

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Charles R. Eskridge III

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

United States District Judge, Southern District of Texas

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.

Quinn Emanuel Urquhart & Sullivan, LLP  
711 Louisiana Street, Suite 500  
Houston, Texas 77002

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

1963, Cleveland, Ohio

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.

1987 – 1990, Pepperdine University School of Law, J.D. (*summa cum laude*), 1990

1985, University of Texas, Austin School of Law, no degree received

1981 – 1985, Trinity University, B.S. (*magna cum laude*), 1985

Summer 1984, Georgetown University, Institute on Comparative Political and Economic Systems, no degree conferred

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.

2015 – present  
Quinn Emanuel Urquhart & Sullivan, LLP  
711 Louisiana Street, Suite 500  
Houston, Texas 77002  
Partner

1994 – 2015  
Susman Godfrey LLP  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Partner (1997 – 2015)  
Associate (1994 – 1996)

2006 – 2018, various semesters  
University of Houston Law Center  
100 Law Center  
Houston, Texas 77204  
Adjunct Professor of Law

Fall Semester 2011  
Pepperdine University School of Law  
24255 Pacific Coast Highway  
Malibu, California 90263  
Distinguished Visiting Practitioner of Law

1992 – 1994  
Hon. Howard M. Holtzmann, United States Arbitrator  
Iran–U.S. Claims Tribunal  
Parkweg 13  
The Hague, The Netherlands 2585 JH  
Special Assistant

Summer 1992  
Susman Godfrey LLP  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Summer Associate

1991 – 1992  
Hon. Byron R. White, Associate Justice  
United States Supreme Court  
1 First Street, Northeast  
Washington, District of Columbia 20543  
Law Clerk

1990 – 1991

Hon. Charles Clark, Chief Judge  
United States Court of Appeals for the Fifth Circuit  
245 East Capitol Street  
Jackson, Mississippi 39201  
Law Clerk

1989 – 1990  
Pepperdine University School of Law  
24255 Pacific Coast Highway  
Malibu, California 90263  
Editor, Pepperdine Law Review

Summer 1989  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, California 90071  
Summer Associate

Spring Semester 1989  
Hon. Edward M. Panelli, Associate Justice  
California Supreme Court  
350 McAllister Street  
San Francisco, California 94102  
Judicial Extern

Fall Semester 1988  
Pepperdine University School of Law  
24255 Pacific Coast Highway  
Malibu, California 90263  
Teaching Assistant

Spring and Summer 1988  
Pepperdine University School of Law  
24255 Pacific Coast Highway  
Malibu, California 90263  
Circulation Desk, Law Library

1986 – 1987  
Groce, Locke & Hebdon, P.C. (no longer extant)  
San Antonio, Texas  
Case Assistant

1985 – 1986  
Cappy's Restaurant (no longer extant)  
San Antonio, Texas  
Waiter

Other affiliations (uncompensated):

2018 – present  
The Federalist Society, Houston Lawyers Chapter  
(no physical address)  
Houston, Texas  
President

2018 – present  
Garland R. Walker Inn, American Inns of Court  
(no physical address)  
Houston, Texas  
Board of Directors

2004 – present  
Pepperdine University School of Law  
24255 Pacific Coast Highway  
Malibu, California 90263  
Board of Visitors

2007 – 2017  
The Printing Museum (formerly The Museum of Printing History)  
1324 West Clay Street  
Houston, Texas 77019  
Board of Directors, 2007 – 2017  
Executive Committee, 2010 – 2013

2007 – 2013  
YMCA of Greater Houston  
2122 East Governors Circle  
Houston, Texas 77092  
Board of Directors

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

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

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.

Innes Mackillop Outstanding Service Award, Garland R. Walker Inn, American Inns of

Court (2017)

Defender of Justice Award, Texas Fair Defense Project (2016)

Justice in Action Award, Texas Defender Service (2016)

Sustaining Member, American Law Institute (2009 – present)

Life Fellow, American Bar Foundation (2018 – present)

Texas Bar Foundation (2007 – present)

Sustaining Life Fellow (2007 – present)

Nominations Committee (2008 – present)

Nominations Committee Co-Chair, Houston (2013 – 2017)

Houston Bar Foundation (2004 – present)

Sustaining Life Fellow (2007 – present)

“Super Lawyer,” Super Lawyers Magazine, Thompson Reuters (2005, 2007 – 2019)

“Rising Star,” Super Lawyers Magazine, Thompson Reuters (2004)

“40 Under 40,” Texas Lawyer (2001)

AV Preeminent (highest rating), Martindale–Hubbell (2005 – present)

Garland R. Walker Inn, American Inns of Court, Program Awards

National Outstanding Program Award (2018)

National Outstanding Program Award (2015)

First Prize, National Magna Carta Program Competition (2015)

National Outstanding Program Award (2012)

National Outstanding Program Award (2008)

Pepperdine University School of Law

Valedictorian, Class of 1990

*Summa cum laude* graduate

Pepperdine Law Review (1988 – 1990)

Editor, California Supreme Court Survey (1989 – 1990)

Dean’s List (1987 – 1990)

Dean’s Scholarship (1987 – 1990)

Margaret Martin Brock Scholarship in Law (1988 – 1990)

Teaching Assistant, Legal Research and Writing (1988)

American Jurisprudence Awards

Conflict of Laws (Spring 1990)

Remedies (Spring 1990)

Commercial Law (Sales) (Summer 1998)

Criminal Procedure (Spring 1988)  
Contracts (Spring 1988)  
Criminal Law (Fall 1987)

Trinity University

*Magna cum laude* graduate (1985)  
Who's Who Among American Colleges and Universities (1985)  
Outstanding Student of Finance Award (1985)  
Blue Key National Honor Fraternity, President (1984 – 1985)  
Mortar Board National Honor Society, Vice-President (1984 – 1985)  
Alpha Chi National Honor Society (1984 – 1985)  
Dean's List and Honor Roll (1982 – 1985)  
Deacon, Margarite B. Parker University Chapel (1982 – 1985)  
President's Scholar (1981 – 1985)  
Outstanding Freshman Award (1982)  
Alpha Lambda Delta National Honor Society (1981 – 1982)

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

American Law Institute (2009 – present)

Garland R. Walker Inn, American Inns of Court, Master (2007 – present)

Bar Association of the Fifth Federal Circuit (1994 – present)

American Bar Association (1994 – present)

Houston Bar Association (1994 – present)

Lawyers for Literacy Committee (2009 – 2010)  
Historical Committee (2009 – 2010)  
Membership Committee (2007 – 2009)  
Judicial Polls Committee (2006 – 2009)  
Professionalism Committee (2005 – 2006)  
Lawyers Against Waste (now Lawyers for a Beautiful Houston) (2005 – 2006)

Cornyn/Cruz Federal Judiciary Evaluation Committee (2013 – 2018)

Timothy Cole Exoneration Review Commission (2015 – 2016)

Hutchison/Cornyn Federal Judiciary Evaluation Committee (2009 – 2012)

Harris County Jury Innovation Pilot Program Committee (2009 – 2011)

Federal Bar Association (1995)

**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.

Texas (1990)

- 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.

Texas State Courts (1990 – present)

United States Supreme Court (1998)

United States Court of Appeals for the Second Circuit (2013)

United States Court of Appeals for the D.C. Circuit (2006)

United States Court of Appeals for the Eleventh Circuit (2003)

United States Court of Appeals for the Fifth Circuit (1991)

United States District Court for the District of Colorado (2016)

United States District Court for the Northern District of Texas (2014)

United States District Court for the District of North Dakota (2012)

United States District Court for the Western District of Texas (2009)

United States District Court for the Eastern District of Texas (1997)

United States District Court for the Southern District of Texas (1994)

United States Court of Federal Claims (2011)

My membership to the Eleventh Circuit lapsed for failure to renew in September 2018, but was brought current with renewal in February 2019.

**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.

The Printing Museum, Houston, Texas (2007 – present)

Board of Directors (2007 – 2014)

Executive Committee (2010 – 2013)

Maverick PAC (2007 – present)  
Sustaining Member (2012 – present)

The Federalist Society, Houston Lawyers Chapter (2004 – present)  
President (2018 – present)

Pepperdine University and School of Law, Malibu, California (2004 – present)  
University Benefactors Circle (2007 – present)  
Law School Board of Visitors (2004 – present)  
The Campaign for Pepperdine, School of Law Committee (2010 – 2014)  
Distinguished Visiting Practitioner of Law (Fall 2011)  
University Alumni Leadership Council, Founding Member (2006 – 2009)

United States Supreme Court Historical Society (1994 – present)

YMCA of Greater Houston (2007 – 2013)  
Board of Directors (2007 – 2013)

Texas Accountants and Lawyers for the Arts (TALA) (2000 – 2007)  
Chair, TALA Gala Event Chair (2002)

United Way of Greater Houston (2006 – 2014)  
Susman Godfrey Campaign Co-Chair (2010 – 2014)  
Chairman's Club (2009 – 2012)  
Young Lawyers' Campaign (2007 – 2009)  
Alexis de Tocqueville Society (2006 – 2007)

The C Club (2012 – 2015)

The R Club (2007 – 2012)

Leader and Volunteer, Young Life Ministries, Boerne, Texas (1982 – 1986)

- 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 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.

Video, "What Is Magna Carta?" The Federalist Society, Washington, District of Columbia, March 12, 2019. Video can be found at:  
<https://fedsoc.org/commentary/videos/what-is-magna-carta-no-86>

Letter to the Editor, *Criminal Justice*, Houston Chronicle, April 25, 2017, at A013. Copy supplied.

*Magna Carta Pie (or, The Day the Law Came Alive)*, The Benchers: The Magazine of the American Inns of Court, May/June 2015, at 22. Copy supplied.

*Modern Lessons from Original Steps Towards the American Bill of Rights*, 19 Texas Review of Law and Politics 25 (2014). Copy supplied.

*The Constitutionality of the Federal Sentencing Reform Act After Mistretta v. United States*, 17 Pepperdine Law Review 683 (1990). Copy supplied.

With Howard S. Fallman, *Survey of the California Death Penalty*, 16 Pepperdine Law Review 451 (1989). 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.

Final Report and Recommendations, Timothy Cole Exoneration Review Commission, Austin, Texas, December 1, 2016. Copy supplied.

Report and Recommendations, Jury Innovations Project, Pilot Program Manual: An Effort to Enhance Jury Trials in Texas State and Federal Courts, Houston, Texas, 2010 (approximately). Copy supplied.

Program, Texas Civil Jury Trial Summit: Improving Civil Jury Trial in the 21st Century, Houston, Texas, October 4, 2006. 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.

Meeting, Timothy Cole Exoneration Review Commission, Austin, Texas, October 27, 2016. Copy supplied. Video available at:  
<http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=99>

Meeting, Timothy Cole Exoneration Review Commission, Austin, Texas, September 15, 2016. Copy supplied. Video available at:  
[http://tlchouse.granicus.com/MediaPlayer.php?view\\_id=13&clip\\_id=12232](http://tlchouse.granicus.com/MediaPlayer.php?view_id=13&clip_id=12232)

Meeting, Timothy Cole Exoneration Review Commission, Austin, Texas, June 28, 2016. Copy supplied. Video available at:  
<http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=94>

Meeting, Timothy Cole Exoneration Review Commission, Austin, Texas, March 22, 2016. Copy supplied. Video available at:  
<http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=90>

Meeting, Timothy Cole Exoneration Review Commission, Austin, Texas, December 10, 2015. Copy supplied. Video available at:  
<http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=86>

Meeting, Timothy Cole Exoneration Review Commission, Austin, Texas, October 29, 2015. Copy supplied. Video available at:  
<http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=84>

I have twice given testimony (March 28, 2007; November 13, 2008) to the Texas Senate Jurisprudence Committee at the invitation of Senator Jeff Wentworth, Chairman, in favor of and with respect to study of SB 1300, addressing revision of jury trial procedures to permit preliminary instructions to the jury, submission of written questions by jurors, interim jury discussions, note-taking by jurors, and interim summations by counsel. I am not aware of any video or transcript of my testimony. I submitted a letter to the Senate Jurisprudence Committee on October 21, 2008, which reflects the essential points of my testimony. 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.

June 10, 2019 (scheduled): Speaker, "Magna Carta and The Path Forward to the Rule of Law," The Federalist Society, Nashville Lawyers Chapter, Nashville, Tennessee. Copy of presentation supplied under entry at September 6, 2016.

May 23, 2019 (scheduled): Speaker, "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," Open Lecture, Trinity University, San Antonio, Texas. Copy of presentation supplied under entry at April 26, 2018.

April 25, 2019: Presenter, "Amenders: Equality Wars—Celebrating the 150 Years of the Fourteenth Amendment," Garland R. Walker American Inn of Court, Houston, Texas. Copy supplied.

April 10, 2019: Speaker, "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," The Federalist Society, Georgetown University School of Law, Washington, District of Columbia. Copy of presentation supplied under entry at April 26, 2018.

March 27, 2019: Speaker, "Introduction of Justice Jeffrey Boyd," New Fellows Reception, Texas Bar Foundation, Houston, Texas. Copy supplied.

March 21, 2019: Speaker, "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," The Federalist Society, Tyler Lawyers Chapter, Tyler, Texas. Copy of presentation supplied under entry at April 26, 2018.

January 21, 2019: "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," Open Lecture, University of Puerto Rico Law School, San Juan, Puerto Rico. Copy of presentation supplied under entry at April 26, 2018.

June 20, 2018: Speaker, "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," The Federalist Society, Fort Worth Lawyers Chapter, Fort Worth, Texas. Copy of presentation supplied under entry at April 26, 2018.

June 13, 2018: Speaker, "Panel Introduction of Judges Jim Ho and Don Willett," The Federalist Society, Houston Lawyers Chapter, Houston, Texas. Copy supplied.

May 1, 2018: Presenter, "Pirates! Rogues, Rascals & The Rule of Law: From the Spanish Main to the Mainframe," Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

April 26, 2018: Speaker, "An Original Document for Every Song in 'Hamilton:

An American Musical' or, Hamilton Exalted, &c.," Houston Bar Association, Appellate Practice Section, Houston, Texas. Copy supplied.

April 12, 2018: Speaker, "Antitrust/Intellectual Property Mock Trial," ABA Section of Antitrust Law, 66th Annual Spring Meeting, Washington, District of Columbia. Copy supplied.

March 26, 2018: Speaker, "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," The Federalist Society, Denver Lawyers Chapter, Denver, Colorado. Copy of presentation supplied under entry at April 26, 2018.

March 1, 2018: Speaker, "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," Open Lecture, Pepperdine University School of Law, Malibu, California. Copy of presentation supplied under entry at April 26, 2018.

June 13, 2017: Speaker, "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," Houston Pachyderm Club, Houston, Texas. Copy of presentation supplied under entry at April 26, 2018.

April 18, 2017: Speaker, "An Original Document for Every Song in 'Hamilton: An American Musical' or, Hamilton Exalted, &c.," The Federalist Society, Houston Lawyers Chapter, Houston, Texas. Copy of presentation supplied under entry at April 26, 2018.

September 23, 2017: Speaker, "Introduction of Keynote Speaker, Senator John Cornyn," The Federalist Society, Texas Chapters Conference, Houston, Texas. Copy supplied. Video available at:  
<https://www.youtube.com/watch?v=78KQYrqhPws>

August 31, 2017: Panel Moderator, "Federal Judicial Appointments: Perspective of Nominees; Conference on The Independence of the Judicial Branch: Its Past and Future," Texas Law Center, Austin, Texas. Copy supplied.

June 20, 2017: Speaker, "Introduction of Justice Bill Boyce," Reception and Fundraiser, Houston, Texas. Copy supplied.

May 4, 2017: Presenter, "Star Laws—The Legal Frontier: Celebrating the 50th Anniversary of the Outer Space Treaty and 40 Years of 'Star Wars,'" Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

April 4, 2017: Speaker, Innes Mackillop Outstanding Service Award, Annual Banquet, Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

October 28, 2016: Speaker, Justice in Action Award, Texas Defender Service, Light of Justice Luncheon, Houston, Texas. Copy supplied.

September 12, 2016: Speaker, "Magna Carta and The Path Forward to the Rule of Law," The Federalist Society, Dallas Lawyers Chapter, Dallas, Texas. Copy of presentation supplied under entry at September 6, 2016.

September 6, 2016: Speaker, "Magna Carta and The Path Forward to the Rule of Law," 2016 Annual Judicial Education Conference, Texas Center for the Judiciary, San Antonio, Texas. Copy supplied.

August 9, 2016: Speaker, "Panel Introduction, Justice Scalia's Life and Legacy," The Federalist Society, Houston Lawyers Chapter, Houston, Texas. Copy supplied.

June 9, 2016: Speaker, "Magna Carta and The Path Forward to the Rule of Law," 26th Annual Conference on State and Federal Appeals, Austin, Texas. Copy supplied.

April 12, 2016: Presenter, "Don't Kill All the Lawyers!: Law and Lessons from the Bard, A Tribute to Shakespeare on the Occasion of the 400th Anniversary of His Death," Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

October 23, 2015: Presenter, "Law Is King: Garland R. Walker Inn's Most Excellent Magna Carta Adventure (800 Years of the Rule of Law!)," American Inns of Court 35th Anniversary Gala & Magna Carta Celebration, Washington, District of Columbia. Copy supplied.

October 16, 2015: Speaker, "The Ninth Annual William French Smith Memorial Lecture: Magna Carta and the Path Forward to the Rule of Law," Pepperdine University School of Law, Malibu, California. Copy supplied. Video available at: <https://www.youtube.com/watch?v=JBxJJki2io>

March 31, 2015: Speaker, "Introduction of Judge Gregg Costa," New Fellows Reception, Texas Bar Foundation, Houston, Texas. Copy supplied.

March 3, 2015: Presenter, "Law Is King: Garland R. Walker Inn's Most Excellent Magna Carta Adventure (800 Years of the Rule of Law!)," Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

May 23, 2014: Speaker, "Modern Lessons from Original Steps Towards the American Bill of Rights," Eighth Annual Bill of Rights Course: Litigating the Constitution, Texas Law Center, Austin, Texas. Copy supplied.

April 17, 2014: Speaker, "Modern Lessons from Original Steps Towards the

American Bill of Rights,” Open Lecture, The University of Houston Law Center, Houston, Texas. I have no notes, transcript, or recording. I presented a working draft of a speech on the historical precursors to the American Bill of Rights, which provided the basis for the later May 23, 2014 speech on the same subject. The speech was given to students at The University of Houston Law Center at a meeting organized by The Federalist Society chapter. The Federalist Society at the University of Houston Law Center has no physical address. The University of Houston Law Center is located at 4604 Calhoun Road, Houston, Texas, 77206.

October 21, 2014: Panel Moderator, “National Security vs. Individual Liberties—A Conundrum,” The Knife and Fork Club of Houston, Houston, Texas. Copy of presentation supplied under entry at March 4, 2014.

March 4, 2014: Panel Moderator, “National Security vs. Individual Liberties—A Conundrum,” Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

August 13, 2013: Panelist, “United States Supreme Court Term in Review: 2012 Term,” The Federalist Society, Houston Lawyers Chapter, Houston, Texas. Notes supplied.

October 17, 2013: Presenter, “Celebrating the Right to Counsel: *Gideon v. Wainwright* at Fifty,” Houston Volunteer Lawyers Program, Houston, Texas. Copy of presentation supplied under entry at March 5, 2013.

March 5, 2013: Presenter, “Celebrating the Right to Counsel: *Gideon v. Wainwright* at Fifty,” Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

November 15, 2012: Speaker, “The Susman Stipulations: Selections from Pre-Trial and Trial Agreements,” HBA Litigation Section luncheon, Houston, Texas. Copy supplied.

October 19, 2012: Panelist, “United States Supreme Court Roundup: 2011 Term,” HBA/CLE Seminar Series, Houston, Texas. Copy supplied.

October 2012 (approximately): Speaker, “Understanding the Obamacare Decision,” Harris County Democratic Lawyers Association, Houston, Texas. Copy of presentation supplied under entry at September 20, 2012.

September 20, 2012: Speaker, “Understanding the Obamacare Decision,” Houston Appellate Bar Association, Houston, Texas. Copy supplied.

September 11, 2012: Panelist. With Steve Susman, I spoke to a group of local attorneys about the need for more federal judges in Texas. Press release supplied. Reported in multiple outlets.



August, 2012 (approximately): Speaker, "Understanding the Obamacare Decision," Greater Houston Pachyderm Club, Houston, Texas. Copy of presentation supplied under entry at September 20, 2012.

July 24, 2012: Speaker, "Understanding the Obamacare Decision," Downtown Houston Pachyderm Club, Houston, Texas. Copy of presentation supplied under entry at September 20, 2012.

May 9, 2012: Panelist, "The Susman Stipulations: Selections from Pre-Trial and Trial Agreements," Workshop for Judges of the Fifth Circuit, Santa Fe, New Mexico. Copy supplied.

April 2, 2012 (approximately): Speaker, "Oral Argument and The Affordable Care Act Litigation," Current Supreme Court Topics, South Texas College of Law. I have no notes, transcript or recording. I spoke about the then-recent Affordable Care Act litigation. The South Texas College of Law is located at 1303 San Jacinto Street, Houston, Texas 77002.

March 29, 2012: Speaker, "Introduction of Governor Mitt Romney," Houston rally and fundraiser, Houston, Texas. Copy supplied.

March 6, 2012: Presenter, "Life, Liberties, and Lawyering During Wartime: A Journey from the Civil War to the War on Terrorism," Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

November 7, 2011: Speaker, "Certiorari and The Affordable Care Act Litigation," The Federalist Society, Pepperdine University School of Law, Malibu, California. Notes supplied.

October 18, 2011: Speaker, "Discussion of *Bronx House of Faith v. Board of Education of the City of New York*," The Federalist Society, Pepperdine University School of Law, Malibu, California. I have no notes, transcript, or recording. I spoke about the Supreme Court's decisional and certiorari process in the above case. The event was sponsored by The Federalist Society at Pepperdine University School of Law. The Federalist Society at Pepperdine School of Law has no physical address. The Pepperdine School of Law is located at 24255 Pacific Coast Highway, Malibu, California 90263.

August 18, 2011: Speaker, "An Address to the 1Ls on Their Way to Becoming the Class of 2014," Pepperdine University School of Law, Malibu, California. Copy supplied.

May 7, 2009: Speaker, "Introduction of Dean Kenneth W. Starr," Annual Banquet, Garland R. Walker Inn, American Inns of Court, Houston, Texas. Copy supplied.

September 5, 2008: Panelist, "The Second Annual William French Smith Memorial Lecture: A Conversation with Justice Clarence Thomas," Pepperdine University School of Law, Malibu, California. Transcript supplied, as reprinted at 37 Pepperdine Law Review 7 (2009). Video available at: <https://www.youtube.com/watch?v=45VmPFBs8CM>

March 11, 2008: Presenter, "The Internet: The Good, Bad and the Really Ugly," Garland R. Walker Inn, American Inns of Court, Houston, Texas. I have no notes, transcript, or recording. I spoke about utilizing useful websites. The Garland R. Walker Inn of Court has no physical address.

February 2, 2008: Speaker, "Welcome, Pepperdine University School of Law 31st Annual Dinner," Hollywood, California. I have no notes, transcript, or recording. I welcomed the Distinguished Speaker, Chief Justice John Roberts, and commenced the evening's proceedings. Pepperdine University School of Law is located at 24255 Pacific Coast Highway, Malibu, California 90263.

November 11, 2006: Panelist, "Frontiers of Intellectual Property Conference, Panel IV: Patent Reform," University of Texas School of Law, Austin, Texas. Notes 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.

Mary Denny, *Order in the Court: Series of Judicial Clerkships Instilled True Love of the Rule of Law in Houston Attorney*, Trinity University, August 29, 2018. Copy supplied.

Rick Casey, *Heading Off Those Wrongful Convictions*, San Antonio Express-News, July 21, 2017. Copy supplied.

Pamela Colloff, *Time and Punishment*, Texas Monthly, August 2015, at 26. Copy supplied.

*Prosecutor Loses Law License*, Charleston Gazette, June 13, 2015, at 5C. Copy supplied. Reprinted in multiple outlets.

*DA Disbarred for Sending Texas Man to Death Row*, CBS News, June 12, 2015. Copy supplied.

Press Release, *Statement of Counsel for Anthony Graves Regarding the State Bar's Ruling That Charles Sebesta Should Be Disbarred for Violating Ethical Rules*, June 12, 2015. Copy supplied. Quoted in multiple outlets.



Press Release, *Susman Partner to Join Quinn Emanuel's Houston Office*, January 21, 2015. Copy supplied.

Y. Peter Kang, *Quinn Emanuel Pads Houston Expansion With Susman Hire*, Law 360, January 21, 2015. Copy supplied.

*Pepperdine University School of Law: Purpose, Service, and Leadership*, 2008 (approximately), at 14. Copy supplied.

*Forty Under Forty*, Texas Lawyer, September 10, 2001, at 20. Copy supplied.

Anna M. Tinsely, *CPL, City Take Suit to Top Court*, Corpus-Christi Caller-Times, November 15, 2000. Copy supplied.

*1990 Alumnus Reflects on His Experiences with High Courts*, Pepperdine Law Quarterly, Winter 1992, at 2. Copy supplied.

Jeff Bliss, *Supreme Court Tests Alumnus' Law Skills*, Pepperdine Law School newspaper, Spring 1992 (approximately). Copy supplied.

*1990 Alumnus Charles Eskridge Selected for U.S. Supreme Court Clerkship*, Pepperdine Law Quarterly, Fall 1990 (approximately), at 5. 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 served as a judge or 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:	__%
civil proceedings:	__%
criminal proceedings:	__%

- 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 served as a judge or 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 elective office and have not been a candidate for elective office.

Governor Greg Abbott appointed me to the Timothy Cole Exoneration Review Commission, established by the Texas Legislature to review Texas cases in which a convicted defendant was exonerated after January 1, 2010. The Commission's purpose was to identify and report the main causes of such convictions and make legislative recommendations to prevent or lessen similar, future errors. The Final Report and Recommendations were published on December 1, 2016.

Senators John Cornyn and Ted Cruz have in place their Federal Judicial Evaluation Committee to which they have appointed approximately 35 attorneys from across the State of Texas to assist their evaluation of potential appointments to the federal bench and as U.S. Attorney. The Senators appointed me to this Committee in 2013, on which I served until I withdrew when submitting an application for consideration with respect to this nomination.

Senators Kay Bailey Hutchison and John Cornyn likewise had in place their Federal Judicial Evaluation Committee, to which they appointed me in 2009. I served on this Committee until it disbanded with Senator Hutchison's retirement from the Senate at the end of 2012.

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

I have supported local, statewide, and national candidates on the Republican ticket. I have undertaken informal, voluntary campaign titles for particular candidates, typically as service on finance committees or roles linked to "lawyers for" or "young professionals" initiatives. I have not kept a list of all such service and provide here those that I recall.

With respect to Texas senatorial races, for Senator John Cornyn in his 2008 and 2014 reelection campaigns, I served on his statewide Finance Committee and as

Chairman of his Lawyers for Cornyn initiative to garner support throughout the statewide legal community. I have been a member of the Cornyn Circle since 2003. I helped organize a Houston Young Professionals group with respect to his 2002 campaign.

For Senator Ted Cruz in his 2012 and 2018 election campaigns, I served on his statewide Finance Committee. I previously supported him in his run for Texas Attorney General in 2010.

For Senator Kay Bailey Hutchison, I supported her 2006 reelection campaign. For her 2010 gubernatorial campaign, I served as the Houston chair of her Young Professionals initiative.

With respect to Texas congressional races, I have served on the Finance Committees for Congressmen Michael McCaul and Pete Olson since their 2008 congressional campaigns.

With respect to presidential races, I undertook finance committee, judicial advisory, and "lawyers for" roles for Senator Ted Cruz's 2016 campaign, Governor Mitt Romney's 2012 presidential campaign, and Senator John McCain's and Mayor Rudy Giuliani's 2008 presidential campaigns

I have served on the steering committees for several friends in local and statewide judicial races. Those that I recall include Justice Jeff Boyd, Justice Jeff Brown, Justice Brett Busby, Justice Bill Boyce, and Justice Adele Hedges.

I chaired and hosted a Young Professionals event for then-Attorney General Greg Abbott in 2007. I endorsed Dan Branch for Attorney General in the Republican primary of the 2014 election.

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;

1990 – 1991  
Hon. Charles Clark, Chief Judge  
United States Court of Appeals for the Fifth Circuit  
245 East Capitol Street  
Jackson, Mississippi 39201  
Law Clerk

1991 – 1992

Hon. Byron R. White, Associate Justice  
United States Supreme Court  
1 First Street, Northeast  
Washington, District of Columbia 20543  
Law Clerk

1992 – 1994  
Hon. Howard M. Holtzmann, United States Arbitrator  
Iran–U.S. Claims Tribunal  
Parkweg 13  
The Hague, The Netherlands 2585 JH  
Special Assistant

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

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1986 – 1987  
Groce, Locke & Hebdon, P.C.  
(no longer extant)  
San Antonio, Texas  
Case Assistant

June 1989 – Aug 1989  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, California 90071  
Summer Associate

1994 – 2015  
Susman Godfrey LLP  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Partner, 1997 – 2015  
Associate, 1994 – 1996  
Summer Associate, 1992 – 1992

2015 – present  
Quinn Emanuel Urquhart & Sullivan, LLP  
711 Louisiana Street, Suite 500  
Houston, Texas 77002  
Partner

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

I have not served as a mediator or arbitrator.

b. Describe:

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

I have litigated complex commercial matters in federal and state courts across the country since 1994 when I entered private practice. This has included all aspects of pleading, discovery, depositions, summary judgment and class certification practice, pretrial preparation, trial, appeal, mediation, arbitration, and settlement. I have undertaken significant and substantial "stand up" roles at hearings, in trial, and on appeal, as well as in mediations and mock trials. However, my primary contribution on trial teams is taking charge of the legal framework of the case, including briefing.

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

I have not specialized in private practice apart from an overall focus on complex commercial litigation. I have represented both plaintiffs and defendants without a particular emphasis on behalf of either. I have represented individuals, including classes of individuals, against corporations and government entities. I have defended corporations against claims by individuals, including classes of individuals. And I have represented corporations in disputes with other corporations, and individuals in disputes with other individuals. I have not specialized in any particular area of substantive law, but over the years have devoted substantial time to litigation of issues of energy, antitrust, patents, aviation disaster, securities fraud, the First Amendment, ERISA, and asbestos bankruptcy litigation, along with state law issues concerning contractual disputes, accounting malpractice, fraud, employment and trade secret issues, and insurance coverage.

- 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 have been in private practice since 1994, with a focus on complex commercial litigation. I appear regularly in court on behalf of clients, but the nature and

frequency of my appearances has varied depending on the requirements of the particular courts involved.

i. Indicate the percentage of your practice in:

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

ii. Indicate the percentage of your practice in:

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

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

In my career, I have tried 14 cases to verdict, judgment, or final decision after evidentiary hearing, including one international arbitration and one non-binding arbitration. All were as part of a trial team, often as second chair. As lead counsel, I have tried one case to verdict and one non-binding arbitration to final decision.

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.

Petition for a Writ of Certiorari, *Borst v. Chevron Corp.*, cert. denied, 514 U.S. 1066, 115 S. Ct. 1699 (1995), (No. 94-1464). Brief available at 1995 WL 17048197.

Petition for a Writ of Certiorari, *Am. Citigas Co. v. Vorys, Sater, Seymour & Pease*, cert. denied, 522 U.S. 1016, 118 S. Ct. 602 (1997), (No. 97-640). Brief available at 1997 WL 33549271.

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. *TOTAL E&P USA, Inc. v. Marubeni Oil & Gas (USA) Inc.*, Civil Action Nos. 4:16-cv-02671, 4:16-cv-02674, and 4:16-cv-02678 (S.D. Texas); Judges Nancy F. Atlas, Vanessa J. Gilmore, and Lynn N. Hughes, respectively. 2016 – present. Trial resolved on two matters; motions pending on the third. Citation pertinent to my representation: 2017 WL 5127212 (S.D. Tex. Sept. 11, 2017).

TOTAL E&P USA, Inc., engaged me as lead counsel to represent it in three related actions concerning asserted liability for the abandonment and decommissioning of wells and a connecting pipeline in the deepwater Gulf of Mexico. TEP USA in 2006 assigned its interests in the properties to another energy development company, which went bankrupt in 2012. Marubeni ultimately conducted decommissioning according to a deal it reached in the bankruptcy proceedings with TEP USA's assignee, and then purported to charge TEP USA for \$70 million in expenses under the joint operating agreements.

I have overseen a team of attorneys to discover and analyze interrelated issues of bankruptcy, offshore regulatory, and contract law. In the action before Judge Gilmore, pretrial motion practice established liability, while leaving damages issues open for trial. Following a two-week jury trial, TEP USA obtained a meaningful discount off of the amounts sought. In the action before Judge Atlas, pretrial motions established liability, and TEP USA ultimately stipulated to a judgment accounting for certain deductions, while preserving appellate rights. In the action before Judge Hughes, motions for summary judgment are fully briefed and pending resolution.

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2. *In re Arbitration Between Vantage Deepwater Co. v. Petrobras America Inc.*, Case No. 01-15-0004-8503 (International Centre for Dispute Resolution, seated in Houston, Texas); Panel Arbitrators William W. Park, Chair, Hon. Charles N. Brower, and James M. Gaitis. 2016 – 2018. \$622 million international arbitration award entered in favor of client. No citations. *Vantage Deepwater Co. v. Petrobras America Inc.*, Civil Action No. 4:18-cv-2246 (S.D. Texas); Judge Alfred H. Bennett. 2018 – present. Proceedings to confirm international arbitration award. No citations.

Vantage Deepwater Company engaged Quinn Emanuel to represent it in arbitral proceedings with respect to pretextual termination of its long-term contract with Petrobras for a deepwater drilling rig. In the face of the global collapse in oil prices in 2015, and in the wake of its own bribery and corruption scandal, Petrobras purported to terminate the contract based on certain operational incidents during drilling and completion and to void the contract based on an alleged bribe. Vantage was forced to seek bankruptcy protection. Due to the day rate of the rig and the years left on the contract, Vantage sought damages in the hundreds of millions of dollars.

I took primary responsibility over the operational aspects of the case, including experts, to establish the pretextual nature of the termination. I handled all pre-hearing briefing and witness statements related to drilling and completion operations. I took a significant role during the three weeks of arbitral proceedings, cross-examining and defending witnesses and experts on operational issues. In July 2018, the tribunal entered a final award of \$622 million in favor of Vantage.

Action to confirm the award remains pending in the Southern District of Texas.

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3. *Comm'n for Lawyer Discipline v. Sebesta*, No. 201400539, in the Office of the Chief Disciplinary Counsel, State Bar of Texas; Brian M. Baker, Chair. 2014 – 2016. Order of disbarment obtained and upheld on appeal. Citation: 2016 WL 827324 (Tex. Bd. Disp. App. Feb. 8, 2016).

Commencing in January 2014, I represented Anthony Graves pro bono before the State Bar of Texas in his grievance proceedings to disbar Charles J. Sebesta, Jr., the Burleson County District Attorney who prosecuted him for capital murder. Mr. Graves served over eighteen years in prison, mostly on death row and in solitary confinement, for a crime of which he was later completely exonerated following findings of prosecutorial

misconduct by the Fifth Circuit (in action preceding my representation of Mr. Graves).

My briefing assisted the State Bar in determining that “just cause” existed to pursue disciplinary action against Mr. Sebesta, after which attorneys for the State Bar took over the investigation and prosecution of the matter. I served as principal lead to develop and prepare written responses explaining the record and refuting Mr. Sebesta’s arguments to the State Bar seeking dismissal. I assisted Mr. Graves and his family in preparing for testimony and attendance at the disciplinary hearing and attended much of that hearing with Mr. Graves in May 2015. In June 2015, the disciplinary panel disbarred Mr. Sebesta. I continued to represent Mr. Graves on appeal. I filed an amicus brief on his behalf before the Texas Board of Disciplinary Appeals, which unanimously affirmed the order of disbarment in February 2016.

For this representation, I was recognized with the Justice in Action Award by the Texas Defender Service and the Defender of Justice Award by the Texas Fair Defense Project.

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Legal Counsel  
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Counsel for State Bar of Texas

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Rebecca (Beth) Stevens  
Office of the Chief Disciplinary Counsel  
State Bar of Texas  
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Austin, Texas 78701  
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Counsel for Charles Sebesta

Stephen E. McConnico  
Kim Gustafson Bueno  
Scott Douglass & McConnico, LLP  
One American Center, 15th Floor  
600 Congress Avenue

Austin, Texas 78701  
(512) 495-6300

4. *Tesco Corp. v. Weatherford Int'l, Inc.*, Civil Action No. H-08-2531 (S.D. Texas); Judge Keith Ellison. 2014 – 2015. The case settled. No citations pertinent to my representation.

The law firm of Bracewell & Giuliani L.L.P. engaged me as lead counsel to assist it in responding to issues arising from the entry of a sanctions order terminating and dismissing its underlying client's patent infringement litigation, post-verdict, upon determination that two Bracewell partners had engaged in litigation misconduct during trial. *See* 2014 WL 4244215 (S.D. Tex. Aug. 25, 2014); *see also* 804 F.3d 1367 (Fed. Cir. 2015).

The matter was sensitive and in large measure confidential. In general, I consulted with Bracewell with respect to the withdrawal of the involved partners; briefed opposition to court-invited sanctions motions for attorney fees; and formulated strategy and largely led successful resolution of the matter in complex four-way negotiations and mediation over several months between Bracewell, its former partners, its former client, and the underlying defendants.

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Robert M. Bowick  
Raley & Bowick, LLP  
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Counsel for Offshore Energy Services, Inc.  
C. James Bushman  
Bushman Werner, P.C.  
1800 Augusta Drive, Suite 220  
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(832) 548-8080

5. Various matters related to *In re Lehman Bros. Hldgs. Inc.*, No. 08-13555 (Bankr. S.D.N.Y.); Judge James M. Peck. 2008 – 2013. No citations pertinent to my representation.

In the wake of financial calamities that struck global markets in late 2008, Lehman Brothers International, Europe (the independent Lehman Brothers broker-dealer in Europe) engaged me to serve as lead conflicts counsel on multiple matters, including the following:

(1) The bankruptcy filing by Lehman Brothers Holdings Inc. (the worldwide corporate parent) in the Southern District of New York entailed the largest bankruptcy filing in U.S. history. LBIE engaged me to oppose confirmation of LBHI's bankruptcy plan,

particularly with respect to LBHI's controversial proposed use of "substantive consolidation" to ignore the separate existence of LBIE under English law. With discovery underway and the confirmation hearing approaching, LBHI settled with LBIE and resolved over \$10 billion in claims among the two and certain of their affiliates.

(2) Upon the collapse of the Lehman Brothers enterprise in September 2008, Citibank froze approximately \$2.5 billion of assets in LBIE custodial accounts in eighteen worldwide branches. Citibank initiated steps to appropriate those accounts not because of LBIE's own trades, but because separate Lehman Brothers entities defaulted. LBIE engaged me to coordinate a resistance strategy. Little decisional law existed as to the derivatives contracts underlying the asset-custody issue. During pre-suit negotiations, I presented analysis and argument against Citibank's aggressive "set off" theory, which paved the way to an orderly business resolution and return of the assets in their entirety without resort to formal litigation.

(3) When LBHI sought bankruptcy protection, Barclays PLC acquired the core business of Lehman Brothers Inc., the U.S. broker-dealer. In doing so, Barclays obtained approximately \$200 million in LBIE trading accounts held at LBI. LBIE engaged me to recover those accounts. I successfully negotiated their return without the need of formal litigation.

The Lehman bankruptcy proceedings involved scores of creditors and other parties. Principal counsel for the main matters with which I dealt are indicated below.

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Sullivan & Cromwell LLP  
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New York, New York 10004  
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6. *In re September 11 Litig.*, 21 MC 97, 21 MC 101 (S.D.N.Y.); Judge Alvin K. Hellerstein. 2004 – 2011. Client settled most aspects through negotiation, mediation, and arbitration, with the remainder dismissed. Dozens of citations exist for the litigation, with the most pertinent to my client's position being: 280 F.Supp.2d 279 (S.D.N.Y. 2003); 333 F.Supp.2d 111 (S.D.N.Y. 2004); 431 F.Supp.2d 405 (S.D.N.Y. 2006); 236 F.R.D. 164 (S.D.N.Y. 2006); 494 F.Supp.2d 232 (S.D.N.Y. 2007); 2007 WL 1965559 (S.D.N.Y. Jul. 5, 2007); 2007 WL 2668608 (S.D.N.Y. Sept. 12, 2007); 2007 WL 2947428 (S.D.N.Y. Oct. 9, 2007); 567 F.Supp.2d 611 (S.D.N.Y. 2008); 590 F.Supp.2d 535 (S.D.N.Y. 2008); 2008 WL 8910646 (S.D.N.Y. Aug. 28, 2008); 2008 WL 9497424 (S.D.N.Y. Dec. 11, 2008); 594 F.Supp.2d 374 (S.D.N.Y. 2009); 600 F.Supp.2d 549 (S.D.N.Y. 2009); 621 F.Supp.2d 131 (S.D.N.Y. 2009); 262 F.R.D. 274 (S.D.N.Y. 2009); 2009 WL 1181057 (S.D.N.Y. Apr. 30, 2009); 2009 WL 2058385 (S.D.N.Y. May 26, 2009); 723 F.Supp.2d 526 (S.D.N.Y. 2010); 723 F.Supp.2d 534 (S.D.N.Y. 2010); 2010 WL 637789 (S.D.N.Y. Feb. 19, 2010); 2010 WL 9596772 (S.D.N.Y. Dec. 1, 2010); 2010 WL 9596938 (S.D.N.Y. Dec. 21, 2010); 811 F.Supp.2d 883 (S.D.N.Y. 2011); 650 F.3d 145 (2d Cir. 2011).

Huntleigh USA Corporation engaged Susman Godfrey to defend a complex array of actions filed in the Southern District of New York in the wake of the 9/11 attacks. Huntleigh provided checkpoint security at Boston's Logan Airport for United Flight 175, which terrorists crashed into the second World Trade Center tower, collapsing the building. Over 200 actions named as defendants United Airlines, American Airlines, and their security contractors at the relevant airports (Huntleigh, Argenbright Security, Inc., and Globe Aviation Services, Inc.), among many others. Congress provided compensation for wrongful death and personal injury claims through the September 11th Victim Compensation Fund administered by Kenneth Feinberg, but victims were not required to participate. Huntleigh was named in approximately 50 wrongful death and personal injury claims, half of which related directly to Flight 175 and WTC 2. Scores of businesses and insurance companies, including World Trade Center Properties LLC, also brought claims in excess of \$20 billion.

I helped formulate and implement the joint defense settlement strategy, articulated to the court, that the airlines and security companies would seek to settle wrongful death and personal injury claims on the basis of recoverable damages available under applicable state law without regard to a liability prerequisite, but would strongly contest liability for purposes of business damage and insurance subrogation claims. I coordinated and oversaw the difficult and protracted settlement efforts on behalf of Huntleigh with respect



to the wrongful death and personal injury claims against it, including personal attendance at all Huntleigh-related mediations. After Huntleigh eventually exhausted its available insurance limits, certain business claims were ultimately dismissed.

My efforts included lead role in the only private arbitration (non-binding) of a wrongful death claim arising from the four flights involved in the 9/11 attacks, before Judge Robert Parker, formerly of the Fifth Circuit and Eastern District of Texas courts, in his role as private arbitrator. As to the litigation, I was primarily responsible with respect to expert discovery on airline security issues. I was also principal lead (with one attorney for Argenbright) for coordinating a complex multi-day mock trial, in which I outlined, organized, and developed the plaintiffs' theoretical liability and damages case, which I and the Susman Godfrey team argued.

The consolidated proceedings involved dozens of parties and hundreds of attorneys. I provide counsel information here for the main airline and security company defendants and various plaintiff constituencies.

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7. *Novamedix Ltd. v. Kinetic Concepts, Inc.*, Civil Action No. SA-92-CA-0177 (W.D. Tex.). 2003 – 2005. Settled following favorable *Markman* rulings. No citations pertinent to my representation.

Novamedix held patents on medical devices it designed, developed, and marketed to prevent post-surgical deep-vein thrombosis. A medical distributor obtained the designs under a non-disclosure agreement but then proceeded to develop and market its own device rather than take a license. Years into the litigation, Novamedix retained Susman Godfrey to conclude discovery and to serve as lead counsel at trial, as well as for summary judgment and *Markman* hearings. Following favorable *Markman* rulings and with a trial date looming, the defendant settled for \$75 million.

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8. *In re The Babcock & Wilcox Co.*, No. 00-10992 (Bankr. E.D. La.); Judge Jerry A. Brown. *Certain Underwriters at Lloyd's, London, et al. v. McDermott Int'l*, Civil Action No. 01-0912, and *Certain Underwriters at Lloyd's, London, et al. v. The Babcock & Wilcox Co.*, Civil Action No. 01-1187 (E.D. La.); Judge Sarah S. Vance. 2001 – 2004. Settled after confirmation hearing. Numerous citations exist for the bankruptcy proceedings, with the most pertinent to my representation being: 2001 WL 1588928 (E.D. La. Dec. 7, 2001); 2002 WL 14379 (E.D. La. Jan. 4, 2002); 2002 WL 22023 (E.D. La. Jan. 4, 2002); 2004 WL 4945985 (Bankr. E.D. La. Nov. 9, 2004).

I advised the London Insurance Market on a range of asbestos insurance coverage issues relating to the multitude of asbestos-related bankruptcy filings in the early 2000s. In one of the few contested asbestos-related bankruptcies to litigate through plan confirmation, I defended the London Market in the reorganization filed by The Babcock & Wilcox Company, including a five-week trial to the bench on contested confirmation issues involving hundreds of millions of dollars in unexhausted insurance limits. The London Market eventually settled for a significant discount off of its exposed limits.

The bankruptcy proceedings and related actions involved scores of creditors and other insurance carriers. Principal co-counsel and opposing counsel are indicated below.

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9. *Caldera, Inc. v. Microsoft Corp.*, Civil Action No. 2:96-CV-645B (D. Utah); Judge Dee V. Benson. 1996 – 2000. Settled during final pretrial preparations. Citations: 87 F.Supp.2d 1244 (D. Utah 1999); 72 F.Supp.2d 1295 (D. Utah 1999).

Caldera engaged Susman Godfrey to assert monopolization claims against Microsoft related to the DOS and Windows markets. I coordinated a team of attorneys from three law firms while leading the discovery and briefing. Discovery efforts included depositions of Microsoft's top executives. On corporate policy issues, I prepared Steve Susman and Parker Folse and second-chaired their depositions of Bill Gates (Chairman and CEO), Steve Ballmer (President), and Joachim Kempin (worldwide head of OEM sales). I took the lead on implementation issues, and deposed Brad Silverberg (head of DOS and Windows development teams) and Brad Chase (head of DOS and Windows marketing), among others. I also took the lead on expert economic issues, including taking and defending expert economist depositions.

Upon review of Microsoft's initial disclosures and documents, I researched and amended the complaint to state a claim for "technological tying" with respect to the combination of MS-DOS and Windows in the design and release of Windows 95, which theory the United States later pleaded in its litigation against Microsoft with respect to the combination of Internet Explorer and Windows 95 in the design and release of Windows 98. I was primary author of a 188-page Consolidated Statement of Facts by which Caldera successfully resisted Microsoft's multifarious summary judgment motions, and was also primary author of three of our nine substantive legal responses.

I selected and designated our exhibit and witness lists for trial and made all deposition designations. The case settled a little over one month out from trial for a confidential

amount, estimated by The Wall Street Journal to be in excess of \$275 million.

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10. *Tennessee Gas Pipeline Co. v. KCS Res., Inc.*, No. 3448 (49th Judicial District, Zapata County, Texas); Judge Manuel Flores. 1995 – 1996. Favorable jury verdict, followed by settlement. No citations.

Tennessee Gas engaged Susman Godfrey to represent it as plaintiff in a fraud and breach of contract lawsuit against a gas producer, alleging that the gas sold from South Texas leases was secretly injected with propane to make it appear to conform to quality specifications, thus triggering onerous take-or-pay obligations.

Still an associate, I conducted all depositions and expert discovery and second-chaired the trial. The jury awarded over \$143 million, including \$114 million in punitive damages, which Texas Lawyer (December 16, 1996) reported as one of the top ten



verdicts in Texas of 1996. The case settled shortly after verdict for the full amount of compensatory damages and termination of the subject contract.

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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.)

1. Timothy Cole Exoneration Review Commission (2015 – 2016)

Commencing in 2014, I represented Anthony Graves pro bono before the State Bar of Texas in his grievance proceedings to disbar Charles J. Sebesta, Jr., the Burleson County District Attorney who prosecuted him for capital murder. Mr. Graves served over eighteen years in prison, mostly on death row and in solitary confinement, for a crime of which he was later completely exonerated following findings of prosecutorial misconduct by the Fifth Circuit (in action preceding my representation of Mr. Graves). As is standard on finding “just cause” to pursue disciplinary action, attorneys for the State Bar ultimately took over the investigation and prosecution of the matter. Mr. Sebesta was disbarred in February 2016.

Due in large measure to my work on behalf of Mr. Graves, Governor Greg Abbott appointed me to the Timothy Cole Exoneration Review Commission. The Texas Legislature established the Commission to review Texas cases in which a convicted defendant was exonerated after January 1, 2010. The Commission's purpose was to identify and report the main causes of such convictions and make legislative recommendations to prevent or lessen similar, future errors. The Final Report and Recommendations were published on December 1, 2016.

2. Adjunct Professor, University of Houston Law Center; (2006 – 2018); Distinguished Visiting Practitioner of Law, Pepperdine University School of Law (Fall 2011).

I have taught as an Adjunct Professor of Law since Spring of 2006.

I began by teaching Federal Courts, which is an advanced federal jurisdiction course addressing such topics as the power of judicial review; the justiciability doctrines; federal court jurisdiction, and congressional power in that regard; federal common law; judicial federalism; sovereign immunity; abstention doctrines; and res judicata. I taught such classes during Spring 2006, Fall 2007, and Fall 2008.

I have since taught Origins of the Federal Constitution, which is a class of my own design that presents an intensive introduction to the historical sources of the Constitution. By reference to original source documents, the class considers the common law and other influences on early American government and justice; the colonial experience leading to and immediately following the American Revolution; documents and debate directly relevant to formation of individual constitutional provisions and amendments; the initial experience and understanding of the Constitution through to Story's Commentaries; and materials with respect to later amendments. I have taught such classes during Spring 2010, Fall 2011, Fall 2012, Spring 2015, Spring 2017, and Fall 2018, and am scheduled to teach it Spring 2020.

3. Representation of London Insurance Market, Asbestos Bankruptcy Litigation Committee (2000 – 2006).

I advised the London Insurance Market on a range of asbestos insurance coverage issues relating to the multitude of asbestos-related bankruptcy filings in the early 2000s. I served as one of three principal attorneys retained nationally to advise Equitas Limited and the London Insurance Market on their Asbestos Bankruptcy Litigation Committee instituted to devise and coordinate strategy across the multitude of asbestos-related bankruptcy filings.

Most aspects of the engagement are subject to attorney-client privilege, largely involving risk assessment and settlement evaluation. Among other responsibilities, I organized and tried a complex, one-week mock trial exercise to argue and test issues and themes expected to arise during plan confirmation proceedings in bankruptcy court and related proceedings.

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4. Various moot court sessions of cases before the United States Supreme Court of cases originating in Texas.

I have on several occasions organized or participated in moot court sessions for attorneys preparing for oral argument before the United States Supreme Court. The sessions that I recall and the attorneys mooted are as follows:

*Davila v. Davis*, U.S. Supreme Court, No. 16–6219; Seth Kretzer, Law Offices of Seth Kretzer, Counsel for Petitioner.

*Mata v. Lynch*, U.S. Supreme Court, No. 14–185; William Peterson, Beck Redden LLP, Counsel for Court-appointed *Amicus Curiae* in support of the judgment below.

*Baker Botts LLP v. Asarco LLC*, U.S. Supreme Court, No. 14–103; Jeffrey L. Oldham, Bracewell & Giuliani LLP, Counsel for Respondent.

*Jennings v. Stephens*, U.S. Supreme Court, No. 13–7211; Randolph L. Schaffer, Jr., The Schaffer Firm, Counsel for Petitioner.

*Halliburton Co. v. Erica P. John Fund, Inc.*, U.S. Supreme Court, No. 13–317; Aaron M. Street, Baker Botts L.L.P., Counsel for Petitioner.

*Paroline v. United States*, U.S. Supreme Court, No. 12–8561; Stanley G. Schneider, Schneider & McKinney, P.C., Counsel for Petitioner.

*Salinas v. Texas*, U.S. Supreme Court, No. 12–246; Alan Keith Curry, Harris County District Attorney’s Office, Counsel for Respondent.

*Global-Tech Appliances Inc. v. SEB S.A.*, U.S. Supreme Court, No. 10–6; R. Ted Cruz, Morgan, Lewis & Bockius LLP, Counsel for Respondent.

*Erica P. John Fund, Inc. v. Halliburton Co.*, U.S. Supreme Court, No. 09–1403; David D. Sterling, Baker Botts L.L.P., Counsel for Respondent.

*Sossamon v. Texas*, U.S. Supreme Court, No. 08-1438; Jim Ho, Solicitor General of Texas, Counsel for Respondent.

I have never served 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.

1. *Origins of the Federal Constitution*

University of Houston Law Center (Spring 2010; Fall 2012; Spring 2015; Spring 2017; Fall 2018); Pepperdine University School of Law (Fall 2011). Representative syllabus supplied.

Origins of the Federal Constitution is a class of my own design that presents an intensive introduction to the historical sources of the Constitution. By reference to original source documents, the class considers the common law and other influences on early American government and justice; the colonial experience leading to and immediately following the American Revolution; documents and debate directly relevant to formation of individual constitutional provisions and amendments; the initial experience and understanding of the Constitution through to Story's Commentaries; and materials with respect to later amendments. I specifically encourage members of both The Federalist Society and The American Constitution Society to take the course.

2. *Federal Courts*

University of Houston Law Center (Spring 2006; Fall 2007; Fall 2008). Representative syllabus supplied.

Federal Courts is an advanced federal jurisdiction course addressing such topics as the power of judicial review; the justiciability doctrines; federal court jurisdiction, and congressional power in that regard; federal common law; judicial federalism; sovereign immunity; abstention doctrines; and res judicata.

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.

I anticipate continuing to teach and lecture at the University of Houston Law Center and Pepperdine University School of Law. I would accept invitations to do so at other law schools to the extent time permitted. I have agreed to teach my class on Origins of the Federal Constitution in Spring 2020 at the University of Houston Law Center.

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).

When my nomination is formally submitted to the Senate and I file my Financial Disclosure Report, I will supplement this Questionnaire with a copy of that Report.

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

See attached financial 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.

I am not aware of any conflict-of-interest that is likely to arise. I will recuse myself from any litigation in which I played a role. I will recuse myself from matters involving my family and my own financial interests. For a period of time, I would recuse from all cases in which I know or am made aware that my current firm was retained by a party on the matter. I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case-by-case basis and determine appropriate action, including recusal, when necessary.

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

I will follow the practices, policies, and procedures established by the district court. I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all other laws, rules, and practices governing such circumstances.

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.

From 2014 to 2016, I represented Anthony Graves pro bono before the State Bar of Texas in his successful grievance proceedings to disbar Charles J. Sebesta, Jr., the Burleson County District Attorney who wrongfully prosecuted him and placed him on death row. I also represented Mr. Graves and filed an *amicus* brief on his behalf on appeal, which affirmed the disbarment. My co-counsel on this matter included Texas Defender Service, who recognized me with their Justice in Action Award in October 2016. The Texas Fair Defense Project also recognized me with their Defender of Justice Award that year.

With a Quinn Emanuel associate, I currently represent an inmate after the Fifth Circuit granted a certificate of appealability on the issue of whether the inmate is entitled to equitable tolling of the statute of limitations for filing his first federal habeas petition. *Jackson v. Davis*, No. 18–10526, U.S. Fifth Circuit Court of Appeals. The matter is fully briefed and awaiting decision.

With a Quinn Emanuel associate, I represented five individuals pro bono on appeal to the Fifth Circuit regarding an attorneys' fees issue following their successful challenge against the State of Louisiana and its announced change to access to food stamp benefits. The district court had denied fees and costs upon a finding that plaintiffs were not "prevailing parties," even though they had obtained a stipulated order of settlement that continued access to food stamps without interruption. The Fifth Circuit reversed. *Romain et al. v. Walters*, No. 16–30929, 856 F.3d 402 (5th Cir. 2017).

In 2014 and 2015, I consulted on pro bono representation by Susman Godfrey of First Presbyterian Church of Houston in its dispute with a national denomination. For approximately 30 years, there had been a lingering property dispute over whether the Presbyterian Church USA held an ownership interest in First Presbyterian Church's principal assets of real estate in the Houston Museum District. First Presbyterian Church sought a declaration that the denomination had no such property interest. I was not involved in discovery, but was a principal author of First Presbyterian Church's motion for summary judgment, which the trial court granted. After my departure from Susman Godfrey, the matter settled on appeal and established First Presbyterian Church's ownership. *First Presbyterian Church of Houston v. Presbytery of New Covenant, Inc.*, 234th District Court, Harris County, Texas, Case No. 2014–30354; *Presbytery of New Covenant, Inc. v. First Presbyterian Church of Houston*, 14th Court of Appeals, Case No. 14-15-00178–CV.

In 2013, I assisted Carmelita Mitra pro bono to negotiate a penalty-free exit from her apartment lease. After her apartment was subject to two burglaries and other incidents of crime in her complex, she did not believe it safe for her and her young daughter to remain. Management would not permit her to terminate her lease without penalty



payment, which she could not afford. I advised her and negotiated her ability to move without penalty.

I served from 2007 to 2017 on the board of The Printing Museum, a non-profit organization in Houston, Texas. In that capacity, I provided counsel with respect to lease negotiations and business issues. I also provided advice on matters such as insurance claims arising from damages from Hurricane Ike, including participation at mediation with the insurer.

The Preamble to the Texas Disciplinary Rules of Professional Conduct states that one means by which a lawyer can show commitment to public interest legal service is “by financial support for organizations that provide legal services to persons of limited means.” I strongly believe that lawyers in private practice are obligated to provide financial support to charitable organizations dedicated to providing pro bono services and access-to-justice initiatives. In that regard, I am a Sustaining Life Fellow of both the Texas Bar Foundation and the Houston Bar Foundation. This means that I have met the financial requirements to be both a Fellow and a Life Fellow and continue to give annual financial support. The Texas Bar Foundation funds projects throughout Texas that provide legal services for the underserved, administration of justice, and victim services. I have actively brought other members into this group, serving on the Nominations Committee since 2008 and as a Nominations Committee Co-Chair for Houston from 2013 to 2017. The Houston Bar Foundation is the charitable arm of the Houston Bar Association and supports programs that help provide legal representation to the indigent, promote community understanding of our legal system, and foster the administration of justice. I am also a Life Fellow of the American Bar Foundation, an independent nonprofit organization which seeks to expand knowledge and advance justice through empirical research on law, legal processes, and legal institutions.

Although not pro bono practice, since I started teaching in Spring 2006, my work as an Adjunct Professor at the University of Houston Law Center has been entirely donated, uncompensated time.

**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 February 2018, a vacancy was announced for the Southern District of Texas, Galveston Division. Senators Cornyn and Cruz have in place a Federal Judicial

Evaluation Committee to which they have appointed approximately 35 attorneys from across the State of Texas to assist their evaluation of potential appointments to the federal bench. I submitted an application for this vacancy, for which the Committee interviewed me on April 6, 2018.

The Committee recommended me for interview with Senators Cornyn and Cruz, which interviews occurred on May 21 and 22, 2018. Given the distance to Galveston from Houston, the needs of my family and children during their remaining primary school years, and my confidence in the quality of applicants under consideration for the Galveston seat, I elected to withdraw my name from contention.

In July 2018, I was notified by counsel to Senators Cornyn and Cruz that the Senators had determined that they intended to submit my name to the White House for consideration as to the next vacancy for the Southern District of Texas, Houston Division. As such, I interviewed with personnel from the White House and Department of Justice on July 27, 2018.

In August 2018, Hon. Gray H. Miller of the Southern District of Texas, Houston Division, submitted notice to the White House that he would take Senior Status as of December 2018. In December 2018, Senators Cornyn and Cruz and their counsel advised me that my name would be submitted to the White House for this nomination.

Since January 2018, I have been in contact with personnel from the White House and the Department of Justice about providing information for this nomination.

- 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.