation, Columbia Law School, New York, New York, February 25, 2006.

“Lessons of a Sentencing Reformer from the Deep South,” Leadership Birmingham’s Social Justice Program, Birmingham, Alabama, March 9, 2006, text available at 105 COLUM. L. REV. 943 (2005).

Pi Sigma Alpha Distinguished Lecture, St. Joseph’s University, Philadelphia, Pennsylvania, April 27, 2006, text available at 24 YALE L. & POL’Y REV. 347 (2006).

Keynote Address, Ave Maria Law Review Banquet, Detroit, Michigan, April 28, 2006.

Remarks at Commencement, John Marshall Law School, Atlanta, Georgia, May 13, 2006. Copy supplied.

“The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers,” Birmingham Lawyers Chapter, Federalist Society, Birmingham, Alabama, July 20, 2006, text available at 20 NOTRE DAME J.L. ETHICS & PUB. POL’Y 401 (2006).

Moderator of a Panel Discussion on Spoiling for a Fight: The Rise of Eliot Spitzer, American Enterprise Institute, Washington, District of Columbia, August 7, 2006.

Vanderbilt School of Law and Nashville Lawyers Chapter, Federalist Society, Nashville, Tennessee, August 31, 2006.

Moderator, Birmingham Lawyers Chapter, Federalist Society, Birmingham, Alabama, October 19, 2006.

Panelist, St. Thomas More Society, St. Paul’s Cathedral, Birmingham, Alabama, November 9, 2006.

Moderator, Panel Discussion on Executive Power in Wartime, National Lawyers Convention, Federalist Society for Law and Public Policy Studies, Washington, District of Columbia, November 17, 2006, http://www.fed-soc.org/doclib/20080314_FedSepEpstein.pdf. A recording of the event is available at <http://www.c-spanvideo.org/program/195433-2>.

Remarks for a Continuing Legal Education Seminar on Appellate Practice, Florida Bar Appellate Section, Telephone Conference, January 16, 2007.

Remarks at Continuing Legal Education Seminar for Appellate Practice, University of Alabama School of Law, Tuscaloosa, Alabama, February 9, 2007.

Keynote Address, 26th Annual National Student Symposium: Law & Morality, The Federalist Society for Law & Public Policy Studies, Northwestern University School of Law, Chicago, Illinois, February 24, 2007, video at <http://www.fed-soc.org/publications/detail/judge-pryor-address-event-audiovideo>. This speech was an earlier version of the text published at 93 VA. L. REV. 1759 (2007).

McGlinchey Lecture, Tulane Law School, New Orleans, Louisiana, February 26, 2007. This speech was an earlier version of the text published at 93 VA. L. REV. 1759 (2007).

Moderator of Panel on Constitutional Reform, Birmingham Lawyers Chapter, Federalist Society, Birmingham, Alabama, March 1, 2007.

Columbia Law School Federalist Society, New York, New York, March 7, 2007.

Harvard Law School Federalist Society, Cambridge, Massachusetts, March 8, 2007.

“Not-so-Serious Threats to Judicial Independence,” Ola B. Smith Lecture, University of Virginia School of Law, Charlottesville, Virginia, March 19, 2007, text available at 93 VA. L. REV. 1759 (2007).

Keynote Address, Cumberland Law Review, Birmingham, Alabama, March 29, 2007.

“Not-so-Serious Threats to Judicial Independence,” University of Alabama School of Law, Tuscaloosa, Alabama, April 11, 2007, text available at 93 VA. L. REV. 1759 (2007).

“Not-so-Serious Threats to Judicial Independence,” Stanford Law School, Stanford, California, April 18, 2007, text available at 93 VA. L. REV. 1759 (2007).

Remarks to 1Ls, University of Alabama School of Law, Tuscaloosa, Alabama, August 17, 2007, text available at 32 J. LEGAL PROF. 1 (2008).

Invocation, Rotary Club, Birmingham, Alabama, August 22, 2007.

Panel Discussion on Effective Appellate Advocacy, Atlanta, Georgia, September 6, 2007.

Moderator, The God Delusion Debate: Richard Dawkins v. John Lennox, Fixed-Point Foundation, Birmingham, Alabama, October 3, 2007, available on DVD at <http://www.fixed-point.org/>.

Moderator, Panel Discussion, Religion: Early America, and the Fourteenth Amendment, National Lawyers' Convention, Federalist Society for Law and Public Policy Studies, Washington, District of Columbia, November 15, 2007, <http://www.fed-soc.org/publications/detail/religion-early-america-and-the-fourteenth-amendment-event-audiovideo>.

“The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers,” Marquette University Law School, St. Thomas More Society & the Federalist Society, January 29, 2008, Milwaukee, Wisconsin, January 29, 2008, text available at 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 401 (2006).

Dunwoody Distinguished Lecture in Law, Levin College of Law, University of Florida, Gainesville, Florida, April 18, 2008, text available at 60 FLA. L. REV. 1007 (2008).

“Not-so-Serious Threats to Judicial Independence,” Remarks to the Heritage Foundation, Atlanta, Georgia, April 23, 2008, text available at 93 VA. L. REV. 1759 (2007).

Remarks to 1Ls, University of Alabama School of Law, Tuscaloosa, Alabama, August 15, 2008, text available at 32 J. LEGAL PROF. 1 (2008).

Keynote Address, The Future of Federalism, American Enterprise Institute, Federalist Society for Law & Public Policy Studies, and Chapman University School of Law, Washington, District of Columbia, September 12, 2008, <http://www.fed-soc.org/publications/detail/address-by-william-h-pryor-jr-event-audiovideo>.

Remarks to John Carroll Catholic High School Students on Catholic Teaching About Voting, Birmingham, Alabama, October 14, 2008.

Participated in Mock Oral Argument as Part of Panel, 2008 Eleventh Circuit Appellate Practice Conference, Atlanta, Georgia, October 23, 2008.

A Dialogue on Judicial Independence (with ABA Pres. Thomas Wells), National Lawyers Convention, Federalist Society for Law & Public Policy Studies, Washington, District of Columbia, November 21, 2008, <http://www.fed-soc.org/publications/detail/judicial-independence-dialogue-audiovideo>.

Remarks on Life Choices in Career, Alabama State Bar, Renaissance Ross Bridge Golf Resort & Spa, Birmingham, Alabama, January 16, 2009.

A Dialogue on Judicial Independence (with Prof. Stephen Carter), Yale Student Chapter of the Federalist Society for Law & Public Policy Studies, Yale Law School, New Haven, Connecticut, January 27, 2009.

Remarks to William and Mary School of Law Federalist Society, Williamsburg, Virginia, March 4, 2009.

“Moral Duty and the Rule of Law,” Duke University School of Law Federalist Society, Durham, North Carolina, April 14, 2009, text available at 31 HARV. J.L. & PUB. POL’Y 153 (2008).

Moderator, Panel Discussion: Historical Perspectives of the Civil Rights Movement, Eleventh Circuit Judicial Conference, Birmingham, Alabama, April 31, 2009.

Participated in a Panel Discussion on Appellate Practice, Alabama State Bar, Point Clear, Alabama, July 16, 2009.

Remarks to 1Ls, University of Alabama School of Law, Tuscaloosa, Alabama, August 14, 2009, text available at 32 J. LEGAL PROF. 1 (2008).

“What Appellate Judges Want to See in a Brief and Hear at Oral Argument,” Continuing Legal Education Appellate Practice Seminar, Alabama State Bar, Birmingham, Alabama, October 2, 2009.

Moderator, Panel Discussion on the Future of Preemption, National Lawyers Convention, Federalist Society for Law and Public Policy, Washington, District of Columbia, November 12, 2009, <http://www.fed-soc.org/publications/detail/the-future-of-federal-pre-emption-event-audiovideo>.

“The Perspective of a Junior Circuit Judge on Judicial Modesty,” Bankruptcy Law Seminar, Birmingham, Alabama, December 4, 2009, text available at 60 FLA. L. REV. 1007 (2008).

“The Perspective of a Junior Circuit Judge on Judicial Modesty,” University of Alabama School of Law Federalist Society, Tuscaloosa, Alabama, March 3, 2010, text available at 60 FLA. L. REV. 1007 (2008).

“The Perspective of a Junior Circuit Judge on Judicial Modesty,” Harvard Law School Federalist Society, Cambridge, Massachusetts, March 11, 2010, text available at 60 FLA. L. REV. 1007 (2008).

“The Perspective of a Junior Circuit Judge on Judicial Modesty,” Washington & Lee Law School, Lexington, Virginia, March 18, 2010, text available at 60 FLA. L. REV. 1007 (2008).

“The Perspective of a Junior Circuit Judge on Judicial Modesty,” Vanderbilt University Law School, Nashville, Tennessee, March 30, 2010, text available at 60 FLA. L. REV. 1007 (2008).

“Moral Duty and the Rule of Law,” Vanderbilt University Law School, Nashville, Tennessee, March 30, 2010, <http://www.youtube.com/watch?v=eb4ZnmLQMgI>.

“The Perspective of a Junior Circuit Judge on Judicial Modesty,” University of Chicago Law School, Chicago, Illinois, May 11, 2010, text available at 60 FLA. L. REV. 1007 (2008).

Moderator of a Panel Discussion, Birmingham Lawyers Chapter, Federalist Society, Birmingham, Alabama, May 20, 2010.

Luncheon Address, Federalism and Sentencing Reform in a Post-Blakely/Booker Era, Annual Meeting, National Association of Sentencing Commissions, Point Clear, Alabama, August 9, 2010, text available at 8 OHIO ST. J. CRIM. L. 515 (2011).

Remarks to 1Ls, University of Alabama School of Law, Tuscaloosa, Alabama, August 12, 2010, text available at 32 J. LEGAL PROF. 1 (2008).

“Federalism and Sentencing Reform,” Cumberland Law School, Birmingham, Alabama, September 30, 2010, text available at 8 OHIO ST. J. CRIM. L. 515 (2011).

Remembrance of the Tulane Speech, Originalism Dinner and Symposium, Commemorating the 25th Anniversary of the Great Debate on Originalism Inaugurated by Attorney General Edwin Meese III, Heritage Foundation, Supreme Court of the United States, Washington, District of Columbia, November 10, 2010. Copy supplied.

Moderator, Panel Discussion on Christian Legal Society v. Martinez, National Lawyers Convention, Federalist Society for Law and Public Policy Studies, Washington, District of Columbia, November 19, 2010, <http://www.fed-soc.org/publications/detail/christian-legal-society-vs-martnez-event-audiovideo>.

Remarks to Rotaract Club of Birmingham, Birmingham, Alabama, February 3, 2011, http://www.youtube.com/watch?v=hFY4_r_Fle8 and <http://www.youtube.com/watch?v=b5OIcsupbAQ>.

Remarks to the Farrah Law Alumni Banquet, Birmingham, Alabama, February 18, 2011, text available at 72 ALA. LAW. 211 (2011).

Jurist in Residence, Florida State University College of Law, Tallahassee, Florida, February 22–24, 2011.

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Remarks at Tulane Law School, New Orleans, Louisiana, March 31, 2011, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011).

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Remarks to the Miami Lawyers Chapter of the Federalist Society, Miami, Florida, April 12, 2011, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011).

Discussion of Nancy King’s Habeas for the Twenty-First Century, Criminal Justice Program, Vanderbilt University Law School, Nashville, Tennessee, April 21, 2011, video at <http://law.vanderbilt.edu/events/event-detail/index.aspx?eid=367>, and copy of remarks provided.

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Birmingham Federalist Society, Birmingham, Alabama,

May 4, 2011, text available at 12 ENGAGE: J. FEDERALIST SOC'Y PRAC. GROUPS 94 (2011).

Remarks to 1Ls at the University of Alabama School of Law, Tuscaloosa, Alabama, August 16, 2011, text available at 32 J. LEGAL PROF. 1 (2008).

"The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths," Atlanta Lawyers Chapter of the Federalist Society, Atlanta, Georgia, September 21, 2011, text available at 12 ENGAGE: J. FEDERALIST SOC'Y PRAC. GROUPS 94 (2011).

Moral Duty and the Rule of Law, University of Florida Levin College of Law, Gainesville, Florida, September 30, 2011, text available at 31 HARV. J.L. & PUB. POL'Y 153 (2008).

"The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths," Notre Dame Law School Federalist Society, South Bend, Indiana, October 28, 2011, text available at 12 ENGAGE: J. FEDERALIST SOC'Y PRAC. GROUPS 94 (2011).

Moderator, Panel Discussion: Organized Labor and the Obama Administration, National Lawyers Convention, Federalist Society for Law and Public Policy Studies, Washington, District of Columbia, November 10, 2011, <http://www.fed-soc.org/publications/detail/organized-labor-and-the-obama-administration-event-audiovideo>.

"The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths," Mercer Law School Federalist Society, Macon, Georgia, January 24, 2012, text available at 12 ENGAGE: J. FEDERALIST SOC'Y PRAC. GROUPS 94 (2011).

Formal Thursday Debate, "This House Believes that the Dividing Line Between Religion and Politics Should Shine Brightly," Speaker in Opposition, Oxford Union, Oxford, United Kingdom, February 9, 2012, copy of remarks provided.

"The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths," The University of Alabama School of Law Federalist Society, Tuscaloosa, Alabama, March 28, 2012, text available at 12 ENGAGE: J. FEDERALIST SOC'Y PRAC. GROUPS 94 (2011).

"The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths," Duke University School of Law Federalist Society, Durham, North Carolina, April 3, 2012, text available at 12 ENGAGE: J. FEDERALIST SOC'Y PRAC. GROUPS 94 (2011).

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Harvard Federalist Society, Cambridge, Massachusetts, April 17, 2012, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011).

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Columbia Law School, New York, New York, April 18, 2012, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011).

Question and Answer Session, University of Chicago Law School, Chicago, Illinois, April 30, 2012.

“Appellate Advocacy in Employment Cases,” Employment and Labor Law Seminar, Chicago, Illinois, May 4, 2012.

Remarks on Constitution Day, University of Mobile, Mobile, Alabama, September 18, 2012. I have no copy of my remarks, but the event was reported at http://blog.al.com/live/2012/09/mobile_native_bill_pryor_says.html#incart_hbx.

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Memphis Federal Bar Association, October 12, 2012, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011).

Remarks to District Court Clerks in the Northern District of Alabama, Birmingham, Alabama, October 19, 2012.

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Montgomery Inn of Court, Montgomery, Alabama, November 8, 2012, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011).

Moderator, Panel Discussion, Foreign Corrupt Practices Act, National Lawyers Convention, Federalist Society for Law & Public Policy Studies, Washington, District of Columbia, November 16, 2012, <http://www.fed-soc.org/publications/detail/the-foreign-corrupt-practices-act-event-audiovideo>.

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Mobile Bar Association, The Grand Hotel, Point Clear, Alabama, December 7, 2012, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011).

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Faulkner University, Montgomery, Alabama, January 15, 2013, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011).

“The Unbearable Rightness of Marbury v. Madison: Its Real Lessons and Irrepressible Myths,” Mobile Federalist Society, The Pollock-Altmyer House, Mobile, Alabama, January 15, 2013, text available at 12 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 94 (2011). A recording of the event is available at <http://www.youtube.com/watch?v=gIsCetOnzdc>.

Panel Discussion, Effective Oral Advocacy in an Appellate Court, Miami, Florida, February 7, 2013.

“Moral Duty and the Rule of Law,” Yale Law School, New Haven, Connecticut, March 8, 2013, text available at 31 HARV. J.L. & PUB. POL’Y 153 (2008).

“Moral Duty and the Rule of Law,” Ave Maria School of Law, Naples, Florida, March 20, 2013, text available at 31 HARV. J.L. & PUB. POL’Y 153 (2008).

Comments of Alabama Attorney General Bill Pryor on the Project for All Deliberate Speed. I do not recall the date or place of this event.

- 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.

Over the last 23 years, I have given well over 1,000 interviews to various media outlets. In particular, during my seven years as Attorney General of Alabama, I spoke regularly with the press. Although I have searched LexisNexis and my memory, it is possible that I have given others that I have been unable to recall or identify. Copies are supplied.

Stan Bailey, *State’s Way of Electing Judges May Be Safe*, BIRMINGHAM NEWS, Apr. 25, 1995, at 1B.

Stan Bailey, *Ruling May Add Months to Ballot Controversy*, BIRMINGHAM NEWS, Apr. 27, 1995, at 1A.

Stan Bailey, *Court Approval of Lucy Baxley Victory Sought Results Remain Unofficial*, BIRMINGHAM NEWS, May 16, 1995, at 4D.

Demos Mad at AG Aide’s Ballot Check, BIRMINGHAM NEWS, May 18, 1995, at 2E.

Stan Bailey, *Wilcox Judge Says Wrong Totals Used in Chief Justice Race*, BIRMINGHAM NEWS, May 19, 1995, at 1C.

News Briefs, BIRMINGHAM NEWS, May 26, 1995, at 6D.

Justice Kennedy Sidesteps Ballot Dispute, BIRMINGHAM NEWS, May 27, 1995, at 5A.

Stan Bailey, *Blount, Sessions Feud Over Ballot Memo*, BIRMINGHAM NEWS, May 31, 1995, at 3D.

Court Rejects SCLC Complaint On Ala. Circuit Judge Elections, CHATTANOOGA FREE PRESS, June 15, 1995.

Stan Bailey, *Sessions Says No Intentional Wrongdoing Found in Walker*, BIRMINGHAM NEWS, July 11, 1995, at 4C.

Stan Bailey, *Ballot-Case Plaintiff Died Eight Months Ago*, BIRMINGHAM NEWS, Aug. 18, 1995, at 1B.

Stan Bailey, *Ballot Case May be Decided Without Trial*, BIRMINGHAM NEWS, Sept. 12, 1995, at 1B.

Stan Bailey, *Judge Hand to Get Arguments on a Key Issue in Ballot Case*, BIRMINGHAM NEWS, Sept. 14, 1995, at 4C.

Stan Bailey, *Absentee Ballot Trial Underway*, BIRMINGHAM NEWS, Sept. 19, 1995, at 4C.

Stan Bailey, *GOP Fears Bid to Bar Hooper Because of Age*, BIRMINGHAM NEWS, Sept. 26, 1995, at 1B.

Stan Bailey, *Court Rules Hooper, Baxley Win Appeals Court Temporarily Blocks Order*, BIRMINGHAM NEWS, Sept. 30, 1995, at 1A.

Stan Bailey, *Demos Try to Block Hooper During Appeal*, BIRMINGHAM NEWS, Oct. 1, 1995, at 1A.

Stan Bailey, *Court Extends Certifying Delay*, BIRMINGHAM NEWS, Oct. 3, 1995, at 1A.

Stan Bailey, *Lawyers Preview Absentee Ballot Case Arguments*, BIRMINGHAM NEWS, Oct. 7, 1995, at 4A.

Stan Bailey, *Three-Judge Panel Hearing Hornsby-Hooper Vote Case*, BIRMINGHAM NEWS, Oct. 11, 1995, at 1B.

Stan Bailey, *Hooper Views Ruling as 'an End' to Battle*, BIRMINGHAM NEWS, Oct. 14, 1995, at 1A.

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Reagan Connolly, *Bill Pryor promotes Catholic education*, MONTGOMERY ADVERTISER, Jan. 27, 2004.

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Interview with Josh Blackman, Federalist Society Live Blog, Nov. 12, 2009, available at http://www.youtube.com/watch?v=WdF8R8cts_A.

George Talbot, *Bill Pryor: Federal bench a 'dream job,'* MOBILE PRESS-REG., Sept. 19, 2012, at C1.

13. 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.

Attorney General of Alabama (1997 – 2004)

Appointed: January 2, 1997, by Governor Fob James to complete the remaining two-year term of Jeff Sessions who was elected to the U.S. Senate.

Elected: November 3, 1998, to first four-year term.

Reelected: November 5, 2002, to final two-year term.

Deputy Attorney General (1995 – 1997)

Appointed by Attorney General Jeff Sessions and served at his pleasure.

- 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 was the Republican candidate for Attorney General of Alabama in the elections held on November 3, 1998, and November 5, 2002.

I have also served as:

Alabama Co-Chairman, Bush-Cheney Presidential Campaign (2000)
Bush Delegate, Republican National Convention (2000)
Homewood Coordinator, Fob James for Governor (1994)
Volunteer, Attorney-Advisor, Jeff Sessions for Attorney General (1994)
Chairman, Statewide Judicial Candidates Recruitment Committee, Alabama, Republican Party (1993 – 1994)
Volunteer, Spencer Bachus for Attorney General (1990)
Louisiana Young Republican National Committeeman (1984 – 1986)
Volunteer, Dave Treen for Governor (Louisiana) (1983)
President, College Republicans at Northeast Louisiana University (1982 – 1984)

14. **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;

1987 – 1988

Law Clerk for the Honorable John Minor Wisdom
United States Court of Appeals for the Fifth Circuit

- 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.

1988 – 1991

Cabaniss, Johnston, Gardner, Dumas & O’Neal
2001 Park Place North, Suite 700
Birmingham, AL 35203
Associate Attorney

1991 – 1995

Walston, Stabler, Wells, Anderson & Bains (now part of Jones Walker)
One Federal Place
1819 Fifth Avenue North, Suite 1100
Birmingham, AL 35203
Associate Attorney

1995 – 2004

State of Alabama
501 Washington Avenue
Montgomery, AL 36104
Attorney General (1997 – 2004)
Deputy Attorney General (1995 – 1997)

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

I have never served as a mediator or arbitrator.

b. Describe:

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

Cabaniss, Johnston, Gardner, Dumas & O’Neal (1988 – 1991):
commercial litigation practice, including complex litigation involving secured transactions, securities fraud, and construction/engineering malpractice; appellate practice; railroad and employment disputes; antitrust counseling; solo trial experience; member of firm recruiting committee

Walston, Stabler, Wells, Anderson & Bains (1991 – 1995): commercial litigation practice, including complex litigation involving antitrust, bankruptcy, banking, elections, trade secrets, insurance, municipal tax, and

international commercial disputes; trial and appellate experience; member of firm library and space committees

Deputy Attorney General, State of Alabama (1995 – 1997): lead counsel for the State of Alabama in all major civil litigation with emphasis on voting rights, civil rights, and election law

Attorney General, State of Alabama (1997 – 2004): chief law enforcement officer of Alabama; general government practice including civil, criminal, and administrative law; trial and appellate practice

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

At Cabaniss, Johnston, Gardner, Dumas & O'Neal: private businesses, banks and financial institutions, political party, and local government entities

Walston, Stabler, Wells, Anderson & Bains: private businesses, local governments

At the Alabama Attorney General's Office: government officials, state departments, taxpayers of the State of Alabama

- 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.

Before becoming Attorney General, I appeared in court frequently on pretrial and motion proceedings and occasionally in trial and before appellate courts. As Attorney General, most of my court appearances involved appellate proceedings.

- i. Indicate the percentage of your practice in:

- | | |
|----------------------------|------|
| 1. federal courts; | 33% |
| 2. state courts of record; | 33% |
| 3. other courts; | 33% |
| 4. administrative agencies | None |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings; | 75% |
| 2. criminal proceedings. | 25% |

- 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 eight cases, and five of the cases were to a jury. All but one (a mistrial) resulted in a judgment or verdict. I was sole counsel three times (including two nonjury cases); chief counsel four times (including one non-jury case), and associate counsel once (a jury trial). One of the nonjury cases was in federal court, one was in state court, and one was in the Alabama Court of the judiciary. All of the jury trials were in state courts.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury; | 63% |
| 2. non-jury. | 37% |

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.

In private practice, I filed one petition for a writ of certiorari. The petition for certiorari was denied. Allied Prods. Corp. v. Vagenas, 510 U.S. 947 (1993).

As the Attorney General of the State of Alabama, I practiced extensively before the United States Supreme Court. Although I did not file briefs in every case in which an opposing party petitioned for a writ of certiorari, I filed many merits briefs, amicus briefs, and petitions for a writ of certiorari. I have searched my records, internet databases, and my memory to compile this list of cases in which I filed briefs with the Supreme Court. Despite these efforts, this list may be incomplete.

Petitions for a Writ of Certiorari Filed by Alabama That Were Denied:

Alabama v. Bryant, 538 U.S. 906 (2003)
Reynolds v. Roberts, 534 U.S. 1161 (2002)
Alabama v. Sneed, 531 U.S. 1183 (2001)
Alabama v. U.S. Dep't of Energy, 531 U.S. 924 (2000)
Pryor v. Summit Med. Assocs., 529 U.S. 1012 (2000)
Pryor v. Reno, 528 U.S. 1111 (2000)

Cases in which Alabama Filed Briefs in Opposition to a Grant of Certiorari and in Defense on the Merits Before the Supreme Court Ultimately Denied the Writ:

Caffey v. Alabama, 540 U.S. 1017 (2003)
Hubbard v. Campbell, 540 U.S. 951 (2003)
Godwin v. Moore, 539 U.S. 915 (2003)
Fortenberry v. Haley, 538 U.S. 1053 (2003)
Bradley v. Pryor, 538 U.S. 999 (2003)
Buchanan v. Haley, 537 U.S. 1127 (2003)
Burnett v. Pridmore, 537 U.S. 822 (2002)
Hope v. Pelzer, 536 U.S. 730 (2002)

Arthur v. Alabama, 535 U.S. 1053 (2002)
Ferguson v. Alabama, 535 U.S. 907 (2002)
Speigner v. Alexander, 534 U.S. 1056 (2001)
Hardy v. Alabama, 534 U.S. 1043 (2001)
Berryhill v. Alabama, 534 U.S. 1022 (2001)
Smith v. Alabama, 534 U.S. 872 (2001)
Wilson v. Haley, 532 U.S. 919 (2001)
Hardy v. Att’y Gen. of Ala., 531 U.S. 869 (2000)
Davis v. Alabama, 525 U.S. 1149 (1999)

Cases in Which Alabama Presented Argument on the Merits to the Supreme Court
After a Grant of a Petition for a Writ of Certiorari:

Alabama v. North Carolina, 540 U.S. 1014 (2003)
Alabama v. Shelton, 535 U.S. 654 (2002) (argued)
Alabama v. Bozeman, 533 U.S. 146 (2001)
Alexander v. Sandoval, 532 U.S. 275 (2001)
Bd. of Trs. of Univ. of Ala. v. Garrett, 531 U.S. 356 (2001)
Sinkfield v. Kelley, 531 U.S. 28 (2000)
Chandler v. Siegelman, 530 U.S. 1256 (2000)
Kimel v. Fla. Bd. of Regents, 528 U.S. 62 (2000)
South Central Bell Telephone Co. v. Alabama, 526 U.S. 160 (1999)

Cases in Which the State of Alabama Filed Amicus Briefs:

Wilkinson v. Dotson, 544 U.S. 74 (2005)
United States v. Patane, 542 U.S. 630 (2004)
Schiro v. Summerlin, 542 U.S. 348 (2004)
Aetna Health Inc. v. Davila, 542 U.S. 200 (2004)
Hibbs v. Winn, 542 U.S. 88 (2004)
Elk Grove Unified Dist. v. Newdow, 542 U.S. 1 (2004)
Littleton, Colo. v. Z.J. Gifts D-4, LLC, 541 U.S. 774 (2004)
Thornton v. United States, 541 U.S. 615 (2004)
Tennessee v. Lane, 541 U.S. 509 (2004)
Jones v. R.R. Donnelley & Sons Co., 541 U.S. 369 (2004)
United States v. Lara, 541 U.S. 193 (2004)
Iowa v. Tovar, 541 U.S. 77 (2004)
Locke v. Davey, 540 U.S. 712 (2004)
Alaska Dep’t of Env’tl. Conservation v. EPA, 540 U.S. 461 (2004)
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American Ins. Ass’n v. Garamendi, 539 U.S. 396 (2003)
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Virginia v. Hicks, 539 U.S. 113 (2003)
Nevada Dep't of Human Res. v. Hibbs, 538 U.S. 721 (2003)
Inyo Cnty., Cal. v. Paiute-Shoshone Indians of the Bishop Cmty. of the Bishop Colony, 538 U.S. 701 (2003)
Price v. Vincent, 538 U.S. 634 (2003)
Jinks v. Richland Cnty., S.C., 538 U.S. 456 (2003)
Ewing v. California, 538 U.S. 11 (2003)
Connecticut Dep't of Public Safety v. Doe, 538 U.S. 1 (2003)
Abdur'Rahman v. Bell, 537 U.S. 88 (2003)
Zelman v. Simmons-Harris, 536 U.S. 639 (2002)
United States v. Ruiz, 536 U.S. 622 (2002)
Ring v. Arizona, 536 U.S. 584 (2002)
Atkins v. Virginia, 536 U.S. 304 (2002)
Gonzaga Univ. v. Doe, 536 U.S. 273 (2002)
Carey v. Saffold, 536 U.S. 214 (2002)
Fed. Mar. Comm'n v. S.C. State Ports Auth., 535 U.S. 743 (2002)
Mathias v. WorldCom Techs., Inc., 535 U.S. 682 (2002)
Lapides v. Bd. of Regents of Univ. Sys. of Ga., 535 U.S. 613 (2002)
Los Angeles v. Alameda Books, Inc., 535 U.S. 425 (2002)
Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002)
Kansas v. Crane, 534 U.S. 407 (2002)
Lee v. Kemna, 534 U.S. 362 (2002)
Tyler v. Cain, 533 U.S. 656 (2001)
Nevada v. Hicks, 533 U.S. 353 (2001)
Saucier v. Katz, 533 U.S. 194 (2001)
Good News Club v. Milford Central Sch., 533 U.S. 98 (2001)
Penry v. Johnson, 532 U.S. 782 (2001)
Booth v. Churner, 532 U.S. 731 (2001)
Atkinson Trading Co. v. Shirley, 532 U.S. 645 (2001)
Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Human Servs., 532 U.S. 598 (2001)
C&L Enterprises, Inc. v. Citizen Band Potawatomi Indian Tribe of Okla., 532 U.S. 411 (2001)
Lackawanna Cnty. Dist. Att'y v. Coss, 532 U.S. 394 (2001)
Shaw v. Murphy, 532 U.S. 223 (2001)
Texas v. Cobb, 532 U.S. 162 (2001)
City News & Novelty, Inc. v. Waukesha, 531 U.S. 278 (2001)
Seling v. Young, 531 U.S. 250 (2001)
Fiore v. White, 531 U.S. 225 (2001)
Solid Waste Agency of N. Cook Cnty. v. U.S. Army Corps of Eng'rs, 531 U.S. 159 (2001).
Bush v. Gore, 531 U.S. 98 (2000)
Bush v. Palm Beach Cnty. Canvassing Bd., 531 U.S. 70 (2000)
Indianapolis v. Edmond, 531 U.S. 32 (2000)
Stenberg v. Carhart, 530 U.S. 914 (2000)
Dickerson v. United States, 530 U.S. 428 (2000)

Miller v. French, 530 U.S. 327 (2000)
Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000)
Vt. Agency of Natural Res. v. United States ex rel. Stevens, 529 U.S. 765 (2000)
United States v. Morrison, 529 U.S. 598 (2000)
Slack v. McDaniel, 529 U.S. 473 (2000)
Edwards v. Carpenter, 529 U.S. 446 (2000)
Williams v. Taylor, 529 U.S. 420 (2000)
Williams v. Taylor, 529 U.S. 362 (2000)
Norfolk S. Ry. Co. v. Shanklin, 529 U.S. 344 (2000)
Florida v. J.L., 529 U.S. 266 (2000)
Rice v. Cayetano, 528 U.S. 495 (2000)
Smith v. Robbins, 528 U.S. 259 (2000)
Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs., Inc., 528 U.S. 167 (2000)
Reno v. Condon, 528 U.S. 141 (2000)
Illinois v. Wardlow, 528 U.S. 119 (2000)
Alden v. Maine, 527 U.S. 706 (1999)
Coll. Sav. Bank v. Fla. Prepaid Postsecondary Educ. Expense Bd., 527 U.S. 666 (1999)
Martin v. Hadix, 527 U.S. 343 (1999)
Chicago v. Morales, 527 U.S. 41 (1999)
Saenz v. Roe, 526 U.S. 489 (1999)
UNUM Life Ins. Co. of Am. v. Ward, 526 U.S. 358 (1999)
Wyoming v. Houghton, 526 U.S. 295 (1999)
West Covina v. Perkins, 525 U.S. 234 (1999)
Wisconsin Dep't of Corr. v. Schacht, 524 U.S. 381 (1998)
Hohn v. United States, 524 U.S. 236 (1998)
Pa. Dep't of Corr. v. Yeskey, 524 U.S. 206 (1998)
Cass Cnty., Minn. v. Leech Lake Band of Chippewa Indians, 524 U.S. 103 (1998)
Calderon v. Ashmus, 523 U.S. 740 (1998)
Montana v. Crow Tribe of Indians, 523 U.S. 696 (1998)
Ark. Educ. Television Comm'n v. Forbes, 523 U.S. 666 (1998)
Stewart v. Martinez-Villareal, 523 U.S. 637 (1998)
Crawford-El v. Britton, 523 U.S. 574 (1998)
United States v. Scheffer, 523 U.S. 303 (1998)
Ohio Adult Parole Auth. v. Woodard, 523 U.S. 272 (1998)
United States v. Ramirez, 523 U.S. 65 (1998)
Alaska v. Native Village of Venetie Tribal Gov't, 522 U.S. 520 (1998)
South Dakota v. Yankton Sioux Tribe, 522 U.S. 329 (1998)
Kalina v. Fletcher, 522 U.S. 118 (1997)
Hudson v. United States, 522 U.S. 93 (1997)

15. **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. *Roe v. State of Alabama*, 68 F.3d 404 (11th Cir. 1995)

The November 1994 general election led to lawsuits in both state and federal courts in Alabama about whether a group of contested absentee ballots should be counted. Alabama law requires that absentee ballots contain the voter's signature, notarized or witnessed by two persons who are at least 18 years of age. Code of Ala., tit. 17, chap. 10 (1975). Between 1,000 and 2,000 voters in the 1994 election did not comply with the notarization or witness requirements. In accordance with the statutory text and the statewide practice before the election, the voters' ballots were not counted in the initial tally. Instead, the ballots were removed from their affidavit envelopes and not placed in the ballot box.

The elections for chief justice and treasurer were so close that the contested absentee ballots could decide the victors. Two absentee voters filed suit in the Circuit Court for Montgomery County and sought an order that the contested absentee ballots be counted. *Odom v. Bennett*, No. 94-2434-R. On November 17, 1994, the circuit court entered such an order. The court further ordered the Secretary of State not to certify election totals until the vote totals contained the contested absentee ballots.

Three voters—including the Republican candidate for Chief Justice and the Republican candidate for Secretary of State—filed an action under 42 U.S.C. § 1983 in the U.S. District Court for the Southern District of Alabama to block the counting of the contested absentee ballots. On December 5, 1994, U.S. District Judge Alex Howard entered a preliminary injunction against the Secretary of State and county election officials that precluded them from complying with the state court's order. Judge Howard found that "past practice of Alabama election officials . . . has been to refrain from counting any absentee ballot that did not include notarization or the signatures of two qualified witnesses," and that "the past practice of the Secretary of [the] State of Alabama has been to certify election results on the basis of vote counts that included absentee votes cast only by those voters who included affidavits with either notarization or the signature of two qualified witnesses." See 43 F.3d at 579 (quoting an unpublished district court order). Judge Howard also concluded that the order of the state circuit judge would change this past practice, and that if state election officials obeyed the order, they would violate the Fourteenth Amendment.

The State of Alabama and various county election officials, represented by then-Attorney General Jimmy Evans, appealed Judge Howard's order. In a *per curiam* opinion announced on January 4, 1995, the U.S. Court of Appeals for the Eleventh Circuit held that the district court had subject matter jurisdiction over the case and that the plaintiffs had demonstrated a violation of a right secured by the Constitution as required for a section 1983 claim. The court certified the question whether the contested ballots met the requirements of state law to the Supreme Court of Alabama. 43 F.3d 574 (11th Cir. 1995) (Circuit Judges Tjoflat, Edmondson, Birch).

I began my work on this matter shortly after Jeff Sessions was sworn in as Attorney General of Alabama on January 20, 1995. I represented the State and James Bennett, in his official capacity as Secretary of State for the State of Alabama, before the Circuit Court of Montgomery County, the U.S. District Court for the Southern District of Alabama, and the U.S. Court of Appeals for the Eleventh Circuit.

On March 14, 1995, the Supreme Court of Alabama answered the certified question in the affirmative. The court held that the contested ballots were in "substantial compliance" with the election laws and were to be opened and counted. 676 So. 2d 1206 (Ala. 1995). On receipt of this answer, the Eleventh Circuit on April 26, 1995, remanded the case to the Southern District of Alabama for a trial on the merits, with instructions. 52 F.3d 300 (11th Cir. 1995) (Circuit Judges Tjoflat, Edmondson, Birch), *cert. denied*, 516 U.S. 908 (1995).

After a bench trial, on September 29, 1995, the district court held that the past practice of the State was clearly not to count absentee ballots that had been neither notarized nor witnessed, that to change this practice would deprive the plaintiffs of their rights to due process and equal protection, and that the voters whose ballots did not meet the statutory requirements had failed to show that their constitutional rights were violated. The district court permanently enjoined the counting of any contested absentee ballots and directed the Secretary of State to certify the election results and swear in successful candidates. 904 F. Supp. 1315 (S.D. Ala. 1995). The class consisting of voters who had cast defective absentee ballots appealed the order of the district court.

I wrote the brief and argued the case before the Court of Appeals. The Eleventh Circuit affirmed and directed the State officials to comply with the injunction. 68 F.3d 404 (11th Cir. 1995) (Circuit Judges Tjoflat, Anderson, and Barkett).

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2. *White v. Alabama*, 74 F.3d 1058 (11th Cir. 1996)

In this case, I represented the State of Alabama and its then-Secretary of State, Jim Bennett, after Jeff Sessions was sworn in as Attorney General of Alabama (in January 1995), and was appointed Deputy Attorney General.

Before the 1994 elections, White, on behalf of himself and African-American voters in Alabama, filed suit under the Voting Rights Act, challenging the at-large system for the election of judges to Alabama appellate courts. White brought claims under Sections 2 and 5 of the Act and triggered the appointment of a three-judge court. But the jurisdiction of that three-judge court did not include all of the proceedings. *See* 74 F.3d at 1065 n. 25 (citing *White v. State of Alabama*, 851 F. Supp. 427, 428–29 (M.D. Ala. 1994) (three-judge court)). Specifically, the three-judge court concluded that it “did not have the jurisdiction to consider the validity of [a] settlement agreement.” *Id.* In February 1994, White and the State of Alabama reached a settlement. Jimmy Evans was then the Attorney General of Alabama. Ralph Bradford and others sought to intervene to seek different relief.

The settlement that was reached in February 1994 was modified more than once before it was approved by the district court on October 6, 1994. As approved, the effect of the agreement would have been to retain the State’s system of electing appellate judges on an at-large basis, but to create two additional judgeships on each court. The increase to seven members would be permanent on the Alabama Court of Civil Appeals and the Court of Criminal Appeals, and the Alabama Supreme Court would ultimately be settled at nine members. A judicial nominating commission, the composition of which was specified, would present a slate of three candidates to the Governor. Those candidates were to be drawn from the White plaintiff class of African-American voters. Moreover, the settlement provided a mechanism that would insure that the two new seats were continually occupied by African-Americans. *See generally White v. State of Alabama*, 867 F. Supp. 1519 (M.D. Ala. 1994). Through these changes, African-Americans, who were then some 23 percent of the voting age population, would be proportionately represented on the Alabama appellate bench.

Before the 1994 election, the district court approved the proposed settlement and rejected the objections to it. The intervenors who had objected appealed from the judgment.

After I became Deputy Attorney General, I was the only attorney representing the State of Alabama and Secretary of State Bennett. In these proceedings, I briefed and argued the matter in the Eleventh Circuit. I challenged the settlement approved by the district court on three principal grounds: 1) that the settlement was contrary to the constitution of Alabama and, therefore, it was beyond the authority of the Attorney General of Alabama; 2) that it was beyond the power of the district court under the Voting Rights Act, because it involved a remedy (appointment of judges and a change in the size of a government

body) neither contemplated by nor consistent with the Act; and 3) that it involved racial set-asides that violated the equal protection guarantees of the Fifth and Fourteenth Amendments.

In a decision published on January 6, 1996, the Eleventh Circuit vacated the judgment and remanded the case. The court adopted the arguments that other attorneys and I made and held that the remedy of the district court, which removed judicial selection from the ballot box and placed it in an appointive system, was inconsistent with Section 2 of the Voting Rights Act, which is designed to protect the opportunity to elect candidates of the voters' choice. The court also observed that proportional representation is inconsistent with the Act, which states, in pertinent part, "[N]othing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population," 74 F.3d at 1071 (quoting 42 U.S.C. § 1973(b)). Finally, the court held that the district court exceeded its powers when it increased the size of Alabama's elected appellate courts. Accordingly, the court vacated the judgment of the district court and remanded the case to the three-judge court which had stayed its hand. [Chief Judge Tjoflat, Judges Black and Goodwin (sitting by designation from the Ninth Circuit)]

In the proceedings on remand, the three-judge court, which had jurisdiction of the Section 5 claims, concluded that, although those claims were not moot, no relief was appropriate. *White v. State of Alabama*, 922 F. Supp. 552 (M.D. Ala. 1996) (three-judge court). With the resolution of the Section 5 claims, the single-judge court adjudicated the remaining claims. I participated in these proceedings in the district court. Those further proceedings are reported or can be found at 922 F. Supp. 552 (M.D. Ala.); 1996 WL 378235 (M.D. Ala. June 20, 1996); and 1998 WL 117896 (M.D. Ala.). [Circuit Judge Dubina, District Judges Thompson and DeMent]

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3. *Hornsby v. Sessions*, 703 So. 2d 932 (Ala. 1997)

This litigation also arose out of the disputed 1994 chief justice election, described in detail in the entry for *Roe v. Alabama*. The then-incumbent Chief Justice of Alabama, E.C. “Sonny” Hornsby, was a candidate for re-election. The outcome of that election was disputed, with the result that no winner was certified for several months. In the interim, Hornsby sought to continue in his office and to receive his salary during that time. In January 1995, the State Finance Director Jimmy Baker requested a legal opinion from the attorney general as to whether the state comptroller could legally issue state warrants to

pay Hornsby's salary (as well as the salary of another state official whose race had not been certified).

On February 1, 1995, Attorney General Sessions issued his opinion that Hornsby's term of office had expired and that the state comptroller could not legally issue warrants to pay his salary. Hornsby then sought a declaratory judgment that his term of office continued until the results of the election were certified.

During the pendency of this litigation, on October 20, 1995, Perry O. Hooper, Sr., was certified the winner of the race for chief justice and sworn into office as a result of the *Roe* litigation. The circuit court then dismissed Hornsby's action as moot. Hornsby appealed.

During the period from February 1995 to September 1997, I represented Jeff Sessions, as Attorney General of the State of Alabama, and Jimmy H. Baker, as Acting Director of the Department of Finance of the State of Alabama. I represented the State in proceedings before the circuit court, supervised the briefing of the appeal, and argued the case to a special court composed of retired circuit judges. Because the Chief Justice and all of the Associate Justices had recused themselves, the court had appointed a special panel composed of Circuit Judges Karrh, Younger, Burney, Baird, Folsom, Pearson, Baldwin, Key, and Byrd.

The court ruled 7 to 2 in favor of Hornsby. The court found that Hornsby had served in a de jure capacity as chief justice from the time his elective term ended until Hooper was sworn into office and was entitled to all the powers, rights, duties, and benefits of the office during that period.

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4. *Alabama v. Blackmon et al.*, Case No. CC-98-629, Circuit Court of Houston County, Alabama (20th Judicial Circuit)

This case was a criminal prosecution for theft from the Southeast Alabama Medical Center, a public hospital in Dothan, Alabama. Blackmon was the former Chief Executive Officer of the hospital and Lupinacci was the Director of the Industrial Medicine Clinic at the hospital. They were indicted on June 4, 1998. Blackmon was indicted for five counts of theft of property in the first degree. Each count represented a separate scheme to embezzle from the public hospital where he was employed as the Chief Executive Officer. Lupinacci was indicted as an accomplice in one of the schemes.

I was lead counsel for the State of Alabama. I examined witnesses and made arguments to both the judge and jury. Judge Charles W. Woodham, a district court judge from Henry County, the other county in the 20th Judicial Circuit, was appointed to hear this case after the circuit judges recused themselves.

Blackmon was convicted on four of five counts on March 18, 1999. On April 19, 1999, he was sentenced on each count to 15 years, which was split to a sentence of 3 years imprisonment followed by 5 years probation. These sentences were to run concurrently. Blackmon was ordered to make restitution in the total amount of \$376,345.83. Lupinacci was acquitted, but later pleaded guilty to another felony theft charge.

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5. *Ex Parte James*, 2002 WL 1150823 (Ala. 2002)

This case, which raised constitutional challenges to the funding of public education by the State of Alabama, was litigated for approximately 12 years. My involvement included representing state officials in various courts after my employment with the Office of Attorney General in January 1995. In this summary, I focus on my representation of state officials in appellate litigation before the Alabama Supreme Court during 2001 and 2002.

The story began in 1990 and 1991 with the filing of two lawsuits that challenged the funding and adequacy of Alabama public schools. In a sweeping “Liability Order” entered in the two consolidated cases, the Circuit Court of Montgomery County found that the public schools of Alabama were constitutionally inadequate. The parties jointly moved the trial court for certification of the Liability Order as a final judgment. *Ex parte James*, 713 So. 2d at 875 (citing *Pinto v. Alabama Coalition for Equity*, 662 So. 2d 894 (Ala. 1995)) (*James I*). On June 9, 1993, two months after it entered the Liability Order, the circuit court certified the judgment as final under Rule 54(b), Ala. R. Civ. P. *James v. Alabama Coalition for Equity, Inc.*, 713 So. 2d 937, 940 (Ala. 1997). None of the parties contested or appealed the issuance of the Rule 54(b) order that made the Liability Order final. *Id.* at 941. On four occasions after the Rule 54(b) order was issued, the Alabama Supreme Court held that the Liability Order became final and appealable as of June 9, 1993. *See id.* at 943.

In *James I*, the Supreme Court of Alabama stayed any “remedy” proceedings for a period of one year so that the educational deficiencies identified in the Liability Order could be addressed by the legislative and executive branches of government. 713 So. 2d at 882. Later, the Supreme Court of Alabama modified its ruling to provide the coordinate branches of government a “reasonable time” to “formulate[] an educational system that complies with the judgment in the Liability Phase.” 713 So. 2d at 935. After that ruling, the legislature enacted new laws to improve the public education system in Alabama and the State Board of Education worked tirelessly to implement new policies and initiatives to improve the quality of education afforded Alabama schoolchildren.

On March 16, 2001, despite these efforts, the plaintiffs filed a petition with the circuit court to reopen the litigation for “remedy” proceedings. The circuit court scheduled a status conference for May 9, 2001. On June 29, 2001, the Supreme Court of Alabama entered an order *ex mero motu* that vacated the previous order in which it had remanded the proceedings to the circuit court and that required the parties to brief issues about the appealability of the Liability Order.

In our briefs, we reminded the court of its previous holdings that the Liability Order was final and binding on the defendants. We urged the court not to disturb the finality of its previous holdings and, instead, to hold that the implementation of a remedy for funding

elementary and secondary education systems presented a nonjusticiable political question better left to the executive and legislative branches of government. We argued that subsequent legislation and efforts of the State Department of Education had brought about changes in education funding and adequacy that had rendered the litigation moot. We asked the court to exercise judicial restraint and refrain from usurping the powers of the other branches of government.

I served as lead counsel for the state defendants, including the Governor, State Director of Finance, Lieutenant Governor, Speaker of the House of Representatives, State Superintendent of Education, and the members of the Alabama State Board of Education. I wrote the master outline for and some sections of our briefs and served as final editor for all briefs submitted on behalf of the state defendants. The court agreed with our arguments regarding justiciability and the separation of powers and dismissed the remedy phase of the litigation. [Chief Justice Moore; Justices See, Brown, Harwood, Stuart, Houston, Woodall, Johnstone, and Lyons]

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6. *Alabama v. Shelton*, 535 U.S. 654, 122 S. Ct. 1764 (2002)

This case raised the question of a misdemeanor's right to counsel for the imposition of a suspended sentence of imprisonment. After Shelton was adjudged guilty of third degree assault, a misdemeanor offense, while representing himself in the Etowah County District Court of Alabama, Shelton appealed the conviction for a trial de novo in circuit court. Shelton proceeded, pro se, to trial in the Etowah County Circuit Court, where a jury convicted him of the same crime. The trial judge sentenced Shelton to serve thirty days in the Etowah County Detention Center, then suspended the term and imposed two years' unsupervised probation. As a condition of probation, Shelton was required to pay various financial levies to the county clerk within thirty days.

Shelton retained counsel and appealed his conviction. Shelton argued in the Alabama Court of Criminal Appeals that his misdemeanor conviction was void because he had not waived his right to counsel. The Alabama Court of Criminal Appeals disagreed and held, based on the rulings in *Argersinger v. Hamlin*, 407 U.S. 25 (1972), and *Scott v. Illinois*, 440 U.S. 367 (1979), that a defendant is not entitled to counsel for a misdemeanor offense in which a suspended or conditional sentence is imposed. In a 6 to 1 decision, the Alabama Supreme Court affirmed Shelton's conviction and "[t]he remaining aspects of the sentence," but "revers[ed] that aspect of his sentence imposing thirty days of suspended jail time." Finding that "[n]either *Argersinger* nor *Scott* addressed the issue . . . whether a suspended or probated sentence to imprisonment constitutes a 'term of imprisonment,'" the Alabama Supreme Court concluded that a conditional threat of imprisonment imposed in an uncounseled case "could never be carried out" and thus was "invalid" as a matter of federal constitutional law.

The Supreme Court of the United States granted a writ of certiorari to consider the State's argument that, under the Sixth Amendment and the decisions in *Argersinger* and *Scott*, the right to state-appointed counsel extended only to cases involving actual incarceration.

I represented the State of Alabama by overseeing and participating in the brief writing and presenting the oral argument before the United States Supreme Court on February 19, 2002. The Supreme Court affirmed the ruling of the Alabama Supreme Court by a 5 to 4 vote.

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7. *Ex parte Bobby Wayne Waldrop*, 2002 WL 31630710 (Ala. Nov. 22, 2002)

Waldrop was convicted of three counts of capital murder in the stabbing of his grandparents. Two counts of murder were made capital because the murders were committed during a robbery; one count of murder was made capital because two or more persons were murdered by one act or pursuant to one scheme or course of conduct.

The Alabama Supreme Court originally granted certiorari review on one issue—whether the trial court stated sufficient reasons in its sentencing order for overriding the jury’s life recommendation and sentencing Waldrop to death under *Ex parte Taylor*, 808 So. 2d 1215 (Ala. 2001). After the decision in *Ring v. Arizona*, 536 U.S. 584, 122 S. Ct. 2428 (2002), the Supreme Court of Alabama ordered supplemental briefing on five issues concerning the possible effects of *Ring* on the capital sentencing regime in Alabama.

I monitored closely the brief writing, which was supervised by the Solicitor General and Division Chief, on the *Ring* issues, and I orally argued the case before the Alabama Supreme Court on September 10, 2002. The case was affirmed unanimously as to the *Ring* issue and 5 to 4 as to the *Ex Parte Taylor* issue.

Although the court did not adopt my first argument that finding a defendant guilty of any of the 18 enumerated capital offenses satisfies *Ring* and renders the defendant death-eligible, the court agreed with my alternative argument that finding Waldrop guilty of a category of capital murder that corresponds to an aggravating circumstance (in this case robbery) rendered him death-eligible under *Ring* and entitled the trial court to sentence him to death or to life without parole. One Justice, Lyn Stuart, wrote a concurring opinion that agreed with my first argument as well. The court held that, in this case, “the jury, and not the trial judge, determined the existence of the ‘aggravating circumstance necessary for the imposition of the death penalty’ Therefore, the findings reflected in the jury’s verdict alone exposed Waldrop to a range of punishment that had as its maximum the death penalty. This is all *Ring* and *Apprendi* require.” *Ex parte Waldrop*, 2002 WL 31630710 at *5. The court further accepted my argument that the weighing of aggravating and mitigating circumstances is not a factual determination or an element of the offense that must be made or found by the jury. The court also accepted my argument that *Ring* and *Apprendi* do not require the jury to make every factual determination; thus, the later determination by the trial court that the murders were especially heinous, atrocious, or cruel is a factor that had “application only in weighing the mitigating circumstances and the aggravating circumstances, a process that we held earlier is not an ‘element’ of the offense.” *Ex parte Waldrop*, 2002 WL 31630710 at *7.

As to the issue on which certiorari review was initially granted, the court accepted my argument and, instead of remanding the cause to the trial court for it to state specific reasons for overriding the jury’s life recommendation, conducted its own statutorily

required review of the propriety of the death penalty. The court concluded, as I had argued, that a death sentence was proper in this case. Although the trial court's sentencing order did not comply with *Ex parte Taylor*, a case I suggested was wrongly decided, the trial judge presiding over Waldrop's trial was no longer a sitting judge. Four justices dissented from the majority's holding on this issue and argued that the case should nonetheless be remanded to the trial court.

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8. *Ex parte Roy Edward Perkins*, 2002 WL 31630711 (Ala. Nov. 22, 2002)

On June 28, 2002, the United States Supreme Court granted certiorari and remanded this capital murder case involving kidnapping and murder to the Supreme Court of Alabama “for further consideration in light of *Atkins v. Virginia*.” *Perkins v. Alabama*, 122 S. Ct. 2653 92002). The Supreme Court of Alabama then ordered supplemental briefing to address the possible implications of *Atkins v. Virginia* on this case. The ultimate question was whether Perkins was mentally retarded within the meaning of the Eighth Amendment and, therefore, not subject to the death penalty.

I argued the case before the Alabama Supreme Court on November 6, 2002. My principal argument was that Perkins was not entitled to relief. In the alternative, I sought remand for an *Atkins* hearing. I encouraged the Court not to establish a mental retardation standard and argued that, regardless of the standard used to evaluate Perkins’s mental function, the overwhelming evidence from the trial conclusively demonstrated that Perkins was not mentally retarded within the meaning of the Eighth Amendment. This argument was successful.

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9. *Blanton v. State*, 886 So. 2d 850 (Ala. Civ. App. 2003)

This case arose out of the prosecution of Blanton for the 1963 bombing of the Sixteenth Street Baptist Church that resulted in the death of four young black girls. 886 So. 2d at 857. At trial, Blanton was convicted of four counts of first-degree murder and sentenced to life imprisonment on each count. *See id.*

Blanton appealed his convictions to the Court of Criminal Appeals of Alabama. On appeal, he raised several challenges to the admission of evidence under the Alabama Rules of Evidence and the Fourth Amendment. He also argued that the denial of a continuance by the trial court violated his right to counsel under the Sixth Amendment; that the State used race-based considerations in its exercise of peremptory strikes in violation of his due process rights; that the trial court improperly denied his challenges for cause; that the trial court erred in its jury instruction on conspiracy; that the trial court erroneously denied his motion for a change of venue; and that the trial court should have granted his motion to dismiss because the prosecution waited 37 years to indict him for the bombing.

I supervised the briefing and presented oral argument to the Court of Criminal Appeals of Alabama. I argued that Blanton's evidentiary challenges lacked merit or were procedurally defaulted; that Blanton had failed to demonstrate any violation of his Sixth Amendment right to counsel because he had not cited any specific instances in which his counsel's performance was deficient; that the State properly exercised its peremptory strikes for race-neutral reasons; that the trial court did not abuse its discretion in its voir dire rulings; that Blanton failed to preserve his challenge to the jury instructions; that Blanton failed to show either that the pretrial publicity warranted a presumption of prejudice or that the jury was actually prejudiced against him because of that publicity; and that Blanton had not presented any evidence that he was actually prejudiced by the pre-indictment delay and that the delay was the product of some deliberate action by the State.

The Court of Criminal Appeals accepted my arguments and affirmed the judgment of the trial court. [Judges Baschab, McMillan, Shaw, Wise, Cobb]. Both the Alabama Supreme Court and the United States Supreme Court denied certiorari to Blanton. *Blanton v. Alabama*, 543 U.S. 878, 125 S. Ct. 119 (2004); *Ex parte Blanton*, 886 So. 2d 886 (Ala. 2004).

Co-counsel and counsel for the other parties included—

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Counsel for the appellant:

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10. *Moore v. Judicial Inquiry Comm'n of State of Ala.*, 891 So. 2d 848 (Ala. 2004)

Shortly after he was elected Chief Justice of the Alabama Supreme Court, Roy Moore commissioned a granite monument that depicted the Ten Commandments and installed it in the rotunda of the judicial building in Montgomery. When Chief Justice Moore unveiled the monument, he said that the monument depicted the moral foundation of the law and would serve as a reminder to the judges, courts, members of the bar, and citizens

of Alabama that “to establish justice we must involve ‘the favor and guidance of almighty God.’” 891 So. 2d at 852.

Two lawsuits were filed to challenge the monument, and United States District Judge Myron Thompson concluded that Chief Justice Moore had violated the Establishment Clause when he had installed the monument and ordered him to remove it within 30 days. The district court did not initially issue an injunction, but stated that it would enter an injunction to require its removal within 15 days if he failed to remove the monument within 30 days. Chief Justice Moore refused to remove the monument and appealed the decision to the United States Court of Appeals for the Eleventh Circuit. The district court entered the permanent injunction, but agreed to stay the injunction during the pendency of Chief Justice Moore’s appeal. The Eleventh Circuit affirmed the entry of the permanent injunction by the district court and issued its mandate. The district court issued a mandatory injunction that required the removal of the monument within 15 days.

Chief Justice Moore did not appeal within the statutory time limit and issued a public statement in which he said that he had “no intention of removing the monument.” He then asked the district court to stay the injunction while he petitioned for a writ of mandamus in the United States Supreme Court. The district court denied the stay because Chief Justice Moore had refused to file a petition for a writ of certiorari to the United States Supreme Court and “should not be able to circumvent, or avoid, the Eleventh Circuit and keep that appellate court out of the orderly appellate process.” 891 So. 2d at 853. He then filed a motion in the Eleventh Circuit to recall the mandate and stay the injunction, and the Eleventh Circuit denied that motion. He also filed an application for recall and stay with the United States Supreme Court that the Court denied that same day.

When Chief Justice Moore refused to comply with the injunction by the August 20, 2003 deadline, the Associate Justices of the Alabama Supreme Court issued an order to remove the monument.

On August 22, 2003, the Judicial Inquiry Commission filed a complaint against Chief Justice Moore for violations of the Alabama Canons of Judicial Ethics. Specifically, he was charged with a violation of Canon 1, which requires a judge to “participate in establishing, maintaining, and enforcing, and [to] himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved”; a violation of Canon 2A, which requires “[a] judge [to] respect and comply with the law” and Canon 2B which requires “[a] judge [to] at all times maintain the decorum and temperance befitting his office.” 891 So. 2d at 854.

The Court of Judiciary issued a unanimous opinion “holding that Chief Justice Moore had violated the Canons of Judicial Ethics as charged in the complaint” and ordered Chief Justice Moore to be removed from office. *Id.* at 854.

The Supreme Court of Alabama affirmed. Because all of the members of the Alabama Supreme Court recused themselves, the Court authorized the Governor and acting Chief

Justice to convene a Court composed of seven retired justices and judges selected at random from a pool of twenty. *Id.* at 850 n.1.

The United States Supreme Court denied a writ of certiorari. *Moore v. Judicial Inquiry Comm'n of State of Ala.*, 543 U.S. 875, 125 S. Ct. 103 (2004).

I argued the case against Chief Justice Moore in the Court of the Judiciary, but was not involved in the appeal to the Supreme Court of Alabama after my appointment to the United States Court of Appeals for the Eleventh Circuit.

Co-counsel and counsel for the other parties included—

Co-counsel:

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16. **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.)

Aside from the litigation matters mentioned above in answer to question 15, I have been involved in two kinds of significant legal activities: (1) the development of constitutional amendments, legislation, and changes in court rules; and (2) the provision of legal opinions to various public officials.

Constitutional amendments, legislation, and changes in court rules. In 1998, I helped draft and campaign for the passage of the Religious Freedom Amendment to the Constitution of Alabama. See ALA. CONST. amend. 622. This amendment was precipitated by two decisions of the Supreme Court of the United States: *Employment Division v Smith*, 494 U.S. 872 (1990), which relaxed the scrutiny of government burdens of religious freedom under the First Amendment; and (2) *City of Boerne v. Flores*, 521 U.S. 507 (1997), which declared the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb, unconstitutional as applied to the states. I opposed efforts of Alabama prison officials to create an exemption under the Religious Freedom Amendment. Under this amendment, government officials in Alabama cannot burden the religious freedom of individuals unless the burden is in furtherance of a compelling government interest and is the least restrictive means of furthering that compelling government interest.

In 1998, I successfully proposed that the State Board of Health classify the drug gamma hydroxybutyrate (GHB) as a schedule I controlled substance. GHB is a dangerous drug often used in date rapes. The classification of GHB as a schedule I drug made its manufacture, possession, and use illegal in Alabama.

Beginning in 1998, I led an effort to reform the system of criminal sentencing in Alabama courts. In 1998, I worked with then-Chief Justice Perry Hooper, Sr., to appoint a committee of the Alabama Judicial System Study Commission to review sentencing policies and practices. After that committee recommended the creation of a permanent sentencing commission to develop and recommend new sentencing policies, my office drafted and successfully lobbied for the passage of legislation that created that commission. Ala. Code § 12-25-1 et seq. Until my appointment as a judge, I remained active in the work of that commission to reform the Alabama system of criminal sentencing in the following ways: (1) to ensure that sentencing practices promote public safety and recognize the impact of crime on victims by concentrating on the incarceration of violent, sex, and repeat offenders; (2) to maintain meaningful judicial discretion allowing judges the flexibility to individualize sentences based on the unique

circumstances of each case; (3) to establish a system where the time served in prison will bear a close resemblance to the court imposed sentence; (4) to provide for sentencing alternatives, other than incarceration in prison, for offenders who can best be supervised and rehabilitated through more cost-effective means while still protecting the public; (5) to assist the executive branch in avoiding prison overcrowding and premature release of inmates; and (6) to ensure that there exists no unwarranted disparity with respect to sentencing of felony offenders.

In 1999 and 2000, I helped draft and campaigned for an amendment to the Constitution of Alabama that repealed a ban on interracial marriages. *See* ALA. CONST. amend. No. 667 (repealing former article IV, section 102).

In 2000, I proposed and the Supreme Court of Alabama unanimously adopted an amendment to Alabama Rule of Appellate Procedure 39. The amendment removed the provision of former Rule 39 that provided that a petition for a writ of certiorari to the Supreme Court of Alabama in a case involving a sentence of death would be granted as of right. Under the new rule, the review of cases involving sentences of death is at the discretion of the Supreme Court of Alabama, like every other criminal case.

In 2001, I successfully proposed legislation to create a crime of identity theft and certain remedies for victims of that crime. Ala. Code. §§ 13A-8-190 et seq.

Opinions for public officials. I have provided hundreds of opinions and guidance on legal issues to scores of public officials in Alabama. At least three of those opinions and one set of guidelines are noteworthy.

- (1) On three separate occasions, I distributed to all city and county superintendents of education extensive guidelines for the free exercise of religion in public schools. These guidelines are similar to the guidelines distributed by the U.S. Department of Education. The guidelines explain that school officials are prohibited from sponsoring or organizing prayer or religious activities. The guidelines also explain how school officials must remain genuinely neutral toward student-initiated religious expression.
- (2) After the 2002 general election, a dispute erupted between the gubernatorial candidates concerning the circumstances that would warrant a recount under Alabama's archaic and confusing election laws, many of which were written long before the use of modern voting machines became common. At the request of the Secretary of State, I opined that a recount was unavailable except in limited circumstances.
- (3) In early 2000, a state legislator sought my opinion whether the Vermont "civil union" statute then pending (and later passed) that gave homosexual couples the benefit of marriage would be afforded "full faith and credit" by the State of Alabama, its political subdivisions, and business enterprises. After an exhaustive review of the relevant controlling constitutional authorities and Alabama law, I concluded that neither the State, its subdivisions, businesses doing business in the state, nor our citizens would be required to recognize civil unions of homosexual

couples under the federal Defense of Marriage Act and the Alabama Marriage Protection Act.

- (4) In June 2002, the director of the State Personnel Department sought my opinion concerning special rights and privileges allegedly granted to state employees who are members of the National Guard and Reserves forces of the United States when called to active duty during the war on terrorism that commenced in September 2001. Among these benefits, the State undertook to pay the difference between a service member's military pay and his/her civilian pay, if any. Some department heads had suggested to the personnel director that giving effect to the statute would allow service members to "double dip" and be paid benefits to which they were not entitled and state agencies could not afford to pay. In my opinion, I harmonized the new state law, admittedly not a model of clarity, with the complex federal laws and regulations dealing with military pay and entitlements. In so doing, I gave great weight to the obvious intent of the legislature to recognize the sacrifices and hardships voluntarily undertaken by members of our reserve armed forces and their families. Accordingly, I opined that the legislature intended to ensure that service members and their families did not suffer additional financial sacrifices for defending our Nation.

17. **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.

Interpretation of Legal Texts (2013 – present)
Cumberland School of Law, Samford University

This seminar introduces students to the semantic, contextual, and substantive canons of interpretation analyzed by Bryan Garner and Justice Antonin Scalia in their recent work, "Reading Law: The Interpretation of Legal Text." The goal of the seminar is to provide the students an advanced understanding of the method of judicial interpretation known as textualism. Syllabus provided.

Federal Jurisdiction (2006 – present)
University of Alabama School of Law

This course is an introduction to the federal judicial system. We cover statutory and constitutional limits on the exercise of the federal judicial power including the justiciability doctrines, diversity and federal-question jurisdiction, congressional allocation of judicial power to legislative courts, and sovereign immunity. We also cover some aspects of the law applicable in federal courts, including *Erie*, federal common law, and collateral attack by habeas corpus. Syllabus provided.

Admiralty Law (1989 – 1995)
Cumberland School of Law, Samford University

This course surveyed the admiralty and maritime law of the United States. We considered subjects such as admiralty and maritime jurisdiction, maritime torts, maritime contracts, the Jones Act, and seaman's rights. No syllabus available.

18. **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.

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

During my service on the Commission, I would continue to serve as a United States Circuit Judge for the Eleventh Circuit and as a visiting professor at the University of Alabama School of Law and an adjunct professor at Cumberland School of Law. I have no plans to pursue employment outside of these commitments.

20. **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.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

None.

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

I do not expect any conflicts to arise in this position. I am careful to identify and avoid conflicts as a federal judge. Were any conflicts to arise in the position, I would identify and resolve them in the same way that I do in my role as a federal judge: by following the Code of Judicial Conduct.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

As Attorney General and Deputy Attorney General of Alabama, my duties were to represent the State, its agencies, boards, commissions, and departments, and its officials. See Ala. Code §§ 36-15-1 et seq. These official duties, which I performed from January 1995 to February 2004, legally precluded me from representation of private clients on a pro bono basis. But my office performed a variety of services that benefit disadvantaged persons. Those services included assistance of the victims of crime and representation of the interests of consumers before the Public Service Commission and in other courts. In addition, I sponsored a mentoring initiative, Mentor Alabama, which recruited thousands of citizens from the state to serve as mentors for disadvantaged youth. I volunteered as a reading tutor at an inner-city public school for three years.

I also served as the vice chair of the Board of the Children First Foundation, a non-profit and bipartisan organization that strived to influence the policies of state government to improve the lives of children, especially disadvantaged children. I also served as a director of the Children's Scholarship Fund-Alabama, which awarded scholarships to disadvantaged students to attend private or parochial schools.

Since my appointment to the bench, the bulk of my volunteer work has been as a member of several judicial committees, the American Law Institute, and the Board of Advisory Editors for both the *Tulane Law Review* and the *Yale Law & Policy Review*. I also volunteer as a lector at Our Lady of Sorrows Catholic Church in Homewood, Alabama, and participate in the charitable works of the Equestrian Order of Holy Sepulchre of Jerusalem.

**FINANCIAL DISCLOSURE REPORT
NOMINATION FILING**

*Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)*

1. Person Reporting (last name, first, middle initial) Pryor, Jr., William H.	2. Court or Organization United States Sentencing Commission	3. Date of Report 04/15/2013
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Circuit Judge - Active	5a. Report Type (check appropriate type) ☒ Nomination Date 4/15/2013 ☐ Initial ☐ Annual ☐ Final	6. Reporting Period 1/01/2012 to 4/01/2013
	5b. ☐ Amended Report	
7. Chambers or Office Address 1729 Fifth Avenue North Suite 900 Birmingham, AL 35203		
IMPORTANT NOTES: <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i>		

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☐ NONE *(No reportable positions.)*

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Adjunct Professor	Cumberland School of Law
2. Visiting Professor	University of Alabama School of Law
3. Director and Vice President	Alabama Center for Law & Civic Education
4.	
5.	

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☒ NONE *(No reportable agreements.)*

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

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Name of Person Reporting

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2013	Cumberland School of Law	\$7,500.00
2. 2012	University of Alabama School of Law	\$17,500.00
3. 2011	University of Alabama School of Law	\$10,000.00
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2013	Warren, Averett, LLC
2. 2012	Wilson,Price,Barranco,Blankenship & Billingsley, P.C.
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

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Name of Person Reporting

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. IRA #1									
2. - TOCQUEVILLE GOLD FUND	B	Dividend	K	T					
3. IRA #2									
4. - JANUS OVERSEAS		None							
5. -FIDELITY SELECT MEDICAL DELIVERY	A	Dividend	J	T					
6. -FIDELITY OTC PORT		None							
7. -FIDELITY SELECT NATURAL RESOURCES		None							
8. -FIDELITY SMALL CAP DISCOVERY FUND	B	Dividend	K	T					
9. -FIDELITY SELECT BIOTECHNOLOGY	A	Dividend	K	T					
10. -PIMCO INCOME FD CL D	B	Dividend	K	T					
11. -FIDELITY BLUE CHIP GROWTH	A	Dividend	K	T					
12. IRA #3									
13. -FIDELITY REAL ESTATE INCOME	C	Dividend	L	T					
14. IRA #4									
15. -FIDELITY SELECT COMPUTERS		None							
16. -MATTHEWS ASIA SCIENCE & TECHNOLOGY FUND		None							
17. -FIDELITY SELECT MATERIALS PORTFOLIO	A	Dividend	K	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. -FIDELITY NASDAQ COMPOSITE INDEX	A	Dividend	K	T					
19. -FIDELITY SELECT MULTIMEDIA	A	Dividend	L	T					
20. -FIDELITY SELECT BIOTECHNOLOGY	A	Dividend	K	T					
21. -FIDELITY SELECT NATURAL RESOURCES		None							
22. -FIDELITY SELECT MEDICAL DELIVERY		None							
23. -FIDELITY SELECT LEISURE	A	Dividend							
24. -FIDELITY SELECT CHEMICALS	B	Dividend	L	T					
25. IRA #7									
26. -RYDEX ENERGY INVESTOR CLASS		None							
27. -FIDELITY SELECT RETAILING	A	Dividend	K	T					
28. -FIDELITY SELECT MATERIALS PORTFOLIO	A	Dividend	K	T					
29. BROKERAGE ACCT #1									
30. -FIDELITY SELECT BIOTECHNOLOGY	A	Dividend	K	T					
31. -FIDELITY SMALL CAP VALUE		None	J	T					
32. -FIDELITY NEW MARKETS INCOME	A	Dividend							
33. -FIDELITY SELECT PHARMACEUTICAL	A	Dividend	J	T					
34. -FIDELITY SELECT LEISURE	A	Dividend							

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes
(See Columns C1 and D3)

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

S = Assessment
W = Estimated

T = Cash Market

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
35. -MATTHEWS CHINA FUND		None							
36. BROKERAGE ACCT #2									
37. -FIDELITY SELECT BIOTECHNOLOGY		None	J	T					
38. -FIDELITY BLUE CHIP GROWTH		None							
39. -FIDELITY SMALL CAP DISCOVERY FUND	A	Dividend							
40. -CAMBIAR AGGRESSIVE VALUE-INVESTOR		None							
41. SECTION 401(K)/PROFIT SHARING PLAN #1									
42. -MATTHEWS CHINA FUND		None							
43. -COHEN&STEERS REALTY SHARES	A	Dividend							
44. -MATTHEWS PACIFIC TIGER FUND		None							
45. -FIDELITY SELECT TRANSPORT	B	Dividend							
46. -FIDELITY SELECT ENERGY SERVICE		None							
47. -FIDELITY SELECT MULTIMEDIA		None							
48. -FIDELITY BLUE CHIP GROWTH		None							
49. -FIDELITY SELECT CHEMICAL	A	Dividend							
50. -FIDELITY CASH RESERVES	A	Interest							
51. -PIMCO COMDTY REAL RET STRAT INST	A	Dividend	J	T					

- | | | | | | |
|--|---|--|---|--|------------------------|
| 1. Income Gain Codes:
(See Columns B1 and D4) | A =\$1,000 or less
F =\$50,001 - \$100,000
J =\$15,000 or less
N =\$250,001 - \$500,000
P3 =\$25,000,001 - \$50,000,000 | B =\$1,001 - \$2,500
G =\$100,001 - \$1,000,000
K =\$15,001 - \$50,000
O =\$500,001 - \$1,000,000 | C =\$2,501 - \$5,000
H1 =\$1,000,001 - \$5,000,000
L =\$50,001 - \$100,000
P1 =\$1,000,001 - \$5,000,000
P4 =More than \$50,000,000 | D =\$5,001 - \$15,000
H2 =More than \$5,000,000
M =\$100,001 - \$250,000
P2 =\$5,000,001 - \$25,000,000 | E =\$15,001 - \$50,000 |
| 2. Value Codes
(See Columns C1 and D3) | Q =Appraisal
U =Book Value | R =Cost (Real Estate Only)
V =Other | S =Assessment
W =Estimated | T =Cash Market | |
| 3. Value Method Codes
(See Column C2) | | | | | |

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Pryor, Jr., William H.

Date of Report

04/15/2013

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. -DODGE & COX INTERNATIONAL STOCK	A	Dividend	K	T					
53. -FIRST EAGLE OVERSEAS FUND CLASS I	A	Dividend	J	T					
54. -FEDERATED INSTL HIGH YLD BD INST	A	Dividend	J	T					
55. -PIMCO TOTAL RETURN INSTL	A	Dividend	J	T					
56. -VANGUARD TOTAL BD MKT IDX	A	Dividend	J	T					
57. -VANGUARD GROWTH INDEX SIGNAL	A	Dividend	J	T					
58. -AQR MANAGED FUTURES STRATEGY FUND CLASS I	A	Dividend	J	T					
59. -STEELPATH MLP ALPHA FUND CLASS I	A	Dividend	J	T					
60. -VANGUARD MIDCAP GROWTH INDEX FUND ADMIRAL	A	Dividend	K	T					
61. -VANGUARD MIDCAP VALUE INDEX FUND ADMIRAL	A	Dividend	K	T					
62. -LAZARD EMERGING MARKETS MULTI STRATEGY	A	Dividend	K	T					
63. -VANGUARD EQUITY INCOME	A	Dividend	K	T					
64. -LOOMIS SAYLES BOND INSTL	A	Dividend	J	T					
65. -PIONEER STRATEGIC INCOME A	A	Dividend	J	T					
66. -T ROWE PRICE REAL ESTATE FUND	A	Dividend	J	T					
67. -DFA US MICRO CAP	A	Dividend	J	T					
68. -VULCAN VALUE PARTNERS SMALL CAP FUND	A	Dividend	J	T					

1. Income Gain Codes:
(See Columns B1 and D4)

2. Value Codes
(See Columns C1 and D3)

3. Value Method Codes
(See Column C2)

A = \$1,000 or less
F = \$50,001 - \$100,000
J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000
Q = Appraisal
U = Book Value

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000
K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000
R = Cost (Real Estate Only)
V = Other

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000
L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000
S = Assessment
W = Estimated

D = \$5,001 - \$15,000
H2 = More than \$5,000,000
M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Pryor, Jr., William H.

Date of Report

04/15/2013

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. -LEGG MASON CLEARBRIDGE SMALL	A	Dividend	J	T					
70. -WELLS FARGO STABLE VALUE		None	J	T					
71. COMPASS BANK- A/C #1	A	Interest	K	T					

1. Income Gain Codes:
(See Columns B1 and D4)
2. Value Codes
(See Columns C1 and D3)

A = \$1,000 or less
F = \$50,001 - \$100,000
J = \$15,000 or less
N = \$250,001 - \$500,000
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K = \$15,001 - \$50,000
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L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000
S = Assessment
W = Estimated

D = \$5,001 - \$15,000
H2 = More than \$5,000,000
M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000
T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Pryor, Jr., William H.

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Pryor, Jr., William H.

Date of Report

04/15/2013

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ **William H. Pryor, Jr.**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		26	698	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		771	214	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			194
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – primary residence		336	361
Real estate owned – personal residence		600	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		164	193				
Cash value-life insurance							
Other assets itemize:							
Thrift Savings Plan		4	030				
				Total liabilities		336	361
				Net Worth	1	229	774
Total Assets	1	566	135	Total liabilities and net worth	1	566	135
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

AQR Managed Futures Strategy Fund	\$ 4,444
DFA US Micro Cap Fund	4,572
Dodge & Cox International Stock Fund	33,144
Federated Institutional High Yield Bond Fund	4,514
Fidelity Blue Chip Growth Fund	32,177
Fidelity Cash Reserves	1,039
Fidelity NASDAQ Composite Index Fund	40,538
Fidelity Real Estate Income Fund	53,882
Fidelity Select Biotechnology Fund	71,651
Fidelity Select Chemicals Fund	64,454
Fidelity Select Materials Portfolio	53,893
Fidelity Select Medical Delivery Fund	12,870
Fidelity Select Multimedia Fund	62,860
Fidelity Select Pharmaceutical Fund	14,728
Fidelity Select Retailing Fund	15,238
Fidelity Small Cap Discovery Fund	41,882
Fidelity Small Cap Value Fund	13,928
First Eagle Overseas Fund	13,547
Lazard Emerging Markets Multi-Strategy Portfolio	19,944
Legg Mason ClearBridge Small Cap Value Fund	9,178
Loomis Sayles Bond Fund	5,630
Oppenheimer Steelpath MLP Alpha Fund	4,591
PIMCO Commodity Real Return Strategy Fund	4,523
PIMCO Income Fund	28,217
PIMCO Total Return Fund	6,757
Pioneer Strategic Income Fund	5,626
Prudential Financial stock	353
T. Rowe Price Real Estate Fund	4,543
Tocqueville Gold Fund	37,332
Vanguard Equity Income Fund	18,222
Vanguard Growth Index Signal Fund	13,671
Vanguard Mid Cap Growth Index Fund	20,533
Vanguard Mid Cap Value Index Fund	29,995
Vanguard Total Bond Market Index Signal Fund	6,750
Vulcan Value Partners Small Cap Fund	11,504
Wells Fargo Stable Value Fund	4,484
Total Listed Securities	<u>\$ 771,214</u>

AFFIDAVIT

I, William H. Pryor Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

4/15/13
(DATE)

William H. Pryor Jr.
(NAME)

Mae W. Cochran
(NOTARY)

MY COMMISSION EXPIRES AUGUST 23, 2014