

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Allen Cothrel Winsor

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

United States District Judge for the Northern District of Florida

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.

Florida First District Court of Appeal  
2000 Drayton Drive  
Tallahassee, Florida 32399

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

1976; Orlando, Florida

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

1999 – 2002: University of Florida, Levin College of Law; J.D., 2002

1994 – 1997: Auburn University; B.S.B.A., 1997

1993 – 1994: Valencia Community College; No degree received.

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.

2016 – present  
First District Court of Appeal  
2000 Drayton Drive

Tallahassee, Florida 32399  
District Judge

2017  
Florida State University  
425 West Jefferson Street  
Tallahassee, Florida 32306  
Adjunct Professor

2013 – 2016  
Florida Office of Attorney General  
PL-01 The Capitol  
Tallahassee, Florida 32301  
Solicitor General (2013 – 2016)  
Chief Deputy Solicitor General (2013)

2005 – 2013  
GrayRobinson PA  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
Shareholder (2008 – 2013)  
Associate (2005 – 2008)

2003 – 2005, and summers 2001 and 2002  
King & Spalding LLP  
1180 Peachtree Street, Northwest  
Atlanta, Georgia 32309  
Associate (2003 – 2005)  
Summer Associate (2001, 2002)

2002 – 2003  
United States Court of Appeals for the Eleventh Circuit  
One Church Street  
Montgomery, Alabama 36104  
Judicial clerk to the Honorable Ed Carnes

2000 – 2002  
University of Florida Levin College of Law  
309 Village Drive  
Gainesville, Florida 32611  
Research Assistant to Dean Jon Mills (2001)  
Research Assistant to Professor Mary Twitchell (2000)  
Editor of the Florida Law Review (2000 – 2002)

1999  
Norell Services

4014 Northwest 13th Street  
Gainesville, Florida 32609  
Temporary employee placed in an administrative position

1999  
Elinvar Inc.  
3200 Beachleaf Court, Suite 409  
Raleigh, North Carolina 27604  
Temporary employee placed in an administrative position

1997 – 1999  
NCR Government Systems Corporation  
2 Choke Cherry Road  
Rockville, Maryland 20850  
Solution Sales Specialist

1997  
Lockheed Martin Aeronautical Systems  
86 South Cobb Drive Southeast  
Marietta, Georgia 30063  
Associate in Program Administration

Other Affiliations (Uncompensated)

2013 – 2016  
Florida State University  
425 West Jefferson Street  
Tallahassee, Florida 32306  
Faculty Member

The Florida Solicitor General serves as a faculty member at the FSU College of Law. In that capacity, I taught several semesters. Although the FSU College of Law reimbursed the Office of Attorney General for a portion of my salary, it did not compensate me directly.

2007 – 2013  
Stonebriar Homeowners Association, Inc.  
Stoney Trace  
Tallahassee, Florida 32309  
Secretary/Director (2007 – 2013)  
Director (2006 – 2013)

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 did not serve in the military. I registered for selective service.

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

Florida Trend's Legal Elite, 2014 – 2015

Martindale-Hubbell AV Rating, 2012

Florida SuperLawyers Rising Star, 2009 – 2012

University of Florida Levin College of Law

Order of the Coif, 2002

Phi Delta Phi

Editor in Chief, *Florida Law Review*, 2001 – 2002

Irving Cypen Scholastic Achievement Award, 2000

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

American Bar Association, approximately 2003 – 2005

First District Court of Appeal, American Inn of Court, 2008 – 2015

Second Circuit Judicial Nominating Commission, Commissioner, 2012 – 2016

10. **Bar and Court Admission:**

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

Georgia, 2002

Florida, 2005

There have been no lapses in membership. I am inactive in Georgia.

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

United States Supreme Court, 2010

United States Court of Appeals for the District of Columbia Circuit, 2015  
United States Court of Appeals for the Fourth Circuit, 2003  
United States Court of Appeals for the Eleventh Circuit, 2005  
United States District Court for the Middle District of Florida, 2006  
United States District Court for the Northern District of Florida, 2006  
United States District Court for the Southern District of Florida, 2006  
United States District Court for the Northern District of Georgia, 2003  
United States Bankruptcy Court for the Northern District of Georgia, 2003  
Georgia Supreme Court, 2004  
Court of Appeals of Georgia, 2004

There have been no lapses of 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.

Boy Scouts of America, 2014 – present

Killearn Country Club, 2008 – present

Federalist Society, 2005 – present

Republican National Lawyers Association, 2008 – 2010

Stonebriar Homeowners Association, 2005 – present  
Secretary and Director, 2007 – 2013

United States Tennis Association, 2017 – present

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

The Boy Scouts of America previously limited youth membership in Cub Scouting, Boy Scouting, and Varsity Scouting to boys. In October 2017, the

organization announced that it will open the Cub Scouting program to girls and deliver a Scouting program for older girls in 2018. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

Perspective from a Prosecutor: Allen Winsor, appearing as “Perspective from the Field” in *Capital Punishment, Theory and Practice of the Ultimate Penalty* (2016). Copy supplied.

*Book Review: Inside Bush v. Gore*, 65 Fla. L. Rev. F. 1 (May 2013). Copy supplied.

*Apportionment from Hoffman v. Jones through the 2011 Legislative Session: Perfecting the Equation of Liability with Fault*, 31 No. 1 Trial Advoc. Q. 29 (Winter 2012) (co-authored with Justice Charles Wells). Copy supplied.

*Sarasota Alliance for Fair Elections, Inc. v. Browning: The Implied End of Implied Preemption*, 41 Stetson L. Rev. 499 (Winter 2012). Copy supplied.

*Tribute: Vivian S. Payne*, 55 Fla. L. Rev. vii (2003). Copy supplied.

*Student Comment: Appellate Procedure, Incompetence Forgiven*, Kaweblum v. Thornhill Homeowners Ass’n, 53 Fla. L. Rev. 595 (July 2001). Copy supplied.

Legal Standards, Political Pressures: Redistricting in Florida, 1970-2000, in *Mapping Florida’s Political Landscape: The Changing Art and Politics of Reapportionment and Redistricting* (2001) (co-authored with Richard K. Scher and Jon L. Mills). Copy supplied.

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

None.

- 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.

On January 27, 2016, I appeared before the Florida Senate's Criminal Justice Committee regarding the impact of the United States Supreme Court's *Hurst v. Florida* decision on the death penalty in Florida. The committee was considering legislation in response to the Supreme Court's decision, and I participated to respond to the committee's questions. A video recording of the hearing is available in the Florida Channel archives, at <https://thefloridachannel.org/videos/12716-senate-criminal-justice-committee/>

On November 3, 2011, I appeared before the Florida House's Subcommittee on House Redistricting. I was counsel for the House and working on redistricting issues, and I was available to answer committee questions regarding redistricting. A video recording of the hearing is available in the Florida Channel archives, at <https://thefloridachannel.org/videos/11311-house-subcommittee-on-house-redistricting/>

- 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.

I have not always kept records of my presentations. I compiled the list below by reviewing my records and searching publicly available databases. Although I believe I have captured all, there may be additional events that I cannot recall.

February 4, 2017: Moderator, "Combating Federal Overreach," Federalist Society Florida Chapters Conference at Disney's Boardwalk Inn at the Walt Disney World Resort in Lake Buena Vista, Florida. Video available at <https://www.youtube.com/watch?v=s-71pu5xnOA>.

January 14, 2016: Panelist, Capitol Days, Florida Chamber of Commerce. The panel discussed pending litigation relating to executive action on environmental policies. Video supplied.

November 13, 2015: Panelist, Judicial Nominating Commission Training, Tallahassee, Florida. Video available at

<https://thefloridachannel.org/videos/111315-judicial-nominating-commission-training-part-1/>.

May 21, 2015: Panelist, "Solicitors General Review the Supreme Court," Senior Staff Policy Retreat sponsored by The Rule of Law Defense Fund. Each panelist was a state solicitor general, and each discussed one Supreme Court case. I discussed *Arizona State Legislature v. Arizona Indep. Redistricting Comm'n*, which was then pending before the Court. I have no notes, transcript, or recording. The address of the Rule of Law Defense Fund is 1747 Pennsylvania Avenue, Northwest, Washington, D.C. 20006.

April 10, 2015: Panelist, "Practicing Before the First District Court of Appeal," CLE sponsored by the Florida Bar Continuing Legal Education Committee, the Appellate Practice Section, and the First District American Appellate Inn of Court. I discussed appellate procedures from decision to mandate. I have no notes, transcript, or recording. The address of the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

February 5, 2015: Speaker, "Florida Supreme Court Update," Florida Court Personnel Institute, Orlando, Florida. Slides provided.

January 28, 2015: Panelist, "Employer Alert: Four Big Cases Could Alter Workers' Compensation System," Florida Chamber of Commerce Annual Insurance Summit, Lake Buena Vista, Florida. Video supplied.

June 5, 2014: Panelist, "Practicing Before the Supreme Court," CLE sponsored by The Appellate Practice Section and the Government Lawyer Section of the Florida Bar. My panel was entitled, "Discussion of Arguing Attorneys," and I discussed the oral argument I presented earlier that morning. I have no notes, transcript, or recording. The address of the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 6, 2013: Moderator, "Practicing Before the Supreme Court," CLE sponsored by The Appellate Practice Section and the Government Lawyer Section of the Florida Bar. My panel was entitled "Panel Discussion on Briefs in Support and Opposition to Requests for Discretionary Review; Ethics," and the discussion turned on strategy, ethics, and procedure in jurisdictional briefing at the Florida Supreme Court. I have no notes, transcript, or recording. The address of the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

August 8, 2008: Panelist, National Summer Election Law Seminar, sponsored by the Republican National Lawyers Association in St. Louis, Missouri. My short presentation provided an update on litigation in Florida challenging state election laws. I have no notes, transcript, or recording. The address of the Republican National Lawyers Association is Box 18965, Washington, D.C. 20036.

- 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.

On November 4, 2015, I presented oral argument in the Florida Supreme Court in *Florida Department of Revenue v. American Business USA Corp.*, No. SC14-2404. Immediately after the argument, I was briefly questioned by a reporter as I exited the courthouse, and video clips of that brief exchange aired on local television. I have been unable to locate a copy of the clip.

On January 14, 2015, I presented oral argument in the Florida First District Court of Appeal in *Apthorp v. Detzner*, No. 14-3592. Immediately after the argument, I was briefly questioned by two reporters as I exited the courtroom. I have not seen any publication of any answers I provided.

In May 2014, I provided a statement to an Associated Press reporter regarding litigation in which I was counsel. The statement is quoted in several articles, including:

“Florida Attorney General Pam Bondi Sees Harm in Recognizing Gay Marriage,” Florida Times Union, May 30, 2014. Copy supplied.

“Furor Toward Attorney General Pam Bondi Over Gay Marriage Court Filing May Be Misplaced,” Tampa Bay Times, May 30, 2014. Copy supplied.

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

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

In my time as an appellate judge, I have participated in approximately 1,350 cases. I have not presided over any trials.

- i. Of these, approximately what percent were:

jury trials:	0 %
bench trials:	0 %
civil proceedings:	38 %
criminal proceedings:	62 %

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

The following are authored opinions I have written. I have also written many short *per curiam* opinions, but under our court rules, the particular judge who wrote any *per curiam* opinion may not be disclosed, and those opinions are not considered authored opinions.

*Lara-Castillo v. State*, – So. 3d – (Fla. 1st DCA Apr. 18, 2018)

*Philip Morris USA Inc. v. Brown*, – So. 3d – (Fla. 1st DCA April 18, 2018) (dissenting)

*Robinson v. State*, – So. 3d – (Fla. 1st DCA Apr. 5, 2018)

*Willis v. State*, – So. 3d – (Fla. 1st DCA Apr. 5, 2018)

*Jefferson v. State*, – So. 3d – (Fla. 1st DCA Mar. 22, 2018)

*Williams v. State*, – So. 3d – (Fla. 1st DCA Feb. 28, 2018)

*Ivey v. State*, – So. 3d – (Fla. 1st DCA Feb. 20, 2018) (dissenting in part)

*Jackson v. State*, – So. 3d – (Fla. 1st DCA Feb. 19, 2018)

*Ash v. Champion*, – So. 3d – (Fla. 1st DCA Feb. 5, 2018)

*Bank of America, N.A. v. Mirabella Owners' Ass'n, Inc.*, – So. 3d – (Fla. 1st DCA Jan. 29, 2018) (concurring in part and dissenting in part)

*Speegle v. Rhoden*, 236 So. 3d 498 (Fla. 1st DCA 2018)

*Campbell v. Dep't of Health*, 233 So. 3d 488 (Fla. 1st DCA 2017)

*Butler v. State*, 231 So. 3d 596 (Fla. 1st DCA 2017)

*Campos v. Campos*, 230 So. 3d 553 (Fla. 1st DCA 2017) (concurring in part)

*Llano Fin. Grp. LLC v. Petit*, 230 So. 3d 141 (Fla. 1st DCA 2017)

*Spatcher v. State*, 228 So. 3d 1162 (Fla. 1st DCA 2017)

*Hoyt v. Chalker*, 228 So. 3d 697 (Fla. 1st DCA 2017)

*State v. Plummer*, 228 So. 3d 661 (Fla. 1st DCA 2017) (dissenting)

*Tyson v. State*, 228 So. 3d 652 (Fla. 1st DCA 2017)

*Heartland Express, Inc. of Iowa v. Farber*, 230 So. 3d 146 (Fla. 1st DCA 2017)

(concurring)

*Carlson v. Florida Dep't of Revenue*, 227 So. 3d 1261 (Fla. 1st DCA 2017)

*Pitts v. State*, 227 So. 3d 674 (Fla. 1st DCA 2017)

*Willens v. Willens*, 225 So. 3d 1017 (Fla. 1st DCA 2017) (concurring)

*Ivey v. State*, – So. 3d – (Fla. 1st DCA Sept. 13, 2017) (dissenting)

*Millette v. State*, 223 So. 3d 466 (Fla. 1st DCA 2017)

*McAlister v. McAlister*, 221 So. 3d 791 (Fla. 1st DCA 2017) (concurring)

*Arena Football League v. Bishop*, 220 So. 3d 1243 (Fla. 1st DCA 2017)

*Veney v. State*, 217 So. 3d 1189 (Fla. 1st DCA 2017)

*Woods v. State*, 214 So. 3d 803 (Fla. 1st DCA 2017) (dissenting)

*Williams v. State*, 213 So. 3d 1123 (Fla. 1st DCA 2017)

*Office of Ins. Regulation v. State Farm Florida Ins. Co.*, 213 So. 3d 1104 (Fla. 1st DCA 2017) (concurring)

*Chester v. State*, 213 So. 3d 1080 (Fla. 1st DCA 2017)

*Knight v. State*, 213 So. 3d 1019 (Fla. 1st DCA 2017)

*Santiago-Morales v. State*, 212 So. 3d 509 (Fla. 1st DCA 2017)

*Redmon v. State*, 211 So. 3d 306 (Fla. 1st DCA 2017)

*Hudson v. Hudson*, 209 So. 3d 656 (Fla. 1st DCA 2017)

*Laycock v. TMS Logistics, Inc.*, 209 So. 3d 627 (Fla. 1st DCA 2017)

*Knight v. Knight*, 208 So. 3d 1278 (Fla. 1st DCA 2017)

*State v. Johnson*, 208 So. 3d 843 (Fla. 1st DCA 2017)

*Cannon v. State*, 206 So. 3d 831 (Fla. 1st DCA 2016)

*Cabrera v. State*, 206 So. 3d 768 (Fla. 1st DCA 2016) (dissenting)

*Saleh v. Saleh*, 204 So. 3d 992 (Fla. 1st DCA 2016) (concurring)

*Tims v. State*, 204 So. 3d 536 (Fla. 1st DCA 2016)

*Mathis v. State*, 204 So. 3d 104 (Fla. 1st DCA 2016)

*Haddan v. Jenks*, 202 So. 3d 975 (Fla. 1st DCA 2016)

*CRP II - Miramar, LLC v. French Quarters Condo. Owner's Ass'n, Inc.*, 202 So. 3d 958 (Fla. 1st DCA 2016)

*Sansone v. Crum*, 201 So. 3d 1289 (Fla. 1st DCA 2016)

*McBride v. Vansandt*, 201 So. 3d 835 (Fla. 1st DCA 2016)

*Dyck-O'Neal, Inc. v. Hogan*, 201 So. 3d 835 (Fla. 1st DCA 2016) (concurring)

*Cruz-Ramirez v. American Airlines*, 200 So. 3d 267 (Fla. 1st DCA 2016) (dissenting)

*Arroyo v. State*, 200 So. 3d 250 (Fla. 1st DCA 2016)

*Peterson v. State*, 198 So. 3d 1064 (Fla. 1st DCA 2016)

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

1. *Mathis v. State*, 204 So. 3d 104 (Fla. 1st DCA 2016)

This was a criminal appeal. Mr. Mathis was convicted of three counts of sexual misconduct. On appeal, he argued ineffective assistance of counsel. He argued that his trial counsel should have moved to dismiss two of the charges as barred by the statute of limitations. The court held that because there was at least a conceivable tactical justification for counsel's action, the claim of ineffective assistance of counsel was not cognizable on direct appeal but could be raised only in a postconviction proceeding. The court therefore affirmed the convictions.

Counsel for Mathis

Michael Titus

Assistant Conflict Counsel

Box 1019

Tallahassee, Florida 32302

(850) 922-0179

Counsel for the State  
Heather Flanagan Ross  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

2. *Tims v. State*, 204 So. 3d 536 (Fla. 1st DCA 2016).

This was a criminal appeal. Mr. Tims was convicted of resisting an officer with violence and two related crimes. Officers had responded to his home after reports of domestic abuse. Mr. Tims argued on appeal that because officers did not have a warrant, and because there were no exigent circumstances, officers were not authorized to be at his door. He therefore argued that the Fourth Amendment required suppression of all evidence against him. The court concluded that even if the officers were not present, the exclusionary rule did not require suppression of the evidence. Accordingly, the court affirmed the convictions.

Counsel for Tims  
Steven Seliger  
Assistant Public Defender  
301 South Monroe Street, Suite 401  
Tallahassee, Florida 32301  
(850) 606-8537

Counsel for the State  
Trisha Meggs Pate  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

3. *Cabrera v. State*, 206 So. 3d 768 (Fla. 1st DCA 2016)

This was a criminal appeal. Mr. Cabrera was sentenced to a mandatory life sentence, having been convicted of sexual battery on a child. On appeal, the majority found no error in the trial court's admission of child hearsay evidence, and it affirmed the judgment. I wrote a dissent, concluding that the trial court should not have admitted the evidence because it did not meet the strict statutory prerequisites. I concluded that Mr. Cabrera was entitled to a new trial.

Counsel for Cabrera  
Victor Holder  
Assistant Public Defender

301 South Monroe Street, Suite 401  
Tallahassee, Florida 32301  
(850) 606-1000

Counsel for the State

Trisha Meggs Pate  
Quentin Humphrey  
Assistant Attorneys General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

4. *Cannon v. State*, 206 So. 3d 831 (Fla. 1st DCA 2016)

This was an appeal of a postconviction order denying relief. After denying relief on Ms. Cannon's postconviction claim, her counsel learned the judge later made an on-record comment about him. According to Ms. Cannon, this comment showed the judge had a bias against her counsel, and she asked the court to set aside the judge's earlier order. On appeal, the court concluded that the trial court erred by summarily denying Ms. Cannon's subsequent postconviction motion.

Counsel for Cannon

Michael Ufferman  
Michael Ufferman Law Firm, P.A.  
2022 Raymond Diehl Road  
Tallahassee, Florida 32308  
(850) 386-2345

Counsel for the State

Michael McDermott  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

5. *Laycock v. TMS Logistics, Inc.*, 209 So. 3d 627 (Fla. 1st DCA 2017)

This was a civil petition. After personal injury jury trial, allegations arose about juror misconduct, and one party sought and obtained permission to conduct juror interviews. The trial court allowed the interviews, and the opposing party sought an order from the court of appeal prohibiting them. The court denied the petition, concluding that the petitioner had not demonstrated the risk of irreparable harm because any error could be remedied on post-judgment appeal.

Counsel for Laycock  
Michelline H. Ruth  
Ronald E. Sholes, P.A.  
4981 Atlantic Boulevard  
Jacksonville, Florida 32207  
(904) 721-7575

Counsel for TMS Logistics  
Peter Webster  
Christine Davis Graves  
Carlton Fields  
215 South Monroe Street  
Tallahassee, Florida 32301  
(850) 224-1585

6. *Office of Ins. Regulation v. State Farm Florida Ins. Co.*, 213 So. 3d 1104 (Fla. 1st DCA 2017)

This was a civil appeal challenging the trial court's decision to recognize certain materials as trade secrets. After an evidentiary hearing, the trial court concluded the materials satisfied the statutory definition of trade secret. On appeal, the court affirmed. I wrote a concurring opinion, concluding that the appellant's policy arguments were irrelevant because the Legislature determined what constitutes a trade secret under Florida law.

Counsel for Office of Insurance Regulation  
Elena Gomez  
Assistant General Counsel  
200 East Gaines Street  
Tallahassee, Florida 32301  
(850) 414-4186

Counsel for State Farm Insurance Company  
Karen Walker  
Tiffany Roddenberry  
Holland & Knight LLP  
315 S. Calhoun Street  
Tallahassee, Florida 32301  
(850) 224-7000

7. *Millette v. State*, 223 So. 3d 466 (Fla. 1st DCA 2017)

This was a criminal appeal. Mr. Millette was convicted of sexually assaulting his teenage daughter. There was no physical evidence against him, and at trial, the State presented expert testimony that a prompt physical examination of the daughter could not have shown one way or the other whether abuse had occurred.

Mr. Millette objected to the testimony, which the State has not disclosed before trial. On appeal, the court reversed the conviction and remanded for a new trial, concluding Mr. Millette was prejudiced by the State's failure to timely disclose because he was unable to present a competing expert.

Counsel for Millette

Michael Ufferman  
Michael Ufferman Law Firm, P.A.  
2022 Raymond Diehl Road  
Tallahassee, Florida 32308  
(850) 386-2345

Counsel for the State

Sharon Traxler  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

8. *Veney v. State*, 217 So. 3d 1189 (Fla. 1st DCA 2017)

This was criminal appeal. Mr. Veney was convicted of first degree murder after he killed his wife in a restaurant. On appeal, he argued there was insufficient evidence to prove that the killing was premeditated. The court concluded that because premeditation requires very little time, and based on the evidence presented at trial, the trial court did not commit error. Therefore, the court affirmed.

Counsel for Veney

Nada Carey  
Assistant Public Defender  
301 South Monroe Street, Suite 401  
Tallahassee, Florida 32301  
(850) 606-8500

Counsel for the State

Robert Lee  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

9. *Carlson v. Florida Dep't of Revenue*, 227 So. 3d 1261 (Fla. 1st DCA 2017)

This was a civil appeal. After a government agency awarded a significant contract, an unsuccessful bidder sought to invalidate the action, contending it violated Florida's open-government laws. The trial court granted summary judgment in favor of the department. On appeal, the court affirmed, contending that the relevant statute, properly interpreted, did not support the claims.

Counsel for Carlson

W. Robert Vezina  
Eduardo S. Lombard  
Megan Reynolds  
Vezina, Lawrence & Piscitelli, PA  
413 East Park Avenue  
Tallahassee, Florida 32301  
(850) 224-6205

Counsel for Florida Department of Revenue

Frederick Rudzik  
Jeffrey Kelly  
Thomas Kovacik  
Office of the General Counsel  
Box 6668  
Tallahassee, Florida 32301  
(850) 617-8347

Counsel for Systems and Methods Inc., as intervenor

Karen Walker  
Mia McKown  
Nathan Adams  
Holland & Knight LLP  
315 South Calhoun Street  
Tallahassee, Florida 32301  
(850) 224-7000

10. *Tyson v. State*, 228 So. 3d 652 (Fla. 1st DCA 2017)

This was a criminal appeal. Mr. Tyson appealed his sentence, contending the trial court violated his due process rights by applying a judge-specific sentencing policy. The court rejected the argument, concluding that the trial court appropriately considered the specifics of Mr. Tyson's crime and sentenced him within the permissible range. Accordingly, the court affirmed.

Counsel for Tyson

Megan Long  
Assistant Public Defender  
301 South Monroe Street, Suite 401  
Tallahassee, Florida 32301

(850) 606-8542

Counsel for the State

Trisha Meggs Pate  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

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

1. *Mathis v. State*, 204 So. 3d 104 (Fla. 1st DCA 2016)

Counsel for Mathis

Michael Titus  
Assistant Conflict Counsel  
Box 1019  
Tallahassee, Florida 32302  
(850) 922-0179

Counsel for the State

Heather Flanagan Ross  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

2. *Tims v. State*, 204 So. 3d 536 (Fla. 1st DCA 2016).

Counsel for Tims

Steven Seliger  
Assistant Public Defender  
301 South Monroe Street, Suite 401  
Tallahassee, Florida 32301  
(850) 606-8537

Counsel for the State

Trisha Meggs Pate  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol

Tallahassee, Florida 32399  
(850) 414-3300

3. *Cabrera v. State*, 206 So. 3d 768 (Fla. 1st DCA 2016)

Counsel for Cabrera

Victor Holder  
Assistant Public Defender  
301 South Monroe Street, Suite 401  
Tallahassee, Florida 32301  
(850) 606-1000

Counsel for the State

Trisha Meggs Pate  
Quentin Humphrey  
Assistant Attorneys General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

4. *Cannon v. State*, 206 So. 3d 831 (Fla. 1st DCA 2016)

Counsel for Cannon

Michael Ufferman  
Michael Ufferman Law Firm, P.A.  
2022 Raymond Diehl Road  
Tallahassee, Florida 32308  
(850) 386-2345

Counsel for the State

Michael McDermott  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

5. *Laycock v. TMS Logistics, Inc.*, 209 So. 3d 627 (Fla. 1st DCA 2017)

Counsel for Laycock

Michelline H. Ruth  
Ronald E. Sholes, P.A.  
4981 Atlantic Boulevard  
Jacksonville, Florida 32207  
(904) 721-7575

Counsel for TMS Logistics

Peter Webster  
Christine Davis Graves  
Carlton Fields  
215 South Monroe Street  
Tallahassee, Florida 32301  
(850) 224-1585

6. *Office of Ins. Regulation v. State Farm Florida Ins. Co.*, 213 So. 3d 1104 (Fla. 1st DCA 2017)

Counsel for Office of Insurance Regulation

Elena Gomez  
Assistant General Counsel  
200 East Gaines Street  
Tallahassee, Florida 32301  
(850) 414-4186

Counsel for State Farm Insurance Company

Karen Walker  
Tiffany Roddenberry  
Holland & Knight LLP  
315 South Calhoun Street  
Tallahassee, Florida 32301  
(850) 224-7000

7. *Millette v. State*, 223 So. 3d 466 (Fla. 1st DCA 2017)

Counsel for Millette

Michael Ufferman  
Michael Ufferman Law Firm, P.A.  
2022 Raymond Diehl Road  
Tallahassee, Florida 32308  
(850) 386-2345

Counsel for the State

Sharon Traxler  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

8. *Veney v. State*, 217 So. 3d 1189 (Fla. 1st DCA 2017)

Counsel for Veney

Nada Carey  
Assistant Public Defender  
301 South Monroe Street, Suite 401  
Tallahassee, Florida 32301  
(850) 606-8500

Counsel for the State

Robert Lee  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

9. *Carlson v. Florida Dep't of Revenue*, 227 So. 3d 1261 (Fla. 1st DCA 2017)

Counsel for Carlson

W. Robert Vezina  
Eduardo S. Lombard  
Megan Reynolds  
Vezina, Lawrence & Piscitelli, PA  
413 East Park Avenue  
Tallahassee, Florida 32301  
(850) 224-6205

Counsel for Florida Department of Revenue

Frederick Rudzik  
Jeffrey Kelly  
Thomas Kovacik  
Office of the General Counsel  
Box 6668  
Tallahassee, Florida 32301  
(850) 617-8347

Counsel for Systems and Methods Inc., as intervenor

Karen Walker  
Mia McKown  
Nathan Adams  
Holland & Knight LLP  
315 South Calhoun Street  
Tallahassee, Florida 32301  
(850) 224-7000

10. *Tyson v. State*, 228 So. 3d 652 (Fla. 1st DCA 2017)

Counsel for Tyson

Megan Long  
Assistant Public Defender  
301 South Monroe Street, Suite 401  
Tallahassee, Florida 32301  
(850) 606-8542

Counsel for the State

Trisha Meggs Pate  
Assistant Attorney General  
400 South Monroe Street  
PL01 The Capitol  
Tallahassee, Florida 32399  
(850) 414-3300

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

To my knowledge, none.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a general matter, all opinions issued by the First District are published decisions. Some cases are disposed of by order, although those are usually administrative dismissals. Those number fewer than two percent of decisions in which I have been involved. All unpublished orders are maintained in the court's docket.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

*Jefferson v. State*, – So. 3d – (Fla. 1st DCA Mar. 22, 2018)

*Jackson v. State*, – So. 3d – (Fla. 1st DCA Feb. 19, 2018)

*Campbell v. Dep't of Health*, 233 So. 3d 488 (Fla. 1st DCA 2017)

*Carlson v. Florida Dep't of Revenue*, 227 So. 3d 1261 (Fla. 1st DCA 2017)

*Knight v. State*, 213 So. 3d 1019 (Fla. 1st DCA 2017)

*Laycock v. TMS Logistics, Inc.*, 209 So. 3d 627 (Fla. 1st DCA 2017)

*State v. Johnson*, 208 So. 3d 843 (Fla. 1st DCA 2017)

*Tims v. State*, 204 So. 3d 536 (Fla. 1st DCA 2016)

*Mathis v. State*, 204 So. 3d 104 (Fla. 1st DCA 2016)

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

None.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

On occasion, I have recused myself from matters. In each instance, it has been either because I had some involvement (or might have had some involvement) in the litigation that led to the appeal or because of my relationship with one of the attorneys or firms involved. Our court maintains a list on which judges identify those persons or firms that would require recusal. The clerk's office screens incoming cases so that assignments are made to avoid conflicts. This system greatly reduces the number of cases assigned to me that require recusal. To my knowledge, no party has ever

requested or suggested that I be recused.

In *Banks v. Jones*, No. 15-330, I recused myself, believing I may have spoken to an attorney involved in this matter about this matter when I worked in the Office of Attorney General.

In *Hardy v. Buchanan*, No. 15-1420, I recused myself because my former law firm, GrayRobinson PA, was involved in the case.

In *Rivera v. Florida Comm'n on Ethics*, No. 15-2428, I recused myself because I had a brief and tangential involvement in the case when I worked in the Office of Attorney General.

In *Nath v. Estate of Nath*, No. 15-3199, I recused myself because of a personal relationship with an affected party.

In *Benson v. Dep't of Corr.*, No. 15-3259, I recused myself because I was involved in the case when I worked in the Office of Attorney General.

In *Flynn v. Estevez*, No. 15-3923, I recused myself because I had a brief and tangential involvement in the case when I worked in the Office of Attorney General.

In *Williams v. FMNA*, No. 15-3970, I recused myself because my former law firm, GrayRobinson PA, was involved in the case.

In *Gonzalez v. Visa and Travelers*, No. 15-4512, I recused myself because of my personal involvement as an attorney in a related case.

In *Pugh v. Pugh*, No. 15-4932, I recused myself because my former law firm, GrayRobinson PA, was involved in the case.

In *Peterkin v. Mayo Clinic Florida*, No. 16-217, I recused myself because when I worked in the Office of Attorney General, I had worked closely with one of the involved attorneys on a related issue in another case. Although no party requested my recusal, the involved attorney filed a notice identifying the potential issue. I would have recused with or without that notice.

In *Stephens v. Wilmington Trust*, No. 16-2609, I recused myself because my former law firm, GrayRobinson PA, was involved in the case.

In *Wright v. Walmart*, No. 16-4488, I recused myself based on stock ownership.

In *Sarasota Cty. Hosp. Dist. v. Florida AHCA*, No. 16-5013, I recused myself because of a personal relationship with one of the attorneys involved in the case.

In *Dep't of Health v. Shands Jacksonville Med. Ctr.*, No. 17-1713, I recused myself

because of a personal relationship with one of the attorneys involved in this case.

There have been other cases for which I have recused myself based on similar reasons. I do not maintain a complete list of all recusals, and I cannot recall the specifics of the other cases.

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

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

From 2013 until 2016, I served on the Judicial Nominating Commission for Florida's Second Judicial Circuit. I was appointed to this position by Governor Rick Scott.

From 2009 until 2011, I served on the Florida Charter School Review Panel. I was appointed to this position by Senate President Jeff Atwater.

I have not had any unsuccessful candidacies for elective office or nomination for appointed office.

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

None.

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

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

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

I served as a law clerk for Judge Ed Carnes of the United States Court of Appeals for the Eleventh Circuit from 2002 to 2003.

- 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.

2003 – 2005, and summer 2002  
King & Spalding LLP  
1180 Peachtree Street, Northwest  
Atlanta, Georgia 32309  
Associate (2003 – 2005)  
Summer Associate (2002)

2005 – 2013  
GrayRobinson PA  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
Shareholder (2008 – 2013)  
Associate (2005 – 2008)

2013 – 2016  
Florida Office of Attorney General  
PL-01 The Capitol  
Tallahassee, Florida 32301  
Solicitor General (2013 – 2016)  
Chief Deputy Solicitor General (2013)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

From 2003 to 2005, while serving as an associate attorney with King & Spalding, I focused primarily on commercial litigation and litigation relating to bankruptcy and financial restructuring.

From 2003 to 2013, as an associate and then shareholder with GrayRobinson, I handled trial and appellate matters, primarily relating to state government. I handled many cases for the Department of State relating to election laws, and I worked with the team representing the Florida House of Representatives in redistricting. I also handled non-

governmental matters, including commercial disputes, insurance matters, tort actions, and others.

From 2013 to 2016, while serving as the Florida Solicitor General, my practice focused on state and federal litigation and appeals involving the State or its agencies. The matters covered a wide range of issues, frequently involving constitutional challenges to state laws or practices. A typical case would have involved an individual or organization suing an agency and seeking a declaration regarding the constitutionality of state legislation. My work was primarily civil, but I occasionally worked on criminal matters, including two capital cases in the United States Supreme Court. My practice as Solicitor General also included preparing amicus briefs representing the State's interests in a variety of litigation and non-litigation matters.

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

From 2003 to 2005, while serving as an associate attorney with King & Spalding, typical clients were financially distressed corporations, secured lenders, and other businesses with commercial disputes. Typical areas of practice included commercial litigation and Chapter 11 bankruptcy matters.

From 2003 to 2013, as an associate and then shareholder with GrayRobinson, typical clients were state agencies, associations, and companies. Typical areas of practice included constitutional defense, commercial disputes, and appeals.

From 2013 to 2016, as the Florida Solicitor General, my client was the State of Florida, including state agencies and officers. My practice typically involved constitutional defense of state laws.

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

From 2003 to 2005, while serving as an associate attorney with King & Spalding, I focused on litigation and appeared in court occasionally, often as part of a team of lawyers. I spent much of my time on discovery matters and pretrial matters.

From 2003 to 2013, as an associate and then shareholder with GrayRobinson, I focused on trial and appellate litigation. I appeared in court frequently.

From 2013 to 2016, as the Florida Solicitor General, I focused on litigation and frequently appeared in trial and appellate courts. My appellate appearances were

more frequent than my trial-court appearances.

i. Indicate the percentage of your practice in:

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

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 95% |
| 2. criminal proceedings: | 5%  |

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

I was chief counsel in a five-day federal bench trial. I have served as counsel in dozens of cases in state and federal courts that proceeded to final disposition (as opposed to settled) without trial. I have appeared as counsel in approximately forty cases in Florida's federal district courts, inclusive of cases that settled.

i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 0%   |
| 2. non-jury: | 100% |

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

I briefed and argued two cases before the United States Supreme Court, both capital cases: *Hall v. Florida*, No. 12-10882, and *Hurst v. Florida*, No. 14-7505. The briefs I filed and transcripts of the oral arguments are attached.

I submitted amicus briefs in two cases: *Navarette v. California*, No. 12-9490; and *Glossip v. Gross*, No. 14-7955. Briefs attached.

I submitted briefs in opposition to certiorari in two cases: *Seminole Tribe of Florida v. Florida Dep't of Revenue*, No. 13-10566; and *Citizens for Police Accountability Political Committee v. Browning*, No. 09-861. Briefs attached.

I submitted an application for stay in *Armstrong v. Brenner*, No. 14A650. I was a signatory for the State of Florida on the filing: *Application by 29 States and State*

*Agencies for Immediate Stay of Final Agency Action During Pendency of Petitions For Review*, filed January 2016 in *West Virginia v. Environmental Protection Agency, et al.*, Case No. 15A773.

I was counsel of record in an original action, *Florida v. Georgia*, 22 Orig. 142, which involved a large team of attorneys and which continued after I left the Florida Solicitor General's office.

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Hurst v. Florida*, 136 S. Ct. 616 (2016).

This case involved a challenge to Florida's capital sentencing system and asked whether Florida's system violated Mr. Hurst's Sixth or Eighth Amendment rights. The case focused on whether Florida's sentencing-phase juries' death recommendations satisfied the framework established by *Apprendi v. New Jersey* and *Ring v. Arizona*. I led the briefing and presented argument in the United States Supreme Court. Justice Sotomayor authored a majority opinion concluding Florida's system was unconstitutional.

Co-counsel

Rachel Nordby

Carolyn Snurkowski

Florida Office of Attorney General, The Capitol

Tallahassee, Florida 32399

(850) 414-3300

Osvaldo Vazquez (formerly with the Florida Office of Attorney General)

Steptoe & Johnson LLP

1330 Connecticut Avenue, Northwest

Washington, D.C. 20036

(202) 429-3914

Denise Harle (formerly with the Florida Office of Attorney General)  
Alliance for Defending Freedom  
1000 Hurricane Shoals Road Northeast  
Suite D-1100  
Lawrenceville, Georgia 30043  
(770) 339-0774

Opposing counsel

Seth Waxman  
Wilmer Hale  
1875 Pennsylvania Avenue, Northwest  
Washington, D.C. 20006  
(202) 663-6800

2. *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597 (Fla. 2012).

This was the initial original action regarding the validity of the state legislative districts drawn following the 2010 census. I was part of the legal team representing the Florida House of Representatives, contributed significantly to the briefing and motions practice, and presented oral argument defending the maps in the Florida Supreme Court. This redistricting cycle was unique because it was the first following the voters' approval of new constitutional provisions adding redistricting standards. The case therefore involved disputes about both how the amendments should be interpreted and whether the adopted maps complied. The representation was in 2012.

Co-counsel

George N. Meros, Jr.  
Holland & Knight  
315 South Calhoun Street, Suite 600  
Tallahassee, Florida 32301  
(850) 425-5622

Charles T. Wells  
Andy Bardos  
Jason Unger  
George Levesque  
GrayRobinson PA  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
(850) 577-9090

Miguel A. De Grandy  
Holland & Knight  
701 Brickell Avenue, Suite 3300

Miami, Florida 33131  
(305) 789-7535

Opposing counsel

Jon Mills  
Boies Schiller Flexner  
100 Southeast Second Street  
Miami, Florida 33131  
(305) 357-8449

Michael DeSanctis  
Munger Tolles & Olson  
1155 F Street Northwest  
Washington, D.C. 20004  
(202) 220-1102

3. *Lebron v. Wilkins*, 990 F. Supp. 2d 1280 (M.D. Fla. 2013) (Scriven, J.);  
772 F.3d 1352 (11th Cir. 2014) (Hull, Marcus, and Totenberg, JJ.).

This case involved a challenge to a Florida Statute requiring drug tests for some public-assistance recipients. The trial court granted a preliminary injunction, and I subsequently became involved in the case, representing the Secretary of the Florida Department of Children and Families. The case involved a substantial record with expert testimony and multiple *Daubert* challenges. Plaintiff based his challenge on the Fourth Amendment and presented an issue that had evenly divided the en banc Sixth Circuit. I prepared numerous motions and responses to motions (including summary judgment motions), conducted discovery, handled numerous depositions, including expert depositions, and litigated *Daubert* issues. On cross motions for summary judgment, the trial court ruled in favor of the Plaintiff and held Florida's law unconstitutional. On appeal, the Eleventh Circuit affirmed. The representation was from 2012-2015.

Co-counsel

Osvaldo Vazquez (formerly with the Florida Office of Attorney General)  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, Northwest  
Washington, D.C. 20036  
(202) 429-3914

Lisa Raleigh (formerly with the Florida Office of Attorney General)  
Office of Disability Adjudication and Review  
1961 Quail Grove Lane  
Tallahassee, Florida 32311  
(888) 472-5996

M. Drew Parker

Radey Law Firm  
301 South Bronough Street  
Tallahassee, Florida 32301  
(850) 425-6654.

Opposing counsel

Maria Kayanan  
7455 SW 82nd Court  
Miami, Florida 33143  
(305) 815-7131.

4. *Diaz v. Cobb*, 541 F. Supp. 2d 1319 (S.D. Fla. 2008) (King, J.).

This case presented a First Amendment challenge to Florida's voter registration deadline. I represented Florida's Secretary of State. The plaintiffs contended that by closing registration books 29 days before an election, the state violated the right to vote. The Secretary contended that the Legislature sought to protect the right to vote by ensuring there was sufficient time to accurately process timely applications and to otherwise prepare for elections. Leading up to trial, my team and I conducted expansive discovery, which included numerous depositions. I prepared and argued a summary judgment motion and other pretrial matters. Over the course of a five-day bench trial, which I first-chaired, the court heard evidence about elections administration. The Court made extensive factual findings in its lengthy final decision, ultimately upholding the legislatively imposed deadline. The representation was from 2006-2008.

Co-counsel

Peter Antonacci (formerly with GrayRobinson)  
Enterprise Florida  
101 North Monroe Street, Suite 1000  
Tallahassee, Florida 32301  
(850) 298-6620

Andy Bardos  
GrayRobinson PA  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
(850) 577-9090

Opposing counsel

Michael Halberstam  
Laufer & Halberstam  
39 Broadway  
New York, New York 10006  
(212) 422-8500.

Elizabeth Westfall  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, Northwest, Room 6001  
Washington, D.C. 20530  
(202) 305-7766

Thomas Apt  
79 JFK Street  
Cambridge, Massachusetts 02138  
(617) 495-4112

5. *Tunnell v. Crosby*, 657 F. Supp. 2d 1263 (N.D. Fla. 2009) (Hinkle, J.).

This was a First Amendment retaliation claim filed against former state officials, including former Governor Jeb Bush, who was sued in his individual capacity. The Plaintiff alleged that he was dismissed based on his refusal to interfere in a criminal investigation. As lead counsel for former Governor Bush, I moved to dismiss. I argued the motion at hearing. The court dismissed with leave to amend, and I moved to dismiss the amended complaint. The court dismissed the complaint, concluding that Governor Bush was entitled to qualified immunity. The representation was in 2009.

Co-counsel

Peter Antonacci (formerly with GrayRobinson)  
Enterprise Florida  
101 North Monroe Street, Suite 1000  
Tallahassee, Florida 32301  
(850) 298-6620

Opposing counsel

Marie Mattox  
Marie A. Mattox, P.A.  
310 East Bradford Road  
Tallahassee, Florida 32303  
(850) 383-4800

6. *Murphy v. Dulay*, 975 F. Supp. 2d 1200 (N.D. Fla. 2013) (Hinkle, J.); 768 F.3d 1360 (11th Cir. 2014) (Hull, Marcus, & Hill, JJ.).

In this case, a prospective medical-malpractice negligence plaintiff sought a declaration in federal court that Florida's pre-suit requirements violated federal law. The Legislature had recently added a pre-suit requirement that prospective plaintiffs provide a HIPAA waiver before filing medical-malpractice actions. The defendant was the doctor accused of malpractice. We intervened on behalf of the State to defend the challenged statute. The case turned on federal preemption

issues and interpretation of HIPAA related regulations. The case was resolved on summary judgment, and on appeal, the Eleventh Circuit upheld Florida's statute. I led the briefing efforts, and a colleague argued the summary judgment before Judge Hinkle and the appeal before the Eleventh Circuit. The representation was from 2013-2014.

Co-counsel

Diane DeWolf  
Akerman LLP  
106 East College Avenue  
Tallahassee, Florida 32301  
(850) 224-9634

Opposing counsel

Robert Peck  
Center for Constitutional Litigation, P.C.  
777 Sixth Street, Northwest  
Washington, D.C. 20001  
(202) 944-2803

Counsel for codefendant

Erik Bartenhagen  
1126 South Federal Highway, Suite 126  
Fort Lauderdale, Florida 33316  
(954) 372-7091

7. *Florida State Conference of NAACP v. Browning*, No. 07-402-CV-1 (N.D. Fla. 2007) (Mickle, J.); 522 F.3d 1153 (11th Cir. 2008) (Tjoflat, Barkett, & Dubina, JJ.). This case was a challenge to a Florida voter-registration law that provided for database matching. Voter applications were compared to driver license and social-security databases to verify identities. Plaintiffs contended that the law violated the First Amendment and was also preempted by the federal Help America Vote Act (HAVA). The district court entered a preliminary injunction based on HAVA preemption, without reaching the constitutional claims. On appeal, the Eleventh Circuit reversed, concluding that federal law did not preempt the program. The district court subsequently granted summary judgment in favor of the Florida Division of Elections. (569 F. Supp. 2d 1237.) I had substantial involvement in briefing and in the day-to-day management of the case, and I handled hearings and mediation. The representation was from 2007-2010.

Co-counsel

Peter Antonacci (formerly with GrayRobinson)  
Enterprise Florida  
101 North Monroe Street, Suite 1000  
Tallahassee, Florida 32301  
(850) 298-6620

Andy Bardos  
GrayRobinson PA  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
(850) 577-9090

Opposing counsel

Glenn Burhans  
Stearns Weaver Miller Weissler Alhadeff & Sitterson  
106 East College Street, Suite 700  
Tallahassee, Florida 32301  
(850) 329-4850

Elizabeth Westfall  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, Northwest, Room 6001  
Washington, D.C. 20530  
(202) 305-7766

Justin Levitt  
Loyola Law School  
Burns 335  
919 Albany Street  
Los Angeles, California 90015  
(213) 736-7417

8. *Citizens for Police Accountability Political Comm. v. Browning*, 581 F. Supp. 2d 1164 (M.D. Fla. 2008) (Steele, J.); 572 F.3d 1213 (11th Cir. 2009) (Dubina, Edmondson, and Hill, JJ.).

This was a First Amendment challenge to a Florida law that prohibited electioneering near polling places. My firm and I represented the Florida Secretary of State. The plaintiffs sought to gather petitions near polling place exits, and they sought an injunction against the Florida Secretary of State and others, precluding enforcement of the statute. The plaintiffs were successful in obtaining a preliminary injunction that allowed them to gather petitions during a 2006 primary election. But on appeal, the Eleventh Circuit reversed, holding that Florida's statute was consistent with the United States Constitution. The United States Supreme Court denied certiorari. I was the lead attorney responsible for briefing the case at the preliminary injunction stage, on appeal, and in opposition to the certiorari petition, and I argued the case before the Eleventh Circuit and was counsel of record in the United States Supreme Court. The representation was from 2008 to 2010.

Co-counsel

Peter Antonacci (formerly with GrayRobinson)  
Enterprise Florida  
101 North Monroe Street, Suite 1000  
Tallahassee, Florida 32301  
(850) 298-6620

Andy Bardos  
GrayRobinson PA  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
(850) 577-9090

Opposing counsel

Gregg Thomas  
Thomas & LoCicero PL  
601 South Boulevard  
Tampa, Florida 33606  
(813) 984-3066

Counsel for codefendant

Thomas Hart  
Knott Ebelini Hart  
1625 Hendry Street  
Fort Myers, Florida 33901  
(239) 334-2722

9. *League of Women Voters v. Browning*, 575 F. Supp. 2d 1298 (S.D. Fla. 2008) (Altonaga, J.).

In this case, plaintiffs sought an injunction against a voter registration statute that required, among other things, that third-party voter registration organizations that collect voter registration applications promptly submit those applications to elections officials. Preliminary relief in an earlier case had enjoined enforcement of a predecessor statute, but the Legislature had revised the challenged provision. Plaintiffs sued to challenge the new version, contending that the successor statute was unconstitutional. I first-chaired the two-day evidentiary hearing, which included expert testimony, and the district court denied relief. The representation was from 2008 to 2009.

Co-counsel

Peter Antonacci (formerly with GrayRobinson)  
Enterprise Florida  
101 North Monroe Street, Suite 1000  
Tallahassee, Florida 32301  
(850) 298-6620

Andy Bardos  
GrayRobinson PA  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
(850) 577-9090

Opposing counsel  
Elizabeth Westfall  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, Northwest, Room 6001  
Washington, D.C. 20530  
(202) 305-7766

Wendy Weiser  
Democracy Program, Brennan Center for Justice  
161 Avenue of the Americas, 12th Floor  
New York, New York 10013  
(646) 292-8318

10. *Boardwalk Bros. Inc. v. Satz*, 949 F. Supp. 2d 1221 (S.D. Fla. 2013)  
(Cohn, J.).

After the Florida Legislature revised its slot-machine statute in 2013, several video-arcade type establishments, sometimes called “internet cafes,” sued to enjoin the statute’s enforcement. In this case, a company that provided video gambling alleged that the statute was void for vagueness and therefore violated due process. On an expedited basis, the court heard argument. Plaintiff sought to compel the attendance of the state attorney defendant, but I moved to quash the subpoena, and the court granted the motion. After a hearing, the court entered a detailed order denying relief. As lead counsel, I was responsible for briefing the merits, handling the motions practice, and arguing the case in the district court. The representation was in 2013.

Opposing counsel  
Bruce Rogow  
Bruce S. Rogow, P.A.  
100 Northeast 3rd Avenue, Suite 1000  
Fort Lauderdale, Florida 33301  
(954) 767-8909

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe

the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

From 2012 until my appointment to the First District Court of Appeal, I served on the Second Circuit Judicial Nominating Commission. During that time, I vetted numerous judicial candidates and worked with commissioners to achieve our shared goal of nominating the most qualified applicants for state circuit and county court positions.

As Solicitor General from 2013 to 2016, I had broad supervisory responsibility over many wide-ranging matters in which I was not counsel of record. The office was also responsible for advising the Attorney General on many issues and matters, including whether and to what extent Florida should participate in multistate litigation. Our office also monitored cases throughout the State to determine whether and when the State should appear to represent its interests.

From 2013 until I left the Attorney General's office in 2016, I was counsel of record in Florida's original action against Georgia, filed in the United States Supreme Court. (*Florida v. Georgia*, 22 Orig. 142.) Through the original action, Florida sought to resolve a longstanding dispute regarding Georgia's consumption of water in the Apalachicola-Chattahoochee-Flint River Basin, consumption that was harming Florida by reducing flows of the Apalachicola River. The Attorney General authorized the suit, and my role was to assist with the strategic planning and the day-to-day management of the case and of the State's outside counsel. The case involved significant discovery, including the exchange of millions of pages of documents, and numerous expert witnesses. The United States Supreme Court appointed a special master (Hon. Ralph Lancaster) to manage the litigation, and I participated in several special-master hearings. I left the office in March 2016, several months before the case went to trial. The matter remains pending in the United States Supreme Court.

Before the United States Supreme Court issued its 2015 decision in *Obergefell v. Hodges*, recognizing a constitutional right to same-sex marriage, the issue was litigated throughout the country in hundreds of cases. In my role as Solicitor General, I was responsible for defending Florida's marriage laws, which at the time precluded same-sex marriage. There were numerous cases in Florida raising constitutional challenges to Florida's laws. Some, like *Brenner v. Scott* (N.D. Fla.) (Hinkle, J.) were well known, but there were many others, some of which included state defendants, and some of which did not. For much of 2014, my office monitored all of the cases, intervening when necessary to defend the law, and seeking to maintain uniformity in Florida until the United States Supreme Court settled the issue.

Beginning in 2009, my firm and I were retained to represent the Florida House of Representatives in the decennial redistricting process. Our representation of the House was broader than litigation. Leading up to the enactment of the maps, we worked with and advised House leaders and staff and coordinated with experts. After the congressional map was enacted, it was immediately challenged, and we were involved

with both a temporary-injunction proceeding and the litigation that followed. I left my law firm in January 2013 before the matter was completed.

In 2008, the Alliance of Automobile Manufacturers, a trade group, sued Florida's Department of Highway Safety and Motor Vehicles, seeking to invalidate a Florida Statute regulating the relationship between auto manufacturers and dealers. The claim turned primarily on the dormant Commerce Clause and the federal and state Contracts Clauses, but the plaintiff also included a Due Process challenge. My firm and I represented the Florida Automobile Dealers Association, which intervened to defend the legislation. Over several years, we litigated the matter, and the litigation included substantial briefing on a motion to dismiss, the development of expert testimony, expansive document discovery, and other contested matters. I led the briefing efforts and discovery strategy while I was involved for nearly five years, but the matter continued after I left GrayRobinson to join the Attorney General's office. The matter was ultimately dismissed. *See Alliance of Auto. Mfrs., Inc. v. Jones*, 897 F. Supp. 2d 1241 (N.D. Fla. 2012).

From 2007 until 2010, my firm and I litigated a complicated commercial case involving a condominium project in Panama City. Our client was the developer, which had been sued by a public adjuster alleging millions in contract damages following his work adjusting hurricane claims. The litigation began in state court, the adjuster removed to federal court, the court granted our motion to remand based on lack of federal jurisdiction, and then a new case was filed in federal district court in Tallahassee pursuing similar claims with different parties. The matter involved significant discovery, multiple legal and equitable theories of recovery, and substantial motion practice. I led the briefing efforts, participated substantially in the overall litigation strategy and discovery, and I argued motions (including a dispositive motion) in court. The matter ultimately settled. *Panama City Beach Condos, LP v. Adjusters Int'l Colorado*, No. 4:08cv369 (N.D. Fla.) (Hinkle, J.).

From 2006 until 2009, I worked on a personal injury matter, *Smith v. Jacobs*, 06-cv-696 (N.D. Fla.). My firm and I represented an engineering company whose driver had been involved in an automobile accident with the plaintiff. The plaintiff alleged serious injuries, including permanent brain injury. Over the course of the representation, we litigated *Daubert* issues, litigated discovery disputes, and obtained summary judgment on the issue of punitive damages. I led the briefing efforts and the overall strategy, and I conducted the majority of the discovery, including numerous expert depositions. The case ultimately settled shortly before trial.

From 2005 until approximately 2008, I worked with a national corporation that was the target of a Florida Attorney General investigation. We facilitated witness interviews and subpoena responses, and we litigated trade-secret issues in circuit court and at the Florida First DCA. After a lengthy investigation, the matter settled.

In 2004, before leaving King & Spalding LLP, I was involved in a substantial Chapter 11 bankruptcy filing of behalf of a public company. I participated substantially in the

motions practice, including numerous first-day filings. As the case continued, I became increasingly involved in its day-to-day management as a junior attorney on the team. The case remained ongoing when I left the firm in 2005.

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

I taught the following courses at the Florida State University College of Law. A syllabus for each course is attached.

In fall 2013 and spring 2014, I taught "Florida Appellate Courts," which focused on practice and procedure in Florida's state appellate courts.

In fall 2014 and spring 2015, I taught "Florida Courts and the Constitution," which focused on practice and procedure in Florida's state appellate courts.

In spring 2016, I taught "Florida Appellate Practice: The Florida Solicitor General's perspective," which focused on appellate practice in Florida, Florida's state courts, and the Florida Solicitor General's office.

In spring 2017, I co-taught (with Judge Stephanie Ray) "Florida Constitutional Law," which focused on the Florida Constitution and decisions interpreting it.

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

None.

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

No.

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

Please see the attached financial disclosure report.

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

Please see the attached statement of net worth.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse from any matter in which I had (or might have had) personal involvement, either as a lawyer or judge. In all other cases, I would evaluate any potential real or perceived conflict, including any relationships that could give rise to the appearance of impropriety, on a case-by-case basis, and I would recuse where necessary.

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

In determining whether to recuse in any particular matter, or to resolve any potential conflict of interest, I would follow the Code of Conduct for United States Judges, the Ethics Act, and all other relevant guidelines.

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

As an attorney, I handled several matters on a pro bono basis over the years. For example, in 2005, the Eleventh Circuit Court of Appeals appointed me to represent an Alabama inmate in his Section 1983 appeal. The case involved a First Amendment claim relating to the inmate's access to his mail. I prepared the briefs and argued the appeal. Although the appeal was unsuccessful, I devoted more than 100 hours to it. In addition, when I practiced in Atlanta, I handled several smaller matters representing consumers who were sued by creditors. I estimate I spent between 40-60 hours on those matters.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your

jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In July 2017, Senator Nelson and Senator Rubio announced the appointment of commissioners for the Florida Federal Judicial Nominating Commission. On October, 11, 2017, I submitted my application to the nominating commission. The commission then invited me and others to interview. The commission sent Senators Nelson and Rubio a letter certifying four people (including me) as finalists.

On November 29, 2017, I interviewed separately with Senator Nelson and Senator Rubio (and respective staff). On December 1, 2017, an attorney with the Office of White House Counsel contacted me to schedule an interview. On December 8, 2017, I interviewed with attorneys from the Office of White House Counsel and the Department of Justice. I was advised that the President was considering nominating me, and attorneys from the Department of Justice later contacted me about filling out nomination forms. On April 10, 2018, President Trump submitted my nomination to the Senate.

I have communicated regularly with the Office of Legal Policy in the preparation of my answers to this questionnaire and the completion of other related materials.

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

No.