

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Annemarie Carney Axon, nee Annemarie Carney

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

United States District Judge for the Northern District of Alabama

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.

Wallace, Jordan, Ratliff, & Brandt, LLC
800 Shades Creek Parkway Suite 400
Birmingham, Alabama 35209

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

1973; Winter Park, 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.

1996-1999, University of Alabama School of Law; J.D., 1999

1991-1995, University of Alabama; B.A., 1995

1992, Middlesex Community College (no degree)

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

Affiliations (Compensated):

2008-present

Wallace, Jordan, Ratliff, & Brandt, LLC
800 Shades Creek Parkway Suite 400
Birmingham, Alabama 35209
Member (2013-present)
Counsel (2008-2012)

2005-2007
AmSouth Bank, N.A. (now Regions Bank)
1900 Fifth Avenue North
Birmingham, Alabama 35203
Assistant Vice President

2000-2004
Edwards & Angell, LLP (now Locke Lord)
2800 Financial Plaza
Providence, Rhode Island 02903
Associate

1999-2000
Hugo L. Black United States Courthouse
1729 Fifth Avenue North
Birmingham, Alabama 35203
Law Clerk, Judge Inge P. Johnson

Fall 1998
University of Alabama School of Law
101 Paul Bryant Drive
Tuscaloosa, Alabama 35401
Research Assistant, Prof. Carol Rice Andrews

Summer 1998
District Attorney's Office; Tenth Judicial Circuit
801 21st Avenue North
Birmingham, Alabama 35202
Summer Associate

Fall 1997/Spring 1997
University of Alabama School of Law
101 Paul Bryant Drive
Tuscaloosa, Alabama 35401
Research Assistant, Prof. Carol Rice Andrews

Summer 1997
Pittman, Hooks, Dutton, & Hollis
2001 Park Place, No. 1100
Birmingham, Alabama 35203

Summer Associate

Summer 1997

United States Attorney's Office, Northern District of Alabama
1801 Fourth Avenue North
Birmingham, Alabama 35203
Intern

May 1995-August 1996

Rosen, Cook, & Sledge
2200 Jack Warner Parkway Suite 200
Birmingham, Alabama 35401
Receptionist

Other Affiliations (Uncompensated):

2010-present

YWCA of Central Alabama
309 23rd Street North
Birmingham, Alabama 35203
Member, Board of Directors (2016-2017)
President, Junior Board of Directors (2016-2017)
Member, Junior Board (2010-2016)
Chair, KIDS Korner Luncheon (2016)
Co-Chair, KIDS Korner Luncheon (2015)

2014-present

Girls on the Run, Birmingham Metro Chapter
P.O. Box 530244
Birmingham, Alabama 35253
Chair, Board of Directors (2016-2017)
Vice-Chair, Board of Directors (2015-2016)
Member, Board of Directors (2014-2015)

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

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

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

B-Metro Magazine, Top Flight Attorneys (2017)

Lead Articles Editor for the Law and Psychology Review, University of Alabama School of Law (1998-1999)

University of Alabama, Charles Grayson Summersell Memorial Award (1995)

University of Alabama, Gamma Beta Phi Honor Society (1994)

University of Alabama, The Other Club (1994, 1995)

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.

Alabama State Bar (1999-present)

Rhode Island State Bar (2001-2006; 2011-present)

Birmingham Bar Association (2011-present)

10. **Bar and Court Admission:**

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

Alabama, 1999

Rhode Island, 2001

My membership in Rhode Island lapsed in December 2006 until February 2011. My membership lapsed because I did not practice in Rhode Island and therefore did not renew. I renewed my license in 2011 and have kept it since that time. There have been no other lapses in membership.

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

Supreme Court of Alabama, 1999

United States District Court for the Northern District of Alabama, 2009

United States District Court for the Middle District of Alabama, 2009

United States District Court, District of Rhode Island, 2002

Rhode Island Supreme Court, 2001-2006; 2011-present

My membership with the Rhode Island Supreme Court lapsed in December 2006 until February 2011. My membership lapsed because I did not practice in Rhode Island and therefore did not renew. I renewed my license in 2011 and have kept it since that time. There have been no other 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.

Junior League of Birmingham (2008-2011)

Symphony 30, a Support Group of the Alabama Symphony Orchestra (2006-2010)
Chair, Corporate Contributions Committee (2008)

Mountain Brook City Schools Foundation (2015-present)
Member, Development Committee (2016-present)

Center City Contemporary Arts (2001-2003)
Member, Board of Directors (2001-2003)

Estate Planning Council of Birmingham, Inc. (2006-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.

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

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

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

editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

While in law school, I had the privilege of serving as the Lead Articles Editor of the *Law & Psychology Review*. In that capacity, I would have supervised the editing of all articles appearing in the Spring 1999 edition. I was specifically responsible for the edit of Donald Q. Cochrane, *Alabama v. Clarence Simmons: FBI "Profiler" Testimony to Establish an Essential Element of Capital Murder*, 23 LAW & PSYCHOL. REV. 69 (1999), a copy of which is 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.

Letter to Hon. Thomas B. Albritton, Executive Director of State of Alabama Ethics Commission, Re: Advisory Opinion No. 2016-24 (Nov. 21, 2016) (as President of the Board of Directors, authorized signature by Girls on the Run). 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.

Speaker, 2015 KIDS Korner Luncheon benefitting the YWCA of Central Alabama, Cahaba Grand Conference Center, February 19, 2015. Copy of speech supplied.

Speaker, 2016 KIDS Korner Luncheon benefitting the YWCA of Central Alabama, Cahaba Grand Conference Center, February 18, 2016. Copy of speech supplied.

Speaker, 2017 KIDS Korner Luncheon benefitting the YWCA of Central Alabama,

Cahaba Grand Conference Center, February 16, 2017. Copy of speech supplied.

In addition to these three speeches, I filmed a commercial for the Shelby for Senate primary campaign in 2016. The subject matter of the commercial was Senator Shelby's opposition President Obama's treaty with Iran relating to its nuclear program. To the best of my knowledge, the commercial never ran on media.

- 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.

YWCA Annual KIDS Korner Luncheon, ABC 33/40 Midday News, Feb. 18, 2015. Copy supplied.

Annemarie Axon's Passion is Helping Others Be Their Best, www.ywcabham.org, September 16, 2016. Copy supplied.

YWCA Welcomes New Junior Board Members, www.ywcabham.org, September 16, 2016. Copy supplied.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

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

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

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

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

- 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.

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

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

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

University of Alabama, College Republicans (1992-1995)
President (1994)

In 2016, I filmed a commercial for the Shelby for Senate primary campaign. To the best of my knowledge, the commercial never ran on media.

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;

From August 1999 to August 2000, I served as a law clerk to the Honorable Inge P. Johnson, United States District Court for the Northern District of Alabama.

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

I have not practiced law 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.

2000-2004

Edwards & Angell, LLP (now Locke Lord)
2800 Financial Plaza
Providence, Rhode Island 02903
Associate

2005-2007
AmSouth Bank, N.A. (now Regions Bank)
1900 Fifth Avenue North
Birmingham, Alabama 35203
Assistant Vice President, Trust Department

2008-present
Wallace, Jordan, Ratliff, & Brandt, LLC
800 Shades Creek Parkway Suite 400
Birmingham, Alabama 35209
Member (2013-present)
Counsel (2008-2012)

- 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.

I started practicing law in the Fall of 2000 as an associate with Edward & Angell, LLP in Providence, Rhode Island. Edwards & Angell was the largest law firm in the State of Rhode Island. I was generally assigned to work with the litigation group and came to focus on commercial litigation, with a concentration on federal environmental and securities claims. During my time at Edwards & Angell, I had the privilege of working almost exclusively with Deming E. Sherman, who was recognized as one of the preeminent environmental attorneys in New England. As his associate, it was my responsibility to write and argue motions, participate in settlement negotiations, research law and conduct discovery, including taking and defending depositions of a variety of witnesses. As an outgrowth of that litigation, I was required to understand—and be able to navigate through and defend—claims against trust and probate estates (in the case of individual owners of contaminated property) and securities law (in the case of corporate sellers and purchasers of contaminated property). In addition to this work, I represented clients on a variety of general litigation/pre-litigation matters including: ERISA litigation; claims made under 42 U.S.C.

§ 1983; and general contract and tort litigation.

When I returned to Alabama, I took a job as a Trust Officer at AmSouth Bank in Birmingham, Alabama. Drawing from my experience in trust and estate matters, I became the Assistant Vice President of the Estate Administration Department. During my short time there, I had the responsibility of overseeing litigation involving the bank in its fiduciary capacity, as a party.

I returned to private practice in 2008. Since then, I have had the honor of working at Wallace, Jordan, Ratliff & Brandt, a mid-size firm in Birmingham. While at Wallace Jordan, I developed a trust and estate litigation practice, litigating disputes in both state and federal court. In each of the trust and estate cases I have handled at Wallace Jordan, I have been the lead attorney on the case, responsible for mastering the law, interviewing the witnesses, conducting all discovery, writing and arguing motions, and trial. I have also participated in more general litigation matters and a challenge to a Guardianship. In addition, I have assisted on post-trial and appellate work for matters involving Constitutional issues.

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

Representative clients during my time at Edwards & Angell include: Slocum Gordon & Co., Firststar Bank, Family Dollar Stores, Custer Battles LLC, Textron Financial, Richard F. Scruggs, Cingular Wireless, Unocal, and Highmark Insurance.

While at Wallace Jordan, I have represented the State of Alabama, Governor Bob Riley, Regions Bank, Synovus Bank, First Commercial Bank, Chrysler Financial, Blue Cross/Blue Shield, and various individuals in their fiduciary capacities.

- 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.

- 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: 100%
- 2. criminal proceedings: 0%

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

I have been associate counsel on three cases that were tried to verdict or judgment. I was co-counsel on one. Additionally, I was chief counsel on one other case that settled during trial.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 25% |
| 2. non-jury: | 75% |

- 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 prepared, or assisted in the preparation, the following petitions for *writ of certiorari*:

Textron Funding Corp., et. al., v. Bessette, No. 00-1454, 2001 WL 34125388, Mar. 15, 2001.

Scruggs, et al., v. Daynard, No. 02-421, 2002 WL 32135504, Sept. 12, 2002.

Green v. Chilton County Comm'n, No. 07-1124, 2006 WL 5432258, Feb. 26, 2006.

Naglich v. Camp, No. 10-1117, 2011 WL 859675, Mar. 10, 2011.

I have not presented oral argument in the United States Supreme Court.

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:

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

For each of the matters below, the firm affiliation, phone numbers, and addresses of my co-counsel and opposing counsel represent the last-known contact information from my records or court filings.

- (1) *SEC v. Slocum, Gordon & Co., et al*, Civil Action No. 02-3671, U.S. District Court Rhode Island (Ronald Lagueux, presiding)

I was part of Slocum Gordon's trial team in a civil enforcement brought on behalf of the Securities and Exchange Commission. My representation began on September 9, 2002, with the filing of the initial answer and ended when judgment entered on September 28, 2002. The SEC alleged, among other things, that the defendants defrauded both the SEC and their clients by engaging in a "cherry picking" scheme. The alleged scheme involved a practice of purchasing stock for clients thereafter reallocating the stock purchase to a firm account in instances where the stock value increased before the trade settled. After a nonjury trial and post-trial briefing, the court held that Slocum, Gordon & Co. technically violated the Investment Advisors Act by maintaining a single clearing account through which it routed both firm and client funds and securities. The SEC failed to sustain its burden of proving that Slocum, Gordon & Co. or any of its partners engaged in cherry-picking, that defendants did not fail to disclose material facts to its clients. Through the course of the litigation, I was responsible for assisting in the preparation of witnesses for testimony, drafting various pretrial motions and the post-trial brief, trial preparation and acting as trial counsel.

Co-Counsel

Deming E. Sherman
Locke Lord, LLP
2800 Financial Plaza
Providence, RH 02903
(401) 276-6443

Patricia A. Sullivan, U.S. Magistrate Judge
U. S. District Court
Two Exchange Terrace
Providence, RI 02903

Opposing Counsel

Beth Lehman
Dawn A. Edick
Frank C. Huntingon
Ian D. Roffman
Securities and Exchange Commission
73 Tremont Street, Suite 600
Boston, MA 02108
(617) 573-8900

Luke T. Cadigan
Cooley LLP
500 Boylston Street
Boston, MA 02116
(617) 937-2480

- (2) *Russell-Stanley v. Buonanno*, Civil Action No. 1:01-08218, U.S. District Court, Southern District of New York (Jed S. Rakoff, presiding)

I served as co-counsel in defending a civil action alleging securities fraud [10(b)(5)], common law breach of contract and fraud arising from the sale of a drum reclamation businesses. The plaintiff, a venture capital firm, alleged that my client defrauded the plaintiff through his failure to disclose allegedly known environmental contamination of the property on which the business operated. My representation of the client began with the filing of the initial complaint on August 31, 2001, although I was not admitted to appear as trial counsel, *pro hac vice*, until October 15, 2003. The case was dismissed with prejudice on November 20, 2003. Together with co-counsel, I drafted and responded to discovery, took and defended depositions, reviewed documents, interviewed witnesses, drafted dispositive motions, drafted various pre-trial motions, as well as witness and exhibit lists. The case settled one business day before trial was set to begin.

Co-Counsel

Ira George Greenberg
Locke Lord LLP
750 Lexington Avenue
New York, NY 10022
(212) 308-4411

Opposing Counsel

John Francis Xavier Peloso, Jr.
John Steinmetz
Joseph L. Clasen
Robinson & Cole
1055 Washington Boulevard
Stamford, CT 06904
(203) 462-7500

Ross Stuart Katz
Schlesinger Gannon & Lazetera, L.L.P.
535 Madison Avenue
New York, NY 10022
(212) 652-3789

- (3) *Richard Daynard v. MRRM, P.A., et al*, Civil Action No. 1:01-10099, U.S. District Court, Massachusetts (William G. Young, presiding)

This case arises from an agreement that resolved the multi-state litigation against various tobacco manufacturers. According to the plaintiff, a Northeastern University Professor, the defendant breached an oral agreement by failing to pay him a percentage of attorneys' fees generated by the tobacco litigation claims. Consistent with these allegations, plaintiff filed a lawsuit alleging breach of contract and unjust enrichment. I was part of the team defending defendant, Richard F. Scruggs and his law firm, Scruggs, Millette, Bozeman & Dent, P.A. The civil action also included third party claims and cross-claims among Mr. Scruggs and incorporated association of lawyers and law firms formed to prosecute the tobacco litigation, although my involvement in this aspect of the litigation was limited. My representation of Mr. Scruggs and his law firm began in January 2001 and continued through March 2004.

In order to defend against the unjust enrichment claim, we undertook to establish the substance and percentage of work as performed as compared to the defendants. Effectively, this required reviewing the entirety of the tobacco litigation and years of prelitigation work performed by dozens of law firms. As part of the trial team, I was directly responsible for the collection, review, and production of all relevant documents. In addition, I assisted in the drafting of dispositive motions and appellate briefs, including a Petition for Writ of Certiorari to the United States Supreme Court, and the preparation of witnesses for deposition testimony. Pending trial, the case was settled.

Co-Counsel

Steven M. Prignano
McIntyre Tate, LLP
321 S. Main Street, Suite 400
Providence, RI 02903
(401) 351-7700

Mark A. Pogue
Pierce Atwood, LLP
72 Pine Street
Providence, RI 02903
(401) 588-5166

Alan M. Spiro
Locke Lord, LLP
One Financial Plaza
Suite 2800
Providence, RI 02903
(401) 274-9200

Patricia L. Kelly
Michael E. Mone, Sr.
Esdaile, Barrett, Jacobs & Mone
75 Federal Street, #1600
Boston, MA 02110

(617) 426-2978

Opposing Counsel

Edward J. Barshak
Regina E. Roman
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street
Boston, MA 02117-4737
(617) 227-3030

- (4) *Robert T. Hughes et al v. Governor Bob Riley, et al.*, No. 2008-000950, Circuit Court of Montgomery, Alabama (William Shashy, presiding), *rev'd Riley v. Hughes*, 17 So.3d 643 (Ala. 2009).

Filed in June 2008, this case involves a taxpayer challenge to the appointment of four trustees to the Alabama A&M University Board of Trustees. In October 2008, my firm was hired by Governor Bob Riley that October to appeal the trial court's judgment in favor of the taxpayers. I was a member of the appellate team representing Governor Riley. On appeal, the Alabama Supreme Court vacated the trial court's judgment, dismissed the action and dismissed the appeal. My representation of Governor Riley concluded with the Supreme Court's decision on February 6, 2009.

Co-Counsel

Albert L. Jordan
Wallace Jordan Ratliff & Brandt
800 Shades Creek Parkway
Suite 400
Birmingham, AL 35209
(205) 870-0555

Kenneth D. Wallis II
Henry T. Reagan II
Office of the Governor
600 Dexter Avenue
Montgomery, AL 36130
(334) 242-7100

Opposing Counsel

W. Troy Massey, P.C.
P. O. Box 230684
4200 Carmichael Court North
Montgomery, AL 36123
(334) 272-0083

- (3) *Gilbert Green, et al. v. Chilton County Commission, et al.*, No. 87-CV-01179, U.S. District Court, Middle District of Alabama (Myron H. Thompson, presiding).

In this case, my firm represented intervenors who objected to the terms of a 1988 Consent Decree which restricted county-level governance by increasing the number of commissioners, replacing the numbered-post system of electing officials with cumulative voting and instituted a racial classification for the appointment of its chair. The intervenors' claims were dismissed for want of standing. In January 2008, I was asked to join the appellate team in anticipation of its filing of a Petition for Writ of Certiorari to the Court of Appeals for the Eleventh Circuit. As part of the appellate team, I conducted research and assisted in the drafting and editing of both the petition and reply to the brief in opposition. The United States Supreme Court denied the petition on June 23, 2008.

Co-Counsel

Albert L. Jordan
Wallace Jordan Ratliff & Brandt
800 Shades Creek Parkway
Suite 400
Birmingham, AL 35209
(205) 870-0555

Algert S. Agricola, Jr.
Ryals, Plummer, Donaldson, Agricola & Smith
60 Commerce Street, Suite 1400
Montgomery, AL 36104
(334) 834-5297

Opposing Counsel

Dorman Walker
Kelly Pate
Balch & Bingham, LLP
P.O. Box 78
Montgomery, AL 36101
(334) 269-3138

James U. Blacksher
P.O. Box 636
Birmingham, AL 35201
(205) 591-7238

Edward Still
Edward Still Law Firm LLC
Suite 201
2112 11th Ave. South
Birmingham, AL 35205
(205) 320-2882

- (6) *Dr. Larry Camp, et al. v. Correctional Medical Services, Inc., et al.*, No. 08-CV-227, United States District Court, Middle District of Alabama (W. Keith Watkins, presiding).

In this case, the plaintiffs alleged that the defendants violated the plaintiffs' constitutional rights by retaliating against them for engaging in speech on matters of public concern. My firm was retained by the Alabama Department of Corrections to represent two of its employees in appeal of the district court's opinion denying summary judgment on qualified immunity grounds. In November 2009, I joined other members of my firm as part of the appellate team. My responsibilities included mastering the district court record, researching the applicable law, and drafting and editing the briefs to the Court of Appeals for the Eleventh Circuit. Thereafter, I assisted in the draft and edit of the Petition for Writ of Certiorari to the Court of Appeals for the Eleventh Circuit. The United States Supreme Court denied the petition, ending my representation, on June 13, 2011.

Co-Counsel

Albert L. Jordan
Susan M. Brown
Wallace, Jordan, Ratliff, & Brandt
800 Shades Creek Parkway
Suite 400
Birmingham, AL 35209
(205) 870-0555

Gregory M. Biggs
Alabama Securities Commission
P.O. Box 304700
Montgomery, AL 36130
(334) 242-2984

Kim T. Thomas
Alabama Department of Corrections
P.O. Box 301501
Montgomery, AL 36130
(334) 353-3870

Scott L. Rouse
Alabama Forestry Commission
P.O. Box 302550
Montgomery, AL 36130
(334) 240-9342

Opposing Counsel

David Long-Daniels
Lindsey C. Edelman

Todd David Wozniak
Greenberg Traurig LLP
3333 Piedmont Road NE; Suite 2500
Atlanta, GA 30305
(678) 553-2100

(7) *In re I.V.H.*, Circuit Court of Jefferson County, AL, (Carole Smitherman presiding).

This case involves the personal liberties of an individual afflicted with mental illness. Over a decade ago, my client consented to the entry of a guardianship and conservatorship over her person. The Jefferson County Probate Court thereafter appointed her husband to act as guardian and conservator. After a decade of managing her symptoms, my client sought to petition the court for restoration of her capacity. Additionally, she petitioned for a divorce from her husband, from whom she became estranged.

The petitioner is an individual of considerable wealth, most of which is derived from a business owned by her family and managed by her husband, petitioner's guardian and conservator. I became involved in this case after the petitioner's husband refused to honor the terms of an agreement reached at mediation, which would have required that petitioner's interest in the company be managed by a trust. After settlement negotiations broke down, the circuit court appointed two local attorneys as special masters to determine whether my client's capacity should be restored and, if not, the extent to which a guardian and conservator is necessary.

I have been a part of the team representing I.V.H. since January 2014 and continue to represent her presently. The special masters submitted a report to the circuit court, which was accepted and incorporated into an order. My client currently is appealing that order to the Supreme Court of Alabama.

Co-Counsel

Albert L. Jordan
Susan M. Brown
Wallace, Jordan, Ratliff, & Brandt, LLC
800 Shades Creek Parkway
Suite 400
Birmingham, AL 35209
(205) 870-0555

Opposing Counsel

Alan D. Mathis
William Rose
Butler Snow
1819 5th Avenue North, Suite 1000
Birmingham, AL 35203
(205) 297-2200

Bryant A. Whitmire, Jr.
215 Richard Arrington Jr. Blvd. N., Suite 501
Birmingham, AL 35203
(205) 324-6631

- (8) *James L. Daniel v. Robert H. Sprain, Jr. et al.*, No. 2013-000034, Circuit Court of Shelby County, Alabama (Corey Moore, presiding).

This is a will contest. My client, the proponent of the will was an individual who worked for the decedent. The contestants were two of the decedent's four children. The decedent's last will and testament did not provide for the decedent's spouse or children, opting instead to leave the bulk of his estate to four separate charities. My representation of the client began in March 2013 and continued through its final resolution in January 2016. As lead counsel for the case, I was responsible for the trial strategy. Along with my co-counsel, I propounded and responded to various forms of discovery, interviewed witnesses, took and defended depositions, drafted and edited dispositive motions, jury charges and witness and exhibit lists. The case settled after the jury was empaneled and opening arguments were set to begin in January 2016.

Co-Counsel

Samuel T. Sessions
Wallace, Jordan, Ratliff & Brandt LLC
800 Shades Creek Parkway
Suite 400
Birmingham, AL 35209
(205) 870-0555

Opposing Counsel

Greg Burge
Hannah Thrasher
Burr Forman
420 North 20th Street, Suite 3400
Birmingham, AL 35203
(205) 458-5100

- (9) *Mary Jane Darby, et al. v. James H. Crenshaw*, No. 2014-900233, Circuit Court of Lauderdale County, Alabama (Gil Self, presiding).

This matter involves a dispute over the ownership of a piece of real property. I have represented the defendant from the time the litigation began in 2015. As lead counsel, I am responsible for developing and implementing the trial strategy, propounding and responding to discovery, taking and defending depositions, drafting and editing dispositive motions, mediating the dispute, and the selection of co-counsel. The trial court granted summary judgment on all counts in May 2017. Plaintiffs filed a timely notice of appeal.

Co-Counsel

Rick Hall
Hall Tanner Hargett PC
200 North Water Street
Tuscumbia, AL 35674
(256) 381-7750

Bruce Rogers
Sela Blanton
Bainbridge, Mims, Rogers & Smith
600 Luckie Drive, Suite 415
Birmingham, AL 35253
(205) 879-1100

Opposing Counsel

Andrew P. Campbell
Cason M. Kirby
Campbell Guin
505 20th Street North
Suite 1600
Birmingham, AL 35203
(205) 224-0750

- (10) *Charlotte Harbin v. The Estate of Lecil V. Thomas*, No. 2014-000038, Circuit Court of Colbert County, Alabama (Harold V. Hughston, Jr., presiding).

This matter involves a claim made against my client, the estate of Lecil Thomas. The plaintiff, who alleges she was the common law wife of the decedent, made a claim under the pretermitted spouse statute one year after the estate was admitted to probate. The legal questions involve whether such a claim is barred by Alabama's nonclaim statute. The factual issue, should the court decide that it has jurisdiction to entertain the claim, is whether the decedent was common law married to the plaintiff and, if so, whether the decedent intended gifts made to the plaintiff during his lifetime were intended to be in lieu of a testamentary devise. As lead counsel on this matter, I am responsible for all discovery, witness interviews, depositions, dispositive motions, oral argument, and trial strategy. The court denied the estate's motion for summary judgment and this matter is scheduled to go to trial this year.

Co-Counsel

Rick Hall
Hall Tanner Hargett PC

200 North Water Street
Tuscumbia, AL 35674
(256) 381-7750

William Hovater
P.O. Box 109
Tuscumbia, AL 35674
(256) 381-4771

Opposing Counsel

Rodney B. Slusher
425 N. Court Street
Florence, AL 35630
256) 764-4011

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.)

The majority of the cases I handle are resolved just short of trial. The substantive nature of these cases crosses the entire spectrum of civil litigation. For example, I was involved in the negotiation and implementation of a settlement involving a large number of plaintiffs who claimed injury to their business as a result of the North Cape Oil Spill in South Kingstown, Rhode Island. Other environmental cases that I worked on, but were settled before trial, include several claims for contribution under CERCLA. In addition to these environmental cases, I have been involved in a case involving a claim that a piece of art consigned to an art gallery was a forgery; a wrongful death claim arising from a waterskiing accident; a response to a grand jury subpoena; and various matters involving alleged breaches of fiduciary duty.

I have never performed lobbying or registered as a lobbyist.

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

I have never taught.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional

services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no such arrangements.

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

I have no plans, commitments, or agreements to pursue outside employment in the future.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

Actual or apparent conflicts of interest could arise in matters affecting, among other things, my law firm, clients, family members, friends, or my own financial interests. In addition, because my husband is an equity partner at the law firm Starnes Davis Florie, a conflict of interest could arise in matters affecting my financial interests. I would address these conflicts consistent with the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, the Ethics in Government Act of 1978, and all relevant guidelines. Among other things, I would recuse myself from all cases in which Starnes Davis Florie represents a party, all cases in which Wallace Jordan represents a party (for the applicable time period), and other cases that might give rise to an actual or apparent conflict of interest.

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

If confirmed, I will carefully review and address these conflicts consistent with the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, the Ethics in Government Act of 1978, and all other laws, rules, and practices governing such conflicts.

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

The responsibility of an attorney to serve the disadvantaged is something I take very seriously. In addition to making myself available to provide free probate and general legal advice to the bereaved, I am deeply involved in serving two separate community organizations whose very purpose is to serve the disadvantaged. I am President of the Junior Board of the YWCA of Central Alabama and also serve as a member of the YW's Board of Directors. Prior to serving as President of the Junior Board, I served for two years as the co-chair of the KIDS Korner Luncheon, which directly benefits a nationally accredited day care program for homeless preschoolers. In the past, I have been asked to provide legal advice to the YWCA of Central Alabama's Chief Executive Officer about various matters.

In addition to my work for the YWCA of Central Alabama, I serve as the President of the Board of Directors for the Birmingham chapter of Girls on the Run. GOTR is an after-school program whose curriculum is designed to encourage positive emotional, social, mental and physical development for girls through physical activity (training for and participating in a 5K). The Birmingham chapter is a relatively "young" chapter, which has required a substantial amount of involvement by its Board, and particularly by its Board officers. As an officer of the Board, I have advised and overseen the growth in the number of schools offering the program to their students while raising funds necessary to provide scholarships to students who wish to participate in the program but cannot afford the program cost or the necessary equipment (e.g., running shoes).

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 December 2016, I was contacted by Katie Boyd Britt, Chief of Staff for Senator Richard C. Shelby, who was working with the Senator to compile a list of

candidates to fill the Northern District vacancies. I had an interview and additional follow-up with Ms. Britt sometime during the first week of January. In the first week of February, I interviewed with Katherine Robertson, of then-Senator Jeff B. Sessions' office. On February 7, 2017, I was contacted by both Senator Shelby and then-Senator Sessions, who informed me that they submitted my name to the White House as a candidate for the district court bench. In March 2017, I was interviewed by the Office of White House Counsel and the Department of Justice Office of Legal Policy. On March 29, 2017, I met with Senator Shelby to discuss the nomination process.

- 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.