

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Patricia Duffy Barksdale
Patricia Rae Duffy

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

United States District Judge for the Middle 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.

Bryan Simpson United States Courthouse
300 North Hogan Street, Suite 5-311
Jacksonville, Florida 32202

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

1971; Washington, District of Columbia

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.

1993 – 1996, University of Florida Levin College of Law; J.D. (with High Honors), 1996
1989 – 1993, University of Florida; B.A., 1993

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.

2013 – present
United States District Court for the Middle District of Florida
Bryan Simpson United States Courthouse
300 North Hogan Street, Suite 5-311
Jacksonville, Florida 32202

United States Magistrate Judge

2005 – 2013

United States Attorney's Office for the Middle District of Florida
Bryan Simpson United States Courthouse
300 North Hogan Street, Suite 700
Jacksonville, Florida 32202
Assistant United States Attorney (2005 – 2013)
Senior Litigation Counsel (2011 – 2013)

2004 – 2005

United States District Court for the Middle District of Florida
Bryan Simpson United States Courthouse
300 North Hogan Street, Suite 11-100
Jacksonville, Florida 32202
Law Clerk for the Honorable Timothy J. Corrigan

2000 – 2004

CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202
Counsel

1997 – 1999

McGuire Woods LLP
50 North Laura Street, Suite 3300
Jacksonville, Florida 32202
Associate

1996 – 1997

United States Court of Appeals for the Eleventh Circuit
113 St. Joseph Street
Mobile, Alabama 36603
Law Clerk for the Honorable Emmett R. Cox

Summer 1996

Bedell, Dittmar, DeVault, Pillans & Cox
101 East Adams Street
Jacksonville, Florida 32202
Summer Associate

Summer 1995 and Summer 1996

King & Spalding LLP
1180 Peachtree Street
Atlanta, Georgia 30309
Summer Associate

Spring 1995
University of Florida Levin College of Law
2500 Southwest Second Avenue
Gainesville, Florida 32611
Research Assistant for Professor Amy R. Mashburn

Summer 1994
United States Army Judge Advocate General's Corp
Kaiserslautern Law Center, Kleber Kaserne, Building 3210
Kaiserslautern, Germany 09263
Law Intern

Summer 1993
Camp Pinewood
300 Orrs Camp Road
Hendersonville, North Carolina 28792
Counselor

Other Affiliations (Uncompensated):

2016 – present
University of Florida Law Center Association
309 Village Drive
Gainesville, Florida 32611
Board of Trustees

2010 – present
Chester Bedell American Inn of Court
101 East Adams Street
Jacksonville, Florida 32202
President (2016 – present)
President-Elect (2014 – 2016)
Board Member (2010 – present)

2010 – 2015
Sanctuary on Eighth Street
120 Eighth Street East
Jacksonville, Florida 32206
President (2015)
Vice President (2012 – 2013)
Secretary (2011)
Board Member (2010 – 2015)

2006 – 2012
Federal Bar Association, Jacksonville Chapter

No physical address
Jacksonville, Florida
President (2011 – 2012)
President-Elect (2010 – 2011)
Vice President, Programs (2009 – 2010)
Vice President, Membership (2008 – 2009)
Secretary (2007 – 2008)
Treasurer (2006 – 2007)

2006 – 2011
Florida Bar Federal Court Practice Committee
651 East Jefferson Street
Jacksonville, Florida 32399
Chair (2010 – 2011)
Vice Chair (2008 – 2010)

1999 – 2005
City Beautiful Coalition (also known as City Beautiful Jax; formerly known as JaxPride:
A Coalition for the Visual Enhancement of Jacksonville)
334 East Duval Street
Jacksonville, Florida 32202
Board Member

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. As a woman, I did not register 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 Legal Elite, Government Lawyers (2012)

United States Attorney's Award for Selfless Assistance to Office & Colleagues (2010)

Ranked second out of 188 students in graduating law school class (1996)

Order of Coif (1996)

Joseph J. Gersten Key Award for Outstanding Law School Achievements (1996)

Florida Law Review, Senior Research Editor (1995 – 1996)

Book Awards for Highest Class Grades in Legal Drafting, Civil Procedure II, Administrative Law, Insurance Law, and Florida Constitutional Law (1994 – 1996)

Florida Blue Key (1993 – 1996)

Gertrude Brick Apprentice Prize for Best Florida Law Review Note (1994)

Honors in Legal Research & Writing and Appellate Advocacy Courses (1993 – 1994)

University of Florida Outstanding Female Leader of Class of 1989 (1993)

University of Florida Hall of Fame (1993)

University of Florida College of Liberal Arts & Sciences Hall of Fame (1993)

Jack Kenizer Award for Student Service (1993)

Mortar Board Senior Honor Society (1993)

Golden Key National Honor Society (1990 – 1993)

Omicron Delta Kappa (1991 – 1993)

Savant University of Florida (1992 – 1993)

Order of Omega (1992 – 1993)

Florida Undergraduate Scholar (1989 – 1993)

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.

Chester Bedell American Inn of Court
President (2016 – present)
President-Elect (2014 – 2016)
Board Member (2010 – present)

Federal Bar Association, Jacksonville Chapter
President (2011 – 2012)
President-Elect (2010 – 2011)
Vice President Programs (2009 – 2010)
Vice President Membership (2008 – 2009)
Secretary (2007 – 2008)
Treasurer (2006 – 2007)

Federal Magistrate Judges Association

Florida Bar Federal Court Practice Committee
Chair (2010 – 2011)
Vice Chair (2008 – 2010)

Florida Bar Standing Committee on Professionalism

Jacksonville Bar Association

Middle District of Florida Local Rules Committee Lawyer's Advisory Group (2007 – 2011)

United States District Court for the Middle District of Florida committees
Rules of Practice, Procedure, and Administration Committee (2016 – present)
Criminal Law, Probation Administration, and Pretrial Services Committee (2014 – present)
Pro Se Litigant Subcommittee of the Bench Bar Fund Committee (2014 – present)
Website Subcommittee of the Automation and Technology Committee (2015)

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.

Florida, 1996

There has been no lapse in membership.

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

United States District Court for the Middle District of Florida, 1998

I allowed my membership to automatically lapse in August 2004 because it was unnecessary for my employment.

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.

University of Florida Law Center Association Board of Trustees (2016 – present)

St. Matthew's Catholic Church (1997 – present)

Circle Three Member (2005 – present)

Lodge & Club at Ponte Vedra Beach (2012 – present)

Navy Ortega Little League (2012 – 2013)

Head Girls Softball Coach (2012 – 2013)

Sanctuary on Eighth Street (2010 – 2015)

President (2015)

Vice President (2012, 2013)

Board Member (2010 – 2015)

Women's Board of Wolfson Children's Hospital Art & Antique Show (2000, 2003, 2007, 2008, 2013)

Committee Chair (2003, 2013)

Committee Vice Chair (2008)

City Beautiful Coalition (also known as City Beautiful Jax; formerly known as JaxPride: A Coalition for the Visual Enhancement of Jacksonville) (1999 – 2001)

Board Member (1999 – 2001)

- 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.

New Chapter Begins for Jacksonville's Old Federal Courthouse, 11th Circuit Historical News, Vol. XII, No. 2 (Summer 2015). Copy supplied.

In approximately 2014, I helped develop a section of the website for the United States District Court for the Middle District of Florida for litigants proceeding without lawyers. I wrote some of the original content, including the introductory page. The website is available at <http://www.flmd.uscourts.gov>.

Guide for Proceeding Without a Lawyer, United States District Court for the Middle District of Florida, February 14, 2014. I assisted in the development and drafting of the handbook. Copy supplied.

In approximately 2011, with the help of a website designer, I developed a website for the Jacksonville Chapter of the Federal Bar Association. I took the design photographs and wrote most of the original content, including the welcome statement, purpose, and history. The website is available at <http://www.jacksonvillefederalbarassociation.org>.

In approximately 2009, I helped develop the "Federal Corner" for the Florida Bar website. It consists primarily of links to other websites that may be of interest to federal practitioners. The website is available at <http://www.floridabar.org/federalcorner>.

Timothy J. Corrigan, *Chapter 22: Sanctions*, in FEDERAL APPELLATE PROCEDURE IN THE ELEVENTH CIRCUIT, Lawyer's Cooperative (1996). I assisted in the research and drafting of this paper. Copy supplied.

The Economic Loss Rule & Florida's Exception for General Contractors, 46 FLA. L. REV. 775 (1994). Copy supplied.

Criminal Law: Using Prior Uncounseled Misdemeanors to Enhance Sentences for Subsequent Offenses, 46 FLA. L. REV. 495 (1994). 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.

Federal Court Practice Committee Annual Report, Florida Bar Journal, Vol. 85, No. 6 (June 2011). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal

interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

In approximately 2014, I submitted a suggested change to the Eleventh Circuit Pattern Jury Instructions (Criminal) to a committee of federal judges soliciting such suggestions. I do not have a copy of the submission but an April 24, 2015 letter from the committee to the Honorable Ed Carnes, Chief Circuit Judge, summarizing my suggestion, is supplied.

As President of the Federal Bar Association, Jacksonville Chapter, I sent an email to the Honorable Timothy J. Corrigan, United States District Judge, asking the court to consider allowing lawyers to bring electronic devices into the courthouse (September 2, 2012). Copy supplied.

As Chair of the Federal Court Practice Committee of the Florida Bar Association, I sent a letter to the Honorable Anne C. Conway, Chief United States District Judge, requesting a change to a local rule regarding swearing-in procedures (March 10, 2011). 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.

2013 – present: Presenter, Mock Trials and Question-and-Answer Sessions, United States District Court for the Middle District of Florida, Jacksonville, Florida. I preside over numerous mock trials and question-and-answer sessions for students as part of the Open Doors to Courts program. I have no notes, transcripts, or recordings. The address of the United States District Court for the Middle District of Florida is 300 North Hogan Street, Jacksonville, Florida 32202.

2013 – present: Presenter, Opening and Closing Remarks and Introductions, Chester Bedell American Inn of Court, Jacksonville, Florida. As President and in my former capacity as President-Elect, I gave brief opening and closing remarks and introduced speakers at events. I have no notes, transcripts, or recordings. The address of the Chester Bedell American Inn of Court (Attention: Inn Administrator) is 101 East Adams Street, Jacksonville, Florida 32202.

May 2, 2016: Presiding Judge, Swearing-in Ceremony for Suzanne Garrow's admission to the Florida Bar, United States District Court for the Middle District of Florida, Jacksonville, Florida. Notes supplied.

April 28, 2016: Presiding Judge, Naturalization Ceremony, United States District Court for the Middle District of Florida, Jacksonville, Florida. Notes supplied.

April 28, 2016: Presenter, Remarks for Outgoing President Judge Beverly, Annual Dinner, Chester Bedell American Inn of Court, Jacksonville, Florida. Notes supplied.

February 18, 2016: Speaker, Jurist in Residence, Florida State University College of Law, Tallahassee, Florida. I met with students and faculty and answered questions about judicial clerkships and related topics, and I gave a brief presentation to a class about my experience as a former in-house counsel. I have no notes, transcript, or recording. The address of Florida State University College of Law is 301 South Martin Luther King Jr. Boulevard, Tallahassee, Florida 32306.

January 29, 2016: Moot Court Judge, 32nd Annual Raymer F. Maguire Appellate Advocacy Competition, University of Florida Levin College of Law, Gainesville, Florida. A video recording is available at <https://mediasite.video.ufl.edu/Mediasite/Play/89bab1490cb54cbb8a7aa1a4e104bf341d?catalog=58a2c26a-048c-42de-8950-c7f68c1e7540>.

January 20, 2016: Moot Court Judge, 2016 Chester Bedell Memorial Mock Trial Competition, Trial Lawyers Section of the Florida Bar Association, Ponte Vedra Beach, Florida. The moot court judges provided public feedback to students. I have no notes, transcript, or recording. The address of the Trial Lawyers Section of the Florida Bar Association is 651 East Jefferson Street, Tallahassee, Florida 32399.

November 6, 2015: Presiding Judge, Swearing-in Ceremony for Lauren Gentry's and Christopher Johns' admission to the Florida Bar, United States District Court for the Middle District of Florida, Jacksonville, Florida. Notes supplied.

June 4, 2015: Speaker, "Noon in June," Jacksonville Bar Association, Jacksonville, Florida. I spoke to law students working in Jacksonville as summer associates and interns for the summer about federal practice and answered questions they had about being a judge. I have no notes, transcript, or recording. The address of the Jacksonville Bar Association is One Independent Drive, Jacksonville, Florida 32202.

May 7, 2015: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the Middle District of Florida, Jacksonville, Florida. Script supplied.

April 23, 2015: Panelist, "Discovery Drama," Honorable Ralph Nimmons Federal Practice Seminar, Federal Bar Association, Jacksonville Chapter, Jacksonville,

Florida. A panel of magistrate judges answered questions about discovery. I have no notes, transcript, or recording. The address of the Federal Bar Association, Jacksonville Chapter, is P.O. Box 441, Jacksonville, Florida 32201.

March 26, 2015: Presiding Judge, Naturalization Ceremony, United States District Court for the Middle District of Florida, Jacksonville, Florida. Notes supplied.

March 18, 2015: Moderator, "Unveiling the Mystique of Appellate Practice," Federal Bar Association, Jacksonville Chapter, Jacksonville, Florida. Notes supplied.

November 6, 2014: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the Middle District of Florida, Jacksonville, Florida. I used the same script as the one I supplied for the May 7, 2015 admissions ceremony.

September 5, 2014: Moot Court Judge, 29th Annual Zimmerman Kiser Sutcliffe Final Four Moot Court Competition, University of Florida Levin College of Law, Gainesville, Florida. A video recording is available at <https://mediasite.video.ufl.edu/Mediasite/Play/7ba3b95c3ee1476fbf93da118321a85b1d>.

July 31, 2014: Presiding Judge, Naturalization Ceremony, United States District Court for the Middle District of Florida, Jacksonville, Florida. I gave brief remarks to welcome guests and new citizens. I have no notes, transcript, or recording. The address of the United States District Court for the Middle District of Florida is 300 North Hogan Street, Jacksonville, Florida 32202.

April 11, 2014: Panelist: "Women, the Law, and Leaning into Leadership," North Florida Chapter of the Federal Bar Association, Gainesville, Florida. Each panel member gave brief remarks and answered questions relating to women and the practice of law. I have no notes, transcript, or recording. The address of the North Florida Chapter of the Federal Bar Association (Attention: Rob Griscti, President) is 901 Northwest 57th Street, Gainesville, Florida 32605.

February 20, 2014: Moderator, "A Conversation with Jacksonville's District Judges," Federal Bar Association, Jacksonville Chapter, Jacksonville, Florida. I asked the judges about their experiences on the bench. I have no notes, transcript, or recording. The address of the Federal Bar Association, Jacksonville Chapter, is P.O. Box 441, Jacksonville, Florida 32201.

January 14, 2014: Panelist, Federal Magistrate Judge Luncheon, Jacksonville Bar Association, Jacksonville, Florida. I answered general questions about being a magistrate judge. I have no notes, transcript, or recording. The address of the Jacksonville Bar Association is One Independent Drive, Jacksonville, Florida 32202.

November 15, 2013: Speaker, Investiture of United States Magistrate Judge Patricia D. Barksdale, United States District Court for the Middle District of Florida, Jacksonville, Florida. Transcript excerpt supplied.

April 16, 2013: Co-Presenter, United States Attorney's Office for the Middle District of Florida, Jacksonville, Florida. I presented districtwide training to Deputy United States Marshals on the Sex Offender Registration & Notification Act. I have no notes, transcript or recording. The address of the United States Attorney's Office for the Middle District of Florida is 400 North Tampa Street, Suite 3200, Tampa, Florida 32202.

August 3, 2012: Presenter, United States Probation Office, Middle District of Florida, Marco Island, Florida. I presented training to United States Probation Officers on the Armed Career Criminal Act. I have no notes, transcript, or recording. The address of the United States Probation Office, Middle District of Florida, is P.O. Box 3905, Tampa, Florida 33601.

July 19, 2012: Presenter, United States Probation Office, Eleventh Circuit Case Law Group, Savannah, Georgia. I presented training to United States Probation Officers from each district in the Eleventh Circuit on the Armed Career Criminal Act, the career-offender guideline, and the retroactive application of Amendment 750 to the United States Sentencing Guidelines. I have no notes, transcript, or recording. The address of the United States Probation Office, Middle District of Florida, is P.O. Box 3905, Tampa, Florida 33601.

April 26, 2012: Co-Moderator, "Practicing Before the Supreme Court: Advocacy, Appellate Practice, & the Office of the Solicitor General," Honorable Ralph Nimmons Federal Practice Seminar, Federal Bar Association, Jacksonville Chapter, Jacksonville, Florida. With the Honorable Timothy J. Corrigan, United States District Judge, I asked Deputy Solicitor General Michael Dreeben questions about his experience arguing before the United States Supreme Court. I have no notes, transcript, or recording. The address of the Federal Bar Association, Jacksonville Chapter, is P.O. Box 441, Jacksonville, Florida 32201.

2010 – 2012: Presenter, Various Events, Federal Bar Association, Jacksonville Chapter, Jacksonville, Florida. In my capacity as President and President-Elect of the Federal Bar Association, Jacksonville Chapter, I gave brief opening and closing remarks and introduced speakers at events. I have no notes, transcripts, or recordings. The address of the Federal Bar Association, Jacksonville Chapter, is P.O. Box 441, Jacksonville, Florida 32201.

December 1, 2011: Presenter, United States Attorney's Office for the Middle District of Florida, Jacksonville, Florida. I presented districtwide training to Assistant United States Attorneys on *Batson* challenges and Supreme Court cases addressing the exclusionary rule and the Armed Career Criminal Act. I have no

notes, transcript, or recording. The address of the United States Attorney's Office for the Middle District of Florida is 400 North Tampa Street, Suite 3200, Tampa, Florida 32202.

June 23, 2011: Moderator, Federal Judicial Roundtable, Florida Bar Association Federal Court Practice Committee, Kissimmee, Florida. PowerPoint supplied.

January 28, 2011: Presenter, United States Probation Office, Eleventh Circuit Case Law Group, Ponte Vedra, Florida. I presented training to United States Probation Officers from each district in the Eleventh Circuit on the United States Sentencing Guidelines. I have no notes, transcript, or recording. The address of the United States Probation Office, Middle District of Florida, is P.O. Box 3905, Tampa, Florida 33601.

April 9, 2010: Speaker, Portrait Ceremony of the Honorable Henry Lee Adams, United States District Judge, Jacksonville, Florida. Notes supplied.

November 3, 2009: Co-Presenter, "The Evidence Game," Federal Judicial Center, Workshop for Judges of the Eleventh Circuit, Ponte Vedra Beach, Florida. With the Honorable Timothy J. Corrigan, United States District Judge, I presented an interactive challenge on the Federal Rules of Evidence using hypotheticals. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle Northeast, Washington, District of Columbia 20544.

June 25, 2009: Speaker, Federal Judicial Roundtable, Florida Bar Association Federal Court Practice Committee, Orlando, Florida. I gave welcoming remarks as the chair of the roundtable. I have no notes, transcript, or recording. The address of the Florida Bar Association Federal Court Practice Committee is 651 East Jefferson Street, Tallahassee, Florida 32399.

April 23, 2009: Co-Presenter, "An Introduction to Federal Criminal Sentencing," Honorable Ralph Nimmons Federal Practice Seminar, Federal Bar Association, Jacksonville Chapter, Jacksonville, Florida. With the Honorable Timothy J. Corrigan, I presented a primer on federal criminal sentencing. I have no notes, transcript, or recording. The address of the Federal Bar Association, Jacksonville Chapter, is P.O. Box 441, Jacksonville, Florida 32201.

April 23, 2008: Co-Presenter, "Evidence Challenge," Honorable Ralph Nimmons Federal Practice Seminar, Federal Bar Association, Jacksonville Chapter, Jacksonville, Florida. With the Honorable Timothy J. Corrigan, I presented an interactive challenge on the Federal Rules of Evidence using hypotheticals. I have no notes, transcript, or recording. The address of the Federal Bar Association, Jacksonville Chapter, is P.O. Box 441, Jacksonville, Florida 32201.

September 27, 2007: Co-Presenter, United States Attorney's Office for the Middle District of Florida, Orlando, Florida. I presented districtwide training to Assistant

United States Attorneys on the Federal Rules of Evidence. I have no notes, transcript, or recording. The address of the United States Attorney's Office for the Middle District of Florida is 400 North Tampa Street, Suite 3200, Tampa, Florida 32202.

June 28, 2007: Co-Presenter, "Hearsay Challenge," Federal Judicial Roundtable, Florida Bar Association Federal Court Practice Committee, Boca Raton, Florida. With the Honorable Timothy J. Corrigan, I presented an interactive challenge on the hearsay rule. I have no notes, transcript, or recording. The address of the Florida Bar Association Federal Court Practice Committee is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 14, 2007: Presenter, "The End of Mandatory Sentencing Guidelines," State Bar of Georgia Annual Convention, Institute of Continuing Education in Georgia and the Georgia Association of Black Women Lawyers, Ponte Vedra Beach, Florida. I summarized the *Booker* decision and its effect on federal sentencing. I have no notes, transcript, or recording. The address of the Institute of Continuing Education in Georgia is 104 Marietta Street, Suite 100, Atlanta, Georgia 30303.

May 21, 2007: Presenter, Investiture of the Honorable Marcia Morales Howard, United States District Judge, Jacksonville, Florida. Transcript excerpt supplied.

April 25, 2007: Welcoming Remarks and Co-Presenter, "Hearsay Challenge," Honorable Ralph Nimmons Federal Practice Seminar, Federal Bar Association, Jacksonville Chapter, Jacksonville, Florida. PowerPoint supplied.

- 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.

Elaine Silvestrini, *Website Helps Floridians Navigate Court System Without Lawyers*, Tampa Tribune, December 20, 2015. Copy supplied.

Lawyer Snapshot: Patty Barksdale, Financial News & Daily Record, August 30, 2010. Copy supplied.

Dan Scanlan, *Summit Ends in Match Grants for Neighborhood Projects*, Florida Times-Union, September 13, 2000. 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.

On November 1, 2013, I was sworn-in as a United States Magistrate Judge for the United States District Court for the Middle District of Florida, Jacksonville Division, to serve an

eight-year term. The position is appointed. The jurisdiction of magistrate judges is set forth in 28 U.S.C. § 636.

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

I have not presided over cases to verdict or judgment following trial. I have served as the presiding magistrate judge in approximately 540 civil cases and 230 criminal cases, many of which have gone to judgment following pleas, settlements, or dispositive-motion practice.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	0%
civil proceedings:	70%
criminal proceedings:	30%

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

See attached.

- 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. *Carbiener v. Lender Processing Servs., Inc., et al.*, No. 3:13-cv-970-J-39PDB

A former chief executive officer sought millions against his former company and seven of its employees, alleging securities fraud, breach of contract, torts, and violations of the Employee Retirement Income Security Act of 1974. I issued a report and recommendation that defendants' motion to dismiss be granted with respect to all but plaintiff's breach-of-contract claim and one ERISA claim. Decision supplied. The case settled through court-ordered mediation after dispositive motion practice and some discovery.

Theresa M. Moser (plaintiff's counsel)
Moser Law Company
112 Krog Street Northeast, Suite 26
Atlanta, Georgia 30307
(404) 537-5330

John A. Tucker (defendants' counsel)

Foley & Lardner, LLP
One Independent Drive, Suite 1300
Jacksonville, Florida 32202
(904) 359-2000

2. *Casey et al. v. Florida Coastal School of Law, Inc.*, No. 3:14-cv-1229-J-39PDB

Graduates sued their law school, seeking \$100 million, equitable relief, and class certification based on the publication of allegedly unfair and deceptive employment and salary data. I recommended granting a motion to dismiss with prejudice. The district judge adopted the recommendation. The report and recommendation can be found at 2015 U.S. Dist. LEXIS 176281 (M.D. Fla. Aug. 11, 2015).

Elio F. Martinez, Jr. (plaintiffs' counsel)
Concepcion Martinez & Puente
255 Aragon Avenue, Second Floor
Coral Gables, Florida 33134
(305) 444-6669

Michael J. Volpe (defendant's counsel)
Venable LLP
Rockefeller Center
1270 Avenue of the Americas, 24th Floor
New York, New York 10020
(212) 307-5500

3. *United States v. Chansler*, No. 3:10-cr-100-J-34PDB

A federal grand jury returned a multi-count indictment alleging the defendant used social networking websites to befriend minors, asked them to expose themselves during video chats recorded without their knowledge, and then revealed and threatened to post the recordings online or send them to their friends if they did not send more explicit ones. I ultimately found defendant competent to proceed based on competing expert opinions. Decision supplied. Defendant then pleaded guilty to various crimes, and the district judge sentenced him to 105 years' imprisonment. He did not appeal.

D. Rodney Brown (counsel for the United States)
United States Attorney's Office
300 North Hogan Street, Suite 700
Jacksonville, Florida 32202
(904) 301-6300

Alan E. Rosner (defendant's counsel)
Harris, Guidi, Rosner, Dunlap, Rudolph, P.A.

1837 Hendricks Avenue
Jacksonville, Florida 32207
(904) 398-9002

4. *Clark v. Unum Life Ins. Co. of Am.*, No. 3:14-cv-1037-J-32PDB

A lawyer sued her insurer in state court for disability benefits under two policies. The insurer removed the case to federal court, arguing the claims were governed by the Employee Retirement Income Security Act of 1974. I recommended denying a motion to remand the case to state court. The district judge adopted the recommendation, and the parties ultimately settled. The report and recommendation can be found at 95 F. Supp. 3d 1335 (M.D. Fla. 2015).

Thomas S. Edwards, Jr. (plaintiff's counsel)
Edwards & Ragatz, P.A.
501 Riverside Avenue, Suite 601
Jacksonville, Florida 32202
(904) 399-1609

Meagan L. Logan (defendant's counsel)
Marks Gray, P.A.
1200 Riverplace Boulevard, Suite 800
Jacksonville, Florida 32201
(904) 398-0900

5. *Deegan v. Nexstar Broadcasting, Inc.*, No. 3:14-cv-1419-J-39PDB

A local weatherman sued a rival broadcasting company for millions for alleged defamation after the company published his photograph alongside a headline and article about a man with the same name arrested for human trafficking. The case settled through court-ordered mediation following discovery disputes. One discovery-related order can be found at 2015 U.S. Dist. LEXIS 155945 (M.D. Fla. Nov. 18, 2015). Two unpublished discovery orders are supplied.

Scott D. Sheftall (plaintiff's counsel)
Sheftall & Torres, P.A.
One Independent Drive, Suite 3201
Jacksonville, Florida 32202
(904) 647-2296

Dana J. McElroy (defendant's counsel)
Thomas & LoCicero, PL
401 Southeast 12th Street, Suite 300
Fort Lauderdale, Florida 33316
(954) 703-3416

6. *United States v. Holmes*, No. 3:14-cr-21-J-32PDB

A grand jury charged the defendant with one gun and two drug crimes. He moved to suppress all incriminating evidence. The motion presented two issues of first impression (the propriety of a “knock and talk” at a home with perimeter chain-link fencing and no-trespassing signs and the propriety of applying the exclusionary rule when Fourth Amendment law is unsettled). I recommended denying the motion to suppress. The district judge agreed. The defendant was found guilty following a bench trial on stipulated facts. The district judge has not yet imposed sentence. My report and recommendation can be found at 2014 U.S. Dist. LEXIS 184961 (M.D. Fla. Aug. 8, 2014). The district judge’s order can be found at 2015 U.S. Dist. LEXIS 152714 (M.D. Fla. Nov. 11, 2015).

Malisa Chokshi Dubal (counsel for the United States; formerly at United States Attorney’s Office)
United States Department of Justice, Criminal Division, Fraud Section
211 West Fort Street, Suite 2045
Detroit, Michigan 48226
(313) 226-9616

Jesse Nolan Dreicer (defendant’s counsel)
Tassone & Dreicer, LLP
1833 Atlantic Boulevard
Jacksonville, Florida 32207
(904) 396-3344

7. *Molinarez v. PCS Phosphate Co., Inc., et al.*, No. 3:14-cv-137-34PDB

A man injured at an industrial plant sued his employer and the plant owner for various torts. All parties moved to enforce an asserted settlement agreement against the plant’s insurer and to join the insurer in the case. I recommended denying the motions. The case settled while the report and recommendation was pending. The report and recommendation can be found at 2015 U.S. Dist. LEXIS 175274 (M.D. Fla. Dec. 18, 2015).

Pedro L. DeMahy (plaintiff’s counsel)
DeMahy Labrador Drake Payne & Cabeza
150 Alhambra Circle
Coral Gables, Florida 33134
(305) 443-4850

Alfred B. Adams, III (counsel for defendant PCS Phosphate Co., Inc.)
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(404) 817-8500

Michael D. Logan (counsel for defendant Thompson Industrial Services, LLC)
Traub Lieberman Straus & Shrewsbury LLP
11770 U.S. Highway One, Suite 102E
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(561) 848-8300

Eric A. Hiller (counsel for non-party Hartford Fire Insurance Company)
Hinshaw & Culbertson, LLP
2525 Ponce de Leon Boulevard, Suite 400
Coral Gables, Florida 33134
(305) 428-5029

8. *United States v. Pon*, No. 3:14-cr-75-J-39PDB

A grand jury charged the defendant, a doctor, with Medicare fraud, alleging he falsely diagnosed patients with wet macular degeneration to seek unauthorized reimbursement. I ordered him detained pending trial and denied his motion to reopen the detention hearing. The district judge denied his motion to revoke the detention order pending appointment of a special master to investigate foreign assets. The district judge ordered him released, conditioned on home detention, following a special master's report on foreign assets. A jury found him guilty. The district judge ordered him detained pending sentencing. The district judge has not yet imposed sentence. The order denying his motion to reopen the detention hearing can be found at 2014 U.S. Dist. LEXIS 95049 (M.D. Fla. May 29, 2014).

Mark Devereaux (counsel for the United States)
United States Attorney's Office
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Jacksonville, Florida 32202
(904) 301-6300

J. Richard Kiefer (defendant's counsel)
Bingham Greenebaum Doll LLP
2700 Market Tower
Ten West Market Street
Indianapolis, Indiana 46204
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9. *Retina-X Studios, LLC, v. ADVAA, LLC, et al.*, No. 3:13-cv-897-J-34PDB

The owner of a trademark used to market computer software for monitoring smart phone infringement sued others for alleged infringement and unfair competition. I recommended granting a motion to intervene and set aside default. The district judge adopted the recommendation. The case ultimately settled. The report and recommendation and the district judge's order adopting it can be found at 303

F.R.D. 642 (M.D. Fla. 2014).

Crystal T. Broughan (plaintiff's counsel)
Marks Gray, PA
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(904) 398-0900

David S. Brafman (defendants' counsel)
Akerman LLP
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West Palm Beach, Florida 33401
(561) 653-5000

10. *United States ex rel. Nichols v. The Sleep Medicine Center, et al.*, No. 3:12-cv-1080-J-39PDB

A relator brought qui tam claims against doctors and others alleging they presented false claims to the United States. The United States intervened. I recommended denying a motion to dismiss. The district judge adopted the recommendation. The case ultimately settled. The report and recommendation is supplied.

Jason P. Mehta (counsel for the United States)
United States Attorney's Office
300 North Hogan Street, Suite 700
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(904) 301-6300

David Sher (relator's counsel)
The Employment Law Group, PC
888 17th Street Northwest, Ninth Floor
Washington, District of Columbia 20006
(202) 261-2802

Matthew R. Kachergus (counsel for defendants The Sleep Medicine Center, Zachary, and Young)
Sheppard, White & Kachergus, P.A.
215 Washington Street
Jacksonville, Florida 32202
(904) 356-9661

Charles L. Truncale (counsel for defendant Decerce)
Charles L. Truncale, P.A.
233 East Bay Street, Suite 926
Jacksonville, Florida 32202

(904) 673-7412

- 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. *Carbiener v. Lender Processing Services, Inc., et al.*, No. 3:13-cv-970-J-39PDB (M.D. Fla. July 16, 2014). Report and recommendation previously supplied in response to Question 13c.

Theresa M. Moser (plaintiff's counsel)
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(404) 537-5330

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One Independent Drive, Suite 1300
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2. *Casey et al. v. Florida Coastal School of Law, Inc.*, No. 3:14-cv-1229-J-39PDB, 2015 U.S. Dist. LEXIS 176281 (M.D. Fla. Aug. 11, 2015).

Elio F. Martinez, Jr. (plaintiffs' counsel)
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Michael J. Volpe (defendant's counsel)
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3. *United States v. Chansler*, No. 3:10-cr-100-J-34PDB (M.D. Fla. Aug. 8, 2014). Order on competency previously supplied in response to Question 13c.

D. Rodney Brown (counsel for the United States)
United States Attorney's Office
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Alan E. Rosner (defendant's counsel)
Harris, Guidi, Rosner, Dunlap, Rudolph, P.A.
1837 Hendricks Avenue
Jacksonville, Florida 32207
(904) 398-9002

4. *Clark v. Unum Life Ins. Co. of Am.*, 95 F. Supp. 3d 1335 (M.D. Fla. 2015).

Thomas S. Edwards, Jr. (plaintiff's counsel)
Edwards & Ragatz, P.A.
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5. *Greene v. SAIA Motor Freight Line, LLC*, No. 3:13-cv-1021-J-32PDB (M.D. Fla. Feb. 9, 2016). A report and recommendation on a motion for summary judgment is supplied.

Gregory Wayne Lineberry (plaintiff's counsel)
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6. *United States v. Holmes*, No. 3:14-cr-21-J-32PDB, 2014 U.S. Dist. LEXIS 184961 (M.D. Fla. Aug. 8, 2014), *factual findings and credibility determinations adopted by* 2015 U.S. Dist. LEXIS 152714 (M.D. Fla. Nov. 11, 2015).

Malisa Chokshi Dubal (counsel for the United States; formerly at United States Attorney's Office)
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Jesse Nolan Dreicer (defendant's counsel)
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7. *Jackson v. United States*, Nos. 3:12-cv-388-J34-PDB & 3:10-cr-198-J34-PDB,
2014 U.S. Dist. LEXIS 153825 (M.D. Fla. Oct. 29, 2014).

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8. *Molinaréz v. PCS Phosphate Co., Inc., et al.*, No. 3:14-cv-137-34PDB, 2015
U.S. Dist. LEXIS 175274 (M.D. Fla. Dec. 18, 2015).

Pedro L. DeMahy (plaintiff's counsel)
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Eric A. Hiller (counsel for non-party Hartford Fire Insurance Company)

Hinshaw & Culbertson, LLP
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(305) 428-5029

9. *Retina-X Studios, LLC, v. ADVAA, LLC*, 303 F.R.D. 642 (M.D. Fla. 2014).

Crystal T. Broughan (plaintiff's counsel)
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(904) 398-0900

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Akerman LLP
777 South Flagler Drive, Suite 1100
West Palm Beach, Florida 33401
(561) 653-5000

10. *Williams v. Pilgrim's Pride Corp.*, No. 3:13-cv-1259-J-32PDB (M.D. Fla. June 5, 2015). Report and recommendation on a motion for summary judgment is supplied.

Marie A. Mattox (plaintiff's counsel)
Marie A. Mattox, PA
310 East Bradford Road
Tallahassee, Florida 32303
(850) 383-4800

Matthew R. Rosenkoff (defendant's counsel)
Taylor English Duma, LLP
1600 Parkwood Circle, Suite 400
Atlanta, Georgia 30339
(770) 434-7376

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

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 United States Magistrate Judge, my decisions are not binding and therefore usually not published, but all are available on the court's electronic case management system unless they are sealed. Some are also available on public Internet databases or Bloomberg Law as unpublished decisions. I have never asked for a decision to be published but one has been: *Clark v. Unum Life Ins. Co. of Am.*, 95 F. Supp. 3d 1335 (2015).

- 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.

United States v. Holmes, No. 3:14-cr-21-J-32PDB, 2014 U.S. Dist. LEXIS 184961 (M.D. Fla. Aug. 8, 2014), *factual findings and credibility determinations adopted by* 2015 U.S. Dist. LEXIS 152714 (M.D. Fla. Nov. 11, 2015).

- 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.

To assess the necessity or propriety of recusal, I follow the federal statutory

provisions governing recusal (28 U.S.C. §§ 47, 144, & 455) and the Guide to Judiciary Policy.

I recused myself sua sponte in the following cases because I had worked on the cases when I was an Assistant United States Attorney. Chambers staff maintains a list of all such cases and screens all new filings to determine if they are on the list. If so, I immediately enter a recusal order.

United States v. Jasmin, No. 3:07-cr-218-J-32PDB

United States v. Ramiro, No. 3:16-cv-337-J-34PDB

United States v. Rose, No. 3:08-cr-72-J-25PDB

United States v. Ramiro, No. 3:93-cr-152-J-34PDB

United States v. Wright, No. 3:00-cr-59-J-25PDB

Gjergji v. Johnson et al., No. 3:15-cv-1217-J-34PDB

United States v. Albertie, No. 3:08-cr-360-J-25PDB

United States v. Esteen et al., No. 3:03-cr-78-J-32PDB

United States v. Lockett, Jr., No. 3:08-cr-318-J-25PDB

United States v. Watley, No. 3:07-cr-224-J-33PDB

United States v. Muhammad, No. 3:07-cr-234-J-34PDB

United States v. Henry, No. 3:08-cr-441-J-34PDB

United States v. Mims & Johnson, No. 3:05-cr-125-J-32PDB

United States v. Padmore, No. 3:02-cr-206-J-32PDB

United States v. Neal, No. 3:02-cr-103-J-25PDB

United States v. Gandy, No. 3:06-cr-360-J-32PDB

United States v. Francis, No. 3:91-cr-189-J-20PDB

United States v. Glaspy, No. 3:09-cr-103-J-25PDB

Mills v. United States, No. 3:11-cv-396-J-32PDB

United States v. Sykes & Dixon, No. 3:07-cr-333-J-20PDB

United States v. Dixon et al., No. 3:90-cr-127-J-20PDB

United States v. Plummer, No. 3:10-cr-220-J-20PDB

Register v. United States, No. 3:14-cv-752-J-25PDB

United States v. Jackson, No. 3:05-cr-357-J-32PDB

United States v. Parrish, No. 3:09-cr-323-J-32PDB

United States v. Brown, No. 3:09-cr-123-J-20PDB

United States ex rel. James Valenti v. Tai Shan Gain Alum. Prods., LTD. etc., No. 3:11-cv-368-J-39PDB

United States v. Martin et al., No. 3:09-cr-98-J-34PDB

United States v. Snell, No. 3:06-cr-348-J-32PDB

United States Brunson, No. 3:11-cr-28-J-32PDB

United States v. Kareem, No. 3:14-cv-41-J-37PDB

United States v. Ross, No. 3:09-cr-65-J-34PDB

United States v. Forbes, No. 3:11-cr-123-J-32PDB

United States v. White, No. 3:02-cr-255-J-34PDB

United States v. Walbey, III, No. 3:13-cr-218-J-32PDB

United States v. Bennett, No. 3:91-cr-51-J-32PDB

United States v. Toldy, No. 3:11-cr-294-J-32PDB

United States v. Allen et al., No. 3:90-cr-84-J-20PDB

Godwin v. United States, No. 3:12-cv-1387-J-32PDB

Gordon v. United States, No. 3:12-cv-1265-J-34PDB

Jackson v. United States, No. 3:12-cv-654-J-20PDB

Thompson v. United States, No. 3:12-cv-564-J-32PDB

Parrish v. United States, No. 3:11-cv-446-J-32PDB

Betzner v. United States, No. 3:09-cv-938-J-34PDB

United States v. Wilkie et al., No. 3:10-cr-276-J-34PDB

United States v. Williams, No. 3:12-cr-179-J-32PDB

United States v. Allen, No. 3:12-cr-112-J-34PDB

United States v. Tyler, No. 3:10-cr-171-J-20PDB

United States v. 8370 W. San Miquel Ave., Glendale, Maricopa County, Arizona, 85303, Parcel I.D. 102-11-318, No. 3:09-cv-912-J-25PDB

United States v. Oliver & Green, No. 3:10-cr-196-J-32PDB

United States v. Chou et al., No. 3:11-cr-286-J-34PDB

I recused myself sua sponte in the following cases because my husband or someone from his firm was involved. I personally review the counsel list and all appearance notices in every case to determine if my husband or someone from his firm is involved.

Loancare, LLC v. Freedom Mortgage Corp., No. 3:16-cv-612-J-32PDB

United States v. Lewis, No. 3:11-cv-818-J-34PDB

Nassar v. Nassar, No. 3:14-cv-1501-J-34PDB

United States v. Parker & Beardsley, No. 3:04-cr-244-J-25PDB

Ranbaxy Laboratories, Inc. v. First Databank, Inc., No. 3:13-cv-859-J-32PDB

Parkervision, Inc. v. Qualcomm Incorporated, No. 3:11-cv-719-J-37PDB

Mark Leis & M.L.W., Inc. v. Fedex Ground Package System, No. 3:13-cv-43-J-25PDB

I recused myself sua sponte in the following cases because of a possible appearance of impropriety stemming from counsel's personal but non-familial relationship with me or my husband. I personally review the counsel list and all appearance notices in every case to determine if recusal is warranted.

Goodin & Goodin v. Selene Finance LP, No. 3:15-cv-912-J-39PDB

Harris v. United States, No. 3:14-cv-946-J-39PDB

Eastland Music Group, LLC v. Anheuser Busch Companies et al., No. 3:14-cv-382-J-34PDB

I recused myself sua sponte in the following case because of a possible appearance of impropriety stemming from a personal billing issue I had with one of the parties.

Pratt v. St. Vincent's Healthcare, Inc., No. 3:14-cv-407-J-39PDB

A party has asked me to recuse in the two cases listed below. In *Cagle*, the party was a plaintiff proceeding without a lawyer in a civil case. She argued I was biased based on wording in an order denying her motion to lift a hold on her PACER account and an order entered in all cases in which a litigant is proceeding without a lawyer. I declined to recuse because, applying the governing legal standard, I found an objective and disinterested lay observer would not entertain a significant doubt about my impartiality. In *Winton*, the party was a defendant in a criminal case who filed numerous motions on her own. In one, she asked me to consider transferring the case to another judge based on a statement I had made (that I could not assess competency if she was not present) when she responded to a summons to appear on an alleged supervised-release violation by telephoning chambers. I declined to recuse because, applying the governing legal standard, I found an objective and disinterested lay observer would not entertain a significant doubt about my impartiality.

Cagle v. Commissioner of Social Security, No. 3:14-cv-674-J-PDB

United States v. Winton, No. 3:10-cr-54-J-32PDB

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.

None.

- 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 clerk for the Honorable Emmett R. Cox on the United States Court of Appeals for the Eleventh Circuit from 1996 to 1997. I served as a clerk for the Honorable Timothy J. Corrigan on the United States District Court for the Middle District of Florida from 2004 to 2005.

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

I have never 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.

1997 – 2000
McGuire Woods LLP
50 North Laura Street, Suite 3300
Jacksonville, Florida 32202
Associate

2000 – 2004
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202
Counsel

2005 – 2013
United States Attorney's Office for the Middle District of Florida
Bryan Simpson United States Courthouse
300 North Hogan Street, Suite 700
Jacksonville, Florida 32202
Assistant United States Attorney (2005 – 2013)
Senior Litigation Counsel (2011 – 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.

None.

b. Describe:

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

As an associate with McGuire Woods from 1997 to 2000 and in-house counsel for CSX Transportation, Inc. (a client of McGuire Woods), from 2000 to 2004, I worked on commercial, labor, and employment litigation. While at CSX Transportation, Inc., I also drafted and reviewed contracts, provided commentary on proposed regulations, and negotiated Federal Railroad Agency fines.

As an Assistant United States Attorney from 2005 to 2013, I primarily represented the United States in civil and criminal appeals in the United States Court of Appeals for the Eleventh Circuit and served as a legal advisor for colleagues in the civil and criminal divisions. From time to time, I also represented the United States in criminal cases in the United States District Court for the Middle District of Florida.

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

My clients as an associate at McGuire Woods from 1997 to 2000 were mostly businesses (from small companies to large corporations). I specialized in commercial, labor, and employment litigation.

My sole client as in-house counsel from 2000 to 2004 was a Fortune 500 railroad and transportation logistics company. I specialized in commercial, labor, and employment litigation.

My clients as an Assistant United States Attorney were the United States (in criminal cases) and its agencies, including the Bureau of Prisons, the United States Navy, and the United States Postal Service (in civil cases). I specialized in federal criminal and civil appeals.

- 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.

During my years as a law-firm associate, I appeared in court regularly. During my years as in-house counsel, I appeared in court occasionally (when the case was local and did not warrant hiring outside counsel). During my years as an Assistant United States Attorney, I appeared in court regularly.

While in private practice, almost 100 percent of my court appearances were in state court in civil cases. While at the United States Attorney's Office, 100 percent of my court appearances were in federal court in criminal cases (80 percent), civil cases (10 percent), and habeas cases (10 percent).

i. Indicate the percentage of your practice in:

1. federal courts: 75%
2. state courts of record: 20%
3. other courts: 0%
4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 55%
2. criminal proceedings: 45%

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 served as associate counsel in two cases tried to verdict or judgment, as lead counsel in one case tried to judgment, and as sole counsel in one case tried to judgment. I also served as lead counsel in hundreds of appeals before the United States Court of Appeals for the Eleventh Circuit.

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.

None. I note, however, as the Assistant United States Attorney who argued *United States v. Johnson*, 528 F.3d 1318 (11th Cir. 2010), *rev'd & remanded*, 559 U.S. 133 (2010), in the United States Court of Appeals for the Eleventh Circuit, I sat at counsel table when the case was argued before the United States Supreme Court. The Solicitor General's Office handled the case before 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:

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

1. *United States v. Godwin et al.*, No. 3:10-cr-276-J-34JBT; *United States v. Godwin*, 765 F.3d 1306 (11th Cir. 2014), *cert. denied*, 135 S. Ct. 491 (2014); *United States v. Harper*, 554 F. App'x 832 (11th Cir. 2014), *cert. denied* 134 S. Ct. 2158 (2014); *United States v. Wilkie*, 589 F. App'x 504 (11th Cir. 2015)

This was a federal criminal case against six gang members and associates for violations of the Racketeer Influenced and Corrupt Organizations Act (RICO) and other laws. The RICO crimes involved armed home invasions, armed bank robberies, drug transactions, and the extortionist beating of a man to near death. I represented the United States as co-counsel during the trial phase (examining approximately ten government witnesses and providing the rebuttal closing) and sentencing phase (drafting the sentencing memorandum and arguing dozens of sentencing guideline issues) and as lead counsel for two appeals filed (drafting the briefs). Four defendants pleaded guilty to RICO charges; the remaining defendants were found guilty of RICO charges and acquitted of others after a multi-week trial in March and April 2012 before Judge Marcia Morales Howard, with separate juries. The first sentencing hearing lasted four days. The longest sentence was 420 months in prison. I drafted and filed briefs in the appeal in September and October 2013. The Eleventh Circuit conducted oral argument after I became a judge. The Eleventh Circuit affirmed the convictions and sentences challenged on appeal.

Co-Counsel for the United States:

Jay Taylor
United States Attorney's Office
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Jacksonville, Florida 32202
(904) 301-6300

Counsel for Defendants:

James A. Hernandez (counsel for defendant Godwin)
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118 West Adams Street, Suite 500
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2. *United States v. Snipes et al.*, No. 5:06-cr-22-Oc-10GRJ; *United States v. Snipes*, 611 F.3d 855 (11th Cir. 2010), *rehearing and rehearing en banc denied*, 409 F. App'x 314 (11th Cir. 2011), *cert. denied*, 131 S. Ct. 2962 (2011); *United States v. Snipes*, 512 F.3d 1301 (2008); *United States v. Snipes*, 440 F. App'x 709 (2011); *United States v. Snipes*, 751 F. Supp. 2d 1279 (M.D. Fla. 2010)

This was a federal criminal case against actor Wesley Snipes and others for violations of tax laws. I represented the United States as advisory counsel during the pre-trial, 2008 trial, and sentencing phases, and as lead counsel during the appeal and post-conviction

phases (from 2009 to 2011). In the Middle District of Florida (before Judge W. Terrell Hodges), Mr. Snipes was convicted of three crimes, acquitted of others, and sentenced to consecutive maximum statutory prison terms. The Eleventh Circuit affirmed three separate appeals by him (one interlocutory, one direct, and one post-conviction) and a cross-appeal by the United States concerning a sentencing guideline issue. I presented oral argument in November 2009 before Judges Stanley Marcus, Peter Fay, and R. Lanier Anderson. The Eleventh Circuit decided the other appeals on the briefs without oral argument.

Co-Counsel for the United States (during trial and sentencing):

Robert O'Neill
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Counsel for Defendant:

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Sole Practitioner
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Daniel R. Meachum (counsel on post-conviction appeal)
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3. *United States v. Johnson*, No. 3:06-cr-327-J-33MMH; *aff'd*, 528 F.3d 1318 (11th Cir. 2010), *rev'd & remanded*, 559 U.S. 133 (2010)

This was a federal criminal appeal by a defendant convicted of a felon-in-possession crime and sentenced under the Armed Career Criminal Act. The case presented an issue on which the United States Supreme Court granted certiorari (whether Florida battery is a “violent felony” under the Act). I represented the United States in the Eleventh Circuit. I filed the brief in December 2007. I presented oral argument in May 2008 before Judges Ed Carnes, Stanley Marcus, and Kristi DuBose (sitting by designation). The Eleventh Circuit affirmed the sentence. The Supreme Court reversed, holding Florida battery is not a “violent felony” under the Act. The Solicitor General’s Office handled the case before the United States Supreme Court.

Counsel for Defendant:

Lisa Call
Federal Defender's Office
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Jacksonville, Florida 32202
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4. *United States v. Yates*, No. 2:10-cr-66-FtM-29SPC; *aff'd*, 733 F.3d 1059 (11th Cir. 2013), *rev'd and remanded* 135 S. Ct. 1074 (2015)

This was a federal criminal appeal by a defendant charged with violating the Sarbanes-Oxley Act and other laws. He appealed his convictions. The case presented an issue on which the United States Supreme Court granted certiorari (whether fish are “tangible objects” under the Act). I represented the United States at oral argument in the Eleventh Circuit in June 2013. The Eleventh Circuit, Judges Joel Dubina, Adalberto Jordan, and Bobby Baldock (sitting by designation), affirmed the convictions. The Supreme Court reversed one conviction, holding fish (the evidence the defendant had destroyed) are not “tangible objects” under the Act. The Solicitor General's Office handled the case before the United States Supreme Court.

Counsel for Defendant:

The Honorable John L. Badalamenti
Florida Second District Court of Appeals (formerly at Federal Defender's Office)
1005 East Memorial Boulevard
Lakeland, Florida 33801
(863) 499-2290

5. *United States v. Henderson*, No. 3:06-cr-211-32JBT; *aff'd*, 555 F. App'x 851 (11th Cir. 2014), *vacated & remanded*, 135 S. Ct. 1780 (2015)

This was a federal criminal appeal by a former federal law enforcement agent convicted of selling drugs. He appealed, *pro se*, an order rejecting his request to transfer his firearms following his conviction. The case presented an issue on which the United States Supreme Court granted certiorari because of a circuit split (whether a court may approve the transfer of firearms of a newly convicted felon to a third party for purchase). I represented the United States in the Eleventh Circuit. I filed the appellee brief in September 2013. The Eleventh Circuit (Judges William Pryor, Beverly Martin, and Adalberto Jordan) decided the appeal on the briefs without oral argument, affirming the order denying the defendant relief. The Supreme Court reversed, holding a court may approve the transfer of firearms of a newly convicted felon to a third party for purchase. The Solicitor General's Office handled the case before the United States Supreme Court.

6. *United States v. Beumel*, No. 3:11-cr-115-J-34MCR; *aff'd*, 522 F. App'x 623 (11th Cir. 2013)

This was a federal criminal appeal by a former Mayo Clinic worker convicted of

recklessly tampering with a consumer product resulting in death (he stole fentanyl designated for patients undergoing surgeries and, through the swapping of fentanyl syringes with saline syringes, infected several with Hepatitis C, resulting in death to one patient and substantial injury to others). He appealed his 30-year sentence. The case presented an issue of great public concern and victim interest. I represented the United States in the Eleventh Circuit. I filed the appellee brief in February 2013. The Eleventh Circuit (Judges Frank Hull, Stanley Marcus, and Phyllis Kravitch) affirmed without oral argument.

Co-Counsel for the United States (in the district court):

Frank M. Talbot, II
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(904) 301-6300

Counsel for Defendant:

James Burke
(retired) (formerly at Federal Defender's Office)

7. United States v. Griffin, No. 3:11-cr-124-J-37MCR; *rev'd*, 696 F.3d 1354 (11th Cir. 2012), *rehearing en banc denied*, 730 F.3d 1252 (11th Cir. 2013), *cert. denied*, 134 S. Ct. 956 (2014)

This was a federal interlocutory criminal appeal by the United States following the district court's suppression of evidence against a defendant charged with a felon-in-possession crime. The case presented an issue of first impression on which law enforcement officers wanted an answer (whether an officer's questions unrelated to a reason for his *Terry* stop transform the stop into an unconstitutionally prolonged seizure). I represented the United States in the Eleventh Circuit and presented oral argument in June 2012 before Judges Joel Dubina, Adalberto Jordan, and Arthur Alarcón (sitting by designation). The Eleventh Circuit reversed the suppression order and denied rehearing en banc.

Co-Counsel for the United States (in the district court):

Malisa Chokshi Dubal (formerly at United States Attorney's Office)
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(313) 226-9616

Counsel for Defendant:

Sylvia Irvin
Federal Defender's Office Capital Habeas Unit
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(702) 388-6577

8. *United States v. Overstreet*, No. 3:11-cr-9-J-34TEM, *aff'd*, 713 F.3d 627 (11th Cir. 2013)

This was a federal criminal appeal by a defendant suspected of killing his wife, who has been missing since 2011. The defendant had prior convictions for attempted murders and aggravated sexual assault. He appealed his 420-month sentence for a felon-in-possession crime after a gun and tape with his wife's blood were found in his car. I represented the United States in the Eleventh Circuit. I filed the appellee brief in June 2012. The Eleventh Circuit decided the appeal on the briefs, affirming the conviction. The appeal was before Judges Ed Carnes, Frank Hull, and Peter Fay.

Co-Counsel for the United States (in the district court):

Frank M. Talbot, II
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Counsel for Defendant:

Susan Yazgi
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9. *United States v. Watkins*, No. 3:10-cr-73-J-32JBT; *aff'd*, 760 F.3d 1271 (11th Cir. 2014).

This was a federal criminal appeal by a defendant convicted of receiving child pornography. The case arose from an investigation of a nationally publicized kidnapping and murder of a child walking home from school. (A person unconnected to the defendant was ultimately charged with the kidnapping and murder.) The case drew public attention and raised an issue of first impression – whether *Georgia v. Randolph*, 547 U.S. 103 (2006), which held that a physically present inhabitant's express refusal of consent to a police search of his home is dispositive as to him regardless of a cotenant's consent, should be expanded. I represented the United States in the Eleventh Circuit. I filed the appellee brief in March 2013. The Eleventh Circuit conducted oral argument after I became a judge. The Eleventh Circuit (Judges Gerald Tjoflat, Charles Wilson, and

Kenneth Ripple, sitting by designation) affirmed.

Co-Counsel for the United States (in the district court):

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Counsel for Defendant:

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10. *United States v. Parks, Jr., et al.*, No. 6:97-cv-749-Orl-22; *United States v. Coryell*, No. 97-2340, 181 F.3d 107 (11th Cir. 1999) (Table)

This was a federal criminal case against three defendants charged with conspiracy, mail and wire fraud, and money laundering. The case related to a movie production company operating out of Universal Studios. After convictions of the defendants, I accepted an appointment to represent one defendant on appeal (and later remand). I filed the appellee brief in early 1998. The Eleventh Circuit decided the appeal on the briefs without oral argument. The Eleventh Circuit (Judges J.L. Edmondson, Joel Dubina, and Rosemary Barkett) affirmed the convictions of the defendants and the sentences of two of them but reversed the sentence of my client, agreeing that the district court had erred in calculating the loss amount. I represented my client at the resentencing on remand in June 1999 before Judge Anne Conway.

Counsel for the United States (on appeal):

Linda Julin McNamara (appellate counsel for the United States)
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Counsel for Defendant Parks:

Kenton Sands
Sands White Sands
760 White Street
Daytona Beach, Florida 32114

(386) 258-1622

Raymond Dvorak
(current business contact information unavailable)

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.)

I have presided over approximately 23 settlement conferences as a United States Magistrate Judge. Some of the more significant settlements I have worked on have involved a multi-million-dollar contract dispute against an American company by a foreign company placed under a receivership by an agency of a foreign government, a civil rights claim against the state department of corrections and correctional officers by an inmate alleging injury from having been forced to remove asbestos tiles from a room in the prison, and a civil rights claim against a school board and other officials by a mother seeking declaratory relief and damages after a school released her child to his father based on a non-binding custodial judgment, causing her to lose physical custody of her child for 18 months.

I served as lead counsel for the United States in approximately 150 criminal cases before the United States District Court for the Middle District of Florida involving prisoners' potential eligibility for sentence reductions based on an amendment to the United States Sentencing Guidelines for crack-cocaine crimes.

I have spearheaded several projects benefiting federal practitioners in the Middle District of Florida, including developing a website for the Jacksonville Chapter of the Federal Bar Association; obtaining funding, approval, space, and furnishings for a lawyer's conference room in the Bryan Simpson United States Courthouse; obtaining funding, approval, and space for cell-phone storage in the Bryan Simpson United States Courthouse and authoring the original draft of the current electronic-device policy for the Middle District of Florida; establishing and organizing a "Chambers Luncheon" program for lawyers to meet federal judges in an informal setting; planning the portrait ceremonies for the Honorable Susan H. Black, United States Circuit Judge, and the Honorable Henry L. Adams, United States District Judge; and establishing and organizing an eight-part "Summer Series" for law students to get acquainted with all aspects of federal practice.

I have not performed any lobby activities on behalf of any client or organization.

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.

None.

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).

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.

My husband, O. David Barksdale, is a partner at the law firm Bedell, Dittmar, DeVault, Pillans & Coxe. I recuse and will continue to recuse in all cases in which my husband or anyone from his firm is involved. In addition, my direct involvement in cases while an Assistant United States Attorney poses a conflict of interest. I recuse and will continue to recuse in all cases on which I worked while at the United States Attorney's Office.

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

To assess the necessity or propriety of recusal, I follow the federal statutory provisions governing recusal (28 U.S.C. §§ 47, 144, & 455) and the Guide to Judiciary Policy. I will continue to maintain a list of cases on which I was directly involved while an Assistant United States Attorney and recuse in any assigned to me. I will continue to actively screen parties and counsel for each case for potential 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.

I am prohibited from providing pro bono service in my current job and was prohibited from doing so in several previous ones (as an Assistant United States Attorney, as in-house counsel, and as a judicial law clerk). During the few years I could provide pro bono service (as an associate at a law firm), I represented indigent clients through Jacksonville Area Legal Aid. I cannot recall the time devoted to each but recall serving as pro bono counsel on three separate matters. One involved preparing a will and trust documents for an elderly man. One involved working out a dispute over a family's life-estate interest in a home. One involved representing the guardian of a minor pursuing disability benefits before the Social Security Administration.

As a United States Magistrate Judge, I serve on a subcommittee of the Bench Bar Fund Committee of the United States District Court for the Middle District of Florida charged with addressing pro se litigation. As part of the assignment, I have helped to create a section of the court's website for litigants proceeding without lawyers, a handbook for litigants proceeding without lawyers, and a pilot project in the Jacksonville Division under which litigants proceeding without lawyers can receive free walk-in help from lawyers on general federal litigation 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.

United States Senators Bill Nelson and Marco Rubio formed the Federal Judicial Nominating Commission of Florida. I submitted an application to the Nominating Commission on August 1, 2015. I interviewed with the Middle District Conference of the Nominating Commission on September 10, 2015, in Orlando, Florida. The Middle District Conference presented four finalists to Senators Nelson and Rubio on September 11, 2015. I interviewed with Senator Nelson on October 14, 2015, in Orlando, Florida, and with Senator Rubio on November 16, 2015, in Washington, D.C. Since February 9, 2016, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. on March 30, 2016. The President submitted my nomination to the Senate on April 28, 2016.

- 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.