

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Drew Barnett Tipton

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

United States District Judge for the 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.

Office: Baker Hostetler LLP  
811 Main Street, Suite 1100  
Houston, Texas 77002

Residence: Kingwood, Texas

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

1967; Angleton, Texas

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.

1991 – 1994, South Texas College of Law; J.D., 1994

1985 – 1990, Texas A&M University; B.A., 1990

1990, University of Houston; no degree

1986, 1987, 1989, Brazosport College; no degree

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

1999 – present  
Baker Hostetler LLP  
811 Main Street, Suite 1100  
Houston, Texas 77002  
Partner (2001 – present)  
Employment Section Leader (2016 – present)  
EEO Officer (2016 – present)  
Firm PAC Board member (2005 – present)  
Associate (1999 – 2001)

1997 – 1999  
Houston, Marek & Griffin, LLP (now Marek, Griffin & Knaupp)  
203 North Liberty Street  
Victoria, Texas 77901  
Associate

1995 – 1996  
Littler Mendelson P.C.  
1301 McKinney Street, Suite 1900  
Houston, Texas 77010  
Associate

1994 – 1995  
Hon. John D. Rainey  
United States District Court for the Southern District of Texas  
515 Rusk Avenue, Room 8613  
Houston, Texas 77002  
Law Clerk

1992 – 1994  
Zimmermann & Lavine, P.C. (now Zimmermann Lavine & Zimmermann, P.C.)  
770 South Post Oak Lane, Suite 620  
Houston, Texas 77056  
Summer Associate

1988 – 1994  
United States Marine Corps Reserve  
1st Battalion, 23rd Marines, 4th Marine Division  
10949 Aerospace Avenue  
Houston, Texas 77034  
Sergeant

1989, 1992  
Rice & Sanes  
100 North Velasco

Angleton, Texas 77515  
Summer Associate

1990 – 1991  
United States Marine Corps Reserve  
1st Battalion, 23rd Marines, 4th Marine Division  
Camp Horno  
Camp Pendleton, California 92055  
Corporal

1990  
Promar, Inc., doing business as Coastal Production  
4305 Highway 35 South  
Rockport, Texas 78382  
Roustabout

Other affiliations (uncompensated):

2015 – present  
Deer Ridge Estates Property Owners Association, Inc.  
Care of Kingwood Association Management  
1075 Kingwood Drive, Suite 100  
Kingwood, Texas 77339  
President (2016 – present)  
Board of Directors (2015)

1998 – 1999  
Victoria Bach Festival  
202 North Main Street  
Victoria, Texas 77901  
Board of Directors

1997 – 1999  
Community Food Bank of Victoria  
Food Bank of the Golden Crescent  
3809 East Rio Grande Street  
Victoria, Texas 77901  
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 served in the United States Marine Corps Reserve from 1988 to 1994 as a radio operator for an infantry battalion. My rank upon discharge was Sergeant (E-5). My serial number

was my social security number. I was honorably discharged. I registered for the selective service on February 14, 1986.

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.

The Best Lawyers in America (2012 – present)  
Texas: Civil Rights Law (2012 – present)  
Texas: Litigation – Labor & Employment (2018 – present)  
Texas: Employment Law – Management (2019)

Chambers USA: Labor & Employment in Texas (2014 – present)

The Legal 500 United States (2017 to present)  
Intellectual Property – Trade Secrets (Litigation and Non-Contentious Matters)  
Labor and Employment Disputes (Including Collective Actions): Defense

Martindale-Hubbell: AV Preeminent (2004 – present)

Texas Bar Foundation (2007 – present)  
Life Fellow (2012 – present)  
Fellow (2007 – 2011)

Texas Super Lawyer, Texas Monthly Law & Politics (2003 – 2004, 2008 – present)

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

American Bar Association (2000 – present)

Bar Association of the Fifth Federal Circuit (1997 – present)

Federal Bar Association (2002 – present)  
President of the Southern District of Texas Chapter (2007)  
National Delegate for the Southern District of Texas Chapter (2008)  
President-Elect of the Southern District of Texas Chapter (2006)  
Vice-President of the Southern District of Texas Chapter (2005)  
Secretary of the Southern District of Texas Chapter (2004)

Houston Bar Association (2000 – 2010, 2019)

Inns of Court, Garland Walker Inn (2001 – 2006)

Magistrate Judge Merit Selection Panel (2005)

National Employment Lawyers Association (1997 – 1999)

Republican National Lawyers Association (2002 – 2008)

President of the Houston Chapter (2003)

Judicial Advocacy Panel Member (2003)

State Bar of Texas District Grievance Committee (2002 – 2005)

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 (1994)

There have been no lapses in membership.

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

United States Court of Appeals for the Fifth Circuit, 1994

United States Court of Appeals for the Tenth Circuit, 1998

United States District Court for the Eastern District of Texas, 1999

United States District Court for the Northern District of Texas, 1997

United States District Court for the Southern District of Texas, 1994

United States District Court for the Western District of Texas, 1997

Supreme Court of Texas, 1994

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Legion (1999 – present)

The Federalist Society, Houston Lawyers Chapter (2010 – present)

Former Federal Law Clerk's Society (2002 – 2003)

Marine Corps Association (2003 – present)

Second Baptist Church, Houston Texas

Deacon (2008 – 2010, 2012 – 2014, 2016 – present)

Deacon Nominating Committee (2010, 2019)

Bible Study Teacher (2010 – present)

Bible Study Class Director (2019)

Love and Respect Seminar, Registration Committee Chairman (2010)

Second Helping Committee (2009 – 2010)

Victoria Bach Festival

Board of Directors (1998 – 1999)

Community Food Bank of Victoria (Food Bank of the Golden Crescent)

Board Member (1997 – 1999)

- 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.

*Covering Your Assets*, Houston Business Journal, March 5, 2008. Copy supplied.

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

a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- 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.

December 12, 2018: Speaker, "Managing Stress and Work-Life Balance," Schlumberger Legal Team Seminar, Sugar Land, Texas. PowerPoint and notes supplied.

July 17, 2018, "Recognizing and Preventing Harassment: A Better '9-5'," Geosouthern Energy Employee Seminar, The Woodlands, Texas. PowerPoint and notes supplied.

March 22, 2018: Speaker, "Understanding and Preventing Workplace Harassment," Stork Technical Services USA, Inc. Employee Seminar, Houston, Texas. PowerPoint and notes supplied.

December 20, 2017: Speaker, "Recognizing and Preventing Harassment: A Better '9-5'," Downhole Technology LLC Employee Seminar, Houston, Texas. PowerPoint and notes supplied.

December 4, 2017: Speaker, "Recognizing and Preventing Harassment: A Better '9-5'," Chicago Bridge & Iron Employee Seminar, The Woodlands, Texas. PowerPoint and notes supplied.

April 27, 2017: Speaker, "Hot Topics in Labor and Employment Law 2017," Labor Relations and Human Resources Conference, American Fuel & Petrochemical Manufacturers, San Antonio, Texas. PowerPoint and notes supplied.

March 29, 2017: Speaker, "Whistleblowers and Workplace Investigations – In the Age of No Secrets," Master Class Series: Labor and Employment Law under the Trump Administration, Baker Hostetler Client Seminar, Houston, Texas. PowerPoint and notes supplied.

October 9, 2015: Speaker, "Litigation Trends: All the Fun Coming to a Courthouse Near You!" Innospec Legal Team Seminar, Beaver Creek, Colorado. PowerPoint and notes supplied.

September 10, 2014: Speaker, "Recognizing and Preventing Harassment: A Better '9-5'," Jones McClure Seminar, Houston, Texas. PowerPoint and notes supplied.

July 2, 2013: Speaker, "Legal Issues for Employees," Cameron International Corporation Seminar, Houston, Texas. PowerPoint and notes supplied.

April 10, 2013: Speaker, "Workplace Investigations: How to do it Right the First Time," Employment and Labor Law in the Digital Age: What to Expect in 2013, Baker Hostetler Client Seminar, Houston, Texas. PowerPoint and notes supplied.

April 13, 2011: Speaker, "Legal Issues for Employees," Cameron International Employee Seminar, Iola, Kansas. PowerPoint and notes supplied.

August 5, 2009: Speaker, "Employee Assistance Programs: Legal Issues to Consider," Kellogg Brown and Root, Houston, Texas. PowerPoint and notes supplied.

May 21, 2009: Speaker, "Covering Your Assets," Recent Developments in Employment Law, Baker Hostetler Client Seminar, Houston, Texas. PowerPoint, handout and notes supplied.

October 29, 2007: Speaker, "Employment Law 101," Legal Guidelines for Managing Your Workforce, WellDynamics, Inc. Employee Seminar, Spring, Texas. PowerPoint and notes supplied.

October 29, 2007: Speaker, "Avoiding Employment Claims: Hiring and Firing," Legal Guidelines for Managing Your Workforce, WellDynamics, Inc. Employee Seminar, Spring, Texas. PowerPoint and notes supplied.

October 29, 2007: Speaker, "Recognizing and Preventing Harassment: A Better '9-5'," Legal Guidelines for Managing Your Workforce, WellDynamics, Inc. Employee Seminar, Spring, Texas. PowerPoint and notes supplied.

October 29, 2007: Speaker, "A Good Offense is a Good Defense: Addressing and Documenting Performance and Conduct Issues," Legal Guidelines for Managing Your Workforce, WellDynamics, Inc. Employee Seminar, Spring, Texas. PowerPoint and notes supplied.



October 29, 2007: Speaker, "Not So Sweet Revenge: Why You Must Resist the Natural Urge to Retaliate," Legal Guidelines for Managing Your Workforce, WellDynamics, Inc. Employee Seminar, Spring, Texas. PowerPoint and notes supplied.

October 29, 2007: Speaker, "Sailing through the Bermuda Triangle: Coordinating FMLA, ADA and Workers' Compensation Leaves," Legal Guidelines for Managing Your Workforce, WellDynamics, Inc. Employee Seminar, Spring, Texas. PowerPoint and notes supplied.

October 29, 2007: Speaker, "The Fair Labor Standards Act and the Texas Payday Act: What Every Manager Should Know," Legal Guidelines for Managing Your Workforce, WellDynamics, Inc. Employee Seminar, Spring, Texas. PowerPoint and notes supplied.

October 29, 2007: Speaker, "Management Accountability: Personal and Professional," Legal Guidelines for Managing Your Workforce, WellDynamics, Inc. Employee Seminar, Spring, Texas. PowerPoint and notes supplied.

April 20, 2006: Speaker, "Workplace Investigations: How to do it Right the First Time," 2006 Advanced Employment Law Seminar, University of Houston Law Foundation, Dallas, Texas. PowerPoint, handout and notes supplied.

November 10, 2005: Speaker, "Not So Sweet Revenge: Why You Must Resist the Natural Urge to Retaliate," Baker Hostetler Client Seminar, Houston, Texas. PowerPoint, handout and notes supplied.

May 6, 2005: Speaker, "What Every Texas Lawyer Should Know about Winning and Defeating Summary Judgments," Houston Bar Association, Houston, Texas 77002. Handout supplied.

March 28, 2002: Speaker, "Recent Developments in Employment Law," Continuing Legal Education Luncheon, Houston Management Lawyers Forum, Houston, 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.

*HBJ's 2015 Law Guide: Largest labor and employment law firms*, Houston Business Journal, Mar. 6, 2015. Copy supplied.

*Two cents: Firms take financial sting out of litigation*, Houston Business Journal, Apr. 19, 2009. Copy supplied.

Jeanne Graham, *Houston Boutique Rebuilds After Two Lawyers Leave for Judgeships*, Texas Lawyer, Dec. 29, 2008. Copy supplied.

*Businesses that play by the rules keep up with changing scene: Sign on dotted line to protect company's assets*, Houston Business Journal, May 11, 2008. Copy supplied.

Erin Coe, *Noncompetes Harder To Translate Across Borders*, Law360, Apr. 11, 2008. Copy supplied.

Cindy George, *Local groups oppose Bush nominee over racial slur: Leslie Southwick of Mississippi is accused of condoning the use of the word in a decade-old opinion*, Houston Chronicle, Jun. 1, 2007. Copy supplied.

Erin Coe, *When Office Gossip Crosses The Line*, Law360, May 28, 2007. Copy supplied.

Mary Flood, *Committee updates, clarifies language in civil trial rule book*, Houston Chronicle, May 23, 2007. Copy supplied.

Mary Alice Robbins, *Austin Lawyers to Hold Democratic Fund-Raiser*, Texas Lawyer, July 19, 2004. Copy supplied.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_%  
bench trials: \_\_\_\_\_% [total 100%]

civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the

case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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

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

I have not held judicial office.

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

taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

I have not held public office.

- 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.

Baker & Hostetler Political Action Committee (2005 – 2018)

Republican National Lawyers Association (2002 – 2008)

President of the Houston Chapter (2003)

Judicial Advocacy Panel Member (2003)

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

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

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

From 1994 to 1995, I served as a law clerk to the Honorable John D. Rainey, United States District Court for the Southern District of Texas.

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

I have not practiced law alone.

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

1995 – 1996

Little Mendelson P.C.

1301 McKinney Street, Suite 1900  
Houston, Texas 77010  
Associate

1997 – 1999  
Houston, Marek & Griffin, LLP (now Marek, Griffin & Knaupp)  
203 North Liberty Street  
Victoria, Texas 77901  
Associate

1999 – present  
Baker Hostetler LLP  
811 Main Street, Suite 1100  
Houston, Texas 77002  
Partner (2001 – present)  
Employment Section Leader (2016 – present)  
EEO Officer (2016 – present)  
Firm PAC Board member (2005 – present)  
Associate (1999 – 2001)

- 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 an arbitrator.

b. Describe:

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

From 1994 to 1995, I served as a law clerk to a United States District Judge.

From 1996 to 2001, I represented both plaintiffs and defendants in employment and civil rights litigation. These were typically single plaintiff cases.

From 2002 to the present, my practice gradually shifted to complex labor and employment, restrictive covenant and trade secret litigation. This includes all aspects of pleading, discovery, forensic computer and electronic device examination, depositions, summary judgment practice, pretrial preparation, 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.

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

From 1995 to 1996 at Littler Mendelson, my typical clients were management in labor and employment disputes.

From 1997 to 1999 at Houston, Marek and Griffin, my typical clients were plaintiffs in employment and civil rights cases, however, I also represented some defendants during this period as well.

From 1999 to 2003 at Baker Hostetler, I initially represented management in labor and employment disputes, however, over the past 15 years, my practice has shifted to complex labor and employment, restrictive covenant and trade secret litigation. In these cases, I represent both plaintiffs and defendants.

- 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 1995, with a focus on employment litigation. Over the course of my career, I have spent approximately 85% of my practice in litigation with the remaining 15% in training, advice and counseling, and client management. I appear in court frequently on behalf of clients and have done so throughout my career.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 50%
- 2. state courts of record: 40%
- 3. other courts: 10%
- 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.

Twelve. In six of these cases, I was lead counsel. Additionally, because my practice over the last fifteen years has focused on theft of trade secrets and restrictive covenants, I have tried several temporary injunction hearings to the bench. These cases tend to settle shortly after the court rules on the temporary injunction.

- i. What percentage of these trials were:
  - 1. jury: 50%
  - 2. non-jury: 50%

- 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, *Wade v. Victoria College*, No. 97-1906 (U.S. 1998), online at 1998 WL 34112066.

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. *Olmeda v. Cameron Int'l Corp.*, No. 2:14-cv-01904, 139 F. Supp. 3d 816 (E.D. La. 2015).

I represented Cameron International Corporation ("Cameron") in this case in which the plaintiff, Olmeda, claimed that Cameron employees attempted to murder him. Olmeda further alleged that he had been subjected to a racially hostile work environment and been fired because of his national origin and in retaliation for complaining about harassment and the shooting. Olmeda filed suit in federal court in New Orleans alleging the foregoing claims as well as a variety of common law claims against Cameron and others. After extensive discovery including depositions in multiple states, I filed a motion for summary judgment on behalf of Cameron. The court granted the motion dismissing all claims against Cameron.

Dates of Representation: 2014 – 2016

Presiding Judge: Hon. Martin L.C. Feldman

Counsel for Co-Defendant PMG, Inc.

Bradley D. Hauswirth  
Aaron Ferguson Law  
2700 Snelling Avenue North, Suite 460  
Roseville, Minnesota 55113  
(612) 242-7709

Opposing Counsel

Glenn Charles McGovern  
2901 Division Street, Suite 201  
Metairie, Louisiana 70002  
(504) 456-3610

2. *Cameron International Corporation v. Lu*, No. 2014-50292 (221st Judicial District, Harris County, Texas).

I represented the plaintiff, Cameron International Corporation (“Cameron”), in this theft of trade secrets matter. The defendant, Lu, was a senior research engineer for Cameron who abruptly resigned, but not before he downloaded thousands of trade secret and proprietary data files belonging to Cameron, including files maintained by Cameron’s research and development department. Upon discovering this, Cameron retained me to conduct a thorough forensic investigation and file suit in state court in Houston, Texas. The investigation revealed a plan by Lu to take Cameron’s trade secrets to China, which has shown an interest in obtaining advanced drilling and production technology. Cameron reported the foregoing to federal law enforcement authorities, and we have been assisting in a concurrent criminal investigation. I sought and obtained a permanent injunction against Lu, and I oversaw the return of Cameron’s trade secret data and information. The criminal investigation remains ongoing.

Dates of Representation: 2014 – 2019

Presiding Judge: Hon. Brent Gamble

Opposing Counsel

Ted Tredennick  
Daniels & Tredennick  
6363 Woodway, Suite 965  
Houston, Texas 77057  
(713) 917-0024

3. *Schlumberger Technology Corporation v. Hopwood, Martin, Helmerich & Payne International Drilling Co., and Helmerich & Payne, Inc.*, No. 17-DCV-241894 (434th Judicial District, Fort Bend County, Texas).

This was a theft of trade secrets and restrictive covenant case. Defendants Hopwood and Martin, research and development engineers for Schlumberger Technology Corporation’s (“STC”) Land Rigs division, simultaneously resigned their employment to join a



competitor, Helmerich & Payne International Drilling Co. (“H&P”). STC subsequently sued Hopwood and Martin for breach of contract and breach of fiduciary duty for violating the non-compete, non-disclosure, and non-solicitation covenants in their employment agreements. STC also sued H&P for tortious interference and for aiding and abetting Hopwood’s and Martin’s breaches of their fiduciary duties to STC. In early April 2018, less than 60 days before trial, my law firm was asked to substitute in and represent STC in these proceedings. I served on a small team of attorneys and managed certain experts, participated in depositions and written discovery, motions practice, trial preparation and argued pre-trial motions. The case settled on favorable terms after the jury was selected.

Dates of Representation: 2018

Presiding Judge: Hon. James H. Shoemaker

Opposing Counsel for Helmerich & Payne International Drilling Co., and Helmerich & Payne, Inc.

John Zavitsanos

Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C.

1221 McKinney Street, Suite 2500

Houston, Texas 77010

(713) 655-1101

Opposing Counsel for Hopwood

Scott West

The West Law Firm

1600 Highway 6, Suite 450

Sugar Land, Texas 77478

(281) 277-1500

Opposing Counsel for Martin

Jon Stephenson

Jon Stephenson Law, P.C.

111 West 15th Street

Houston, Texas 77008

(832) 930-0559

4. *Flexsteel Pipeline Technologies, Inc. v. Shorter, Shand Industries, Inc., Shand Engineering Ltd., and Sanchez*, No. 2014-45366 (113th Judicial District, Harris County, Texas).

I was lead counsel representing Shorter, the former President of Flexsteel Pipeline Technologies, Inc. (“Flexsteel”), and Sanchez, the former Latin American Sales Manager for Flexsteel. Shorter and Sanchez left Flexsteel to work for a competitor, Shand Industries. Flexsteel alleged that that Shorter and Sanchez breached their fiduciary duties, misappropriated trade secrets and breached several restrictive covenants. Shortly

after depositions concluded, the parties reached a global settlement under terms that were favorable for Shorter and Sanchez.

Dates of Representation: 2014 – 2015

Presiding Judge: Hon. Michael Landrum

Co-Counsel for Shand Industries, Inc., Shand Engineering Ltd., and Sturrock and Robson International BV.

D. Scott Funk  
Gray Reed & McGraw LLP  
1300 Post Oak Boulevard, Suite 2000  
Houston, Texas 77056  
(713) 986-7171

Opposing Counsel

John Zavitsanos  
Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C.  
1221 McKinney Street, Suite 2500  
Houston, Texas 77010  
(713) 655-1101

5. *Cardinal Health, Inc., and Bindley Western Industries, Inc., v. Gasbarrino and Staneff*, No. 2002-04828 (44th Judicial District, Dallas County, Texas).

I was sole counsel for the plaintiffs, Cardinal Health, Inc., (“Cardinal”) and Bindley Western Industries, Inc. (“Bindley Western”), in this inevitable disclosure/unfair competition case. Cardinal purchased Bindley Western from the defendants who agreed to continue working for Cardinal for a period of time after the acquisition. Cardinal attempted to negotiate a covenant not to compete with them, however, the defendants refused to execute one. Several months later, the defendants left Cardinal to form a competing enterprise and were able to take a significant amount of business and a number of key employees from Cardinal. The parties engaged in intense, expedited discovery that also involved a forensic examination of multiple computers when this technology was in its infancy. I was able to obtain an injunction restraining the defendants from calling on certain clients and customers despite the lack of any restrictive covenants.

Dates of Representation: 2002 – 2003

Presiding Judge: Hon. Catharina Haynes

Opposing Counsel

Michael E. Coles  
The Coles Firm  
4925 Greenville Avenue, Suite 200  
Dallas, Texas 75206

(214) 443-7860

6. *Muhammad, Individually and as next friend of Moore, an incapacitated adult, Moore and Moore v. Green, Aramark Corporation, and SMG*, No. 2007-13731 (129th Judicial District Court, Harris County, Texas).

I represented Aramark Corporation in this sexual assault case. Moore, who suffered from “mental retardation” – the term used by plaintiffs in their Petition – was a temporary employee of Aramark hired to work at the Houston Livestock Show and Rodeo. Moore alleged that he was sexually assaulted during the Rodeo in a restroom at Reliant Stadium by Green, who was also employed by Aramark. Moore and his parents brought claims against Aramark alleging that it was responsible for the intentional tort committed by Green under *respondeat superior*, and that Aramark was negligent in hiring Green. I was lead counsel representing Aramark throughout the course of the litigation. I moved for summary judgment on behalf of Aramark asserting that the claims were precluded by the Texas worker’s compensation bar and, in the alternative, the intentional tort committed by Green could not be imputed to Aramark. Shortly after filing the motion, the plaintiffs settled on terms that were favorable to Aramark.

Dates of Representation: 2007 – 2008

Presiding Judge: Hon. Michael Gomez

Opposing Counsel

Oscar Matthew Telfair, III  
7011 Harwin Drive, Suite 220  
Houston, Texas 77036  
(281) 437-1600

Co-Counsel for SMG

Peter Bambace  
Holm|Bambace LLP  
2900 Wesleyan Street, Suite 610  
Houston, Texas 77027  
(713) 652-9700

7. *Fisher Scientific v. Eckert and Neoforma, Inc.*, No. 99-08-04727 (221st Judicial District, Montgomery County, Texas).

I was co-counsel in this theft of trade secrets and covenant not to compete case. Our firm represented Fisher Scientific, which marketed and sold healthcare products through sales representatives and the internet. Eckert was the President of Fisher Scientific and in that capacity, executed a covenant not to compete with a worldwide geographic scope. Eckert left Fisher Scientific and accepted a senior executive position with Neoforma, a direct competitor. We successfully obtained a temporary injunction prohibiting Eckert from competing with Fisher Scientific anywhere in the world. Eckert moved to California

where Neoforma was headquartered and filed suit to declare the covenant not to compete invalid while the Texas case was still ongoing. We successfully obtained an “anti-suit injunction” against the defendants enjoining further prosecution of the California action. This case was on the cutting edge because it was one of the first in the nation to deal with the scope of a covenant not to compete in the new internet age.

Dates of Representation: 1999 – 2000

Presiding Judge: Hon. Suzanne H. Stovall

Opposing Counsel

Patricia M. Lucas (now a Superior Court Judge in Santa Clara County, California)  
Fenwick & West  
555 California Street, 12th Floor  
San Francisco, California 94104  
(415) 875-2300

8. *Schlumberger Technology Corporation v. Frac Tech Services, Ltd., Lee, Newton, Holguin and Montemayor*, No. 2007-CVF-002196D2 (111th Judicial District, Webb County, Texas).

This case and two related cases, at their core, were employee raiding and theft of trade secrets disputes. My firm represented Schlumberger Technology Corporation (“Schlumberger”), an oilfield services company supplying a broad range of technology services and solutions worldwide. Schlumberger alleged that Frac Tech Services, Ltd., orchestrated a scheme to expand its operations across the nation utilizing Schlumberger’s resources, employees, customers and proprietary information. The cases alleged that this national campaign cost Schlumberger numerous employees, significant business opportunities and millions of dollars of lost revenue. I served on a small team of attorneys and managed certain experts, participated in depositions and written discovery, motions practice and trial preparation. The case was ultimately resolved at mediation in which the parties reached a global settlement after years of litigation.

Dates of Representation: 2007 – 2009

Presiding Judge: Hon. Raul Vasquez

Opposing Counsel

Marshall M. Searcy  
Kelly Hart & Hallman  
201 Main Street, Suite 2500  
Fort Worth, Texas 76102  
(817) 878-3512

9. *Chollett v. Patterson-UTI Drilling Servs., LP, LLLP*, No. 6:08-cv-00027, 2011 WL 4592378 (S.D. Tex. 2011).

The plaintiff, Chollett, worked for Patterson-UTI Drilling Services, LP, LLLP, (“Patterson”) as a roughneck on an onshore drilling rig. Chollett was injured at work and had two surgeries as a result. Patterson ultimately discharged Chollett. Chollett filed suit alleging violations of the Family and Medical Leave Act, the Americans with Disabilities Act and the Texas Workers’ Compensation Act. I served as lead counsel for Patterson managing all aspects in the case including pleadings and motions, written discovery and depositions, as well as *voir dire*, trial examination and cross-examination, and jury arguments. Before trial, Judge Rainey granted summary judgment with respect to the FMLA claims, and the remaining claims were tried to a jury. The jury found in favor of Patterson on the worker’s compensation claim, and Judge Rainey directed a verdict for Patterson on the remaining disability discrimination claim.

Dates of Representation: 2008 – 2012

Presiding Judge: Hon. John D. Rainey

Opposing Counsel

Michael L. Scanes  
Scanes and Routh LLP  
7901 Fish Pond Road, Suite 200  
Waco, Texas 76710  
(254) 399-8788

Danny C. Wash  
Wash Thomas  
6613 Sanger Avenue  
Waco, Texas 76710  
(254) 776-3611

10. *Kapche v. City of San Antonio*, No. 5:95-cv-01215 (W.D. Tex. 1995) *rev’d*, 176 F.3d 840 (5th Cir. 1999).

I was co-counsel with John W. Griffin, Jr. in this action under the Americans with Disabilities Act (ADA). Our client, Kapche, had insulin-treated diabetes and was denied a position with the San Antonio Police Department (“SAPD”) solely because of this condition. The SAPD argued that all police officers were required to drive, and diabetics presumptively presented a safety risk to themselves and others when they drive. The district court granted the SAPD’s motion for summary judgment relying on *Chandler v. City of Dallas*, 2 F.3d 1385 (5th Cir. 1993), *cert. denied*, 511 U.S. 1011 (1994), which permitted a blanket exclusion of all insulin dependent diabetics from positions that required driving. On appeal, we were able to convince the Fifth Circuit to reverse *Chandler*, and the law now requires that each applicant be given an individualized assessment to determine whether he/she is qualified for the position. I did the bulk of the motions work and appellate briefing at trial and on appeal.

Dates of Representation: 1997 – 1999

Presiding Judge: Hon. Edward C. Prado; Hon. E. Grady Jolly, Hon. Jacques L. Wiener, Jr., Hon. Robert M. Parker

Opposing Counsel

Luis A. Moreno  
Villarreal, Moreno & Ruiz  
6800 Park Ten Boulevard, Suite 244-E  
San Antonio, Texas 78213  
(210) 228-0871

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.)

In addition to the matters described above, I have been active in the Federal Bar Association serving as an officer and board member from 2004 through 2008 and President in 2007. In that capacity, I oversaw the award of Blask Fellowships, which are grants to a limited number of law students who serve as legal interns in the offices of a federal court or agency located within the Southern District of Texas. Additionally, I oversaw the award and implementation of The Michael Taylor Shelby Award for Professionalism in Federal Service, which recognizes an attorney in federal service in the Southern District of Texas, other than a sitting judge, who has exhibited outstanding dedication, ethics and professionalism in the practice of law on behalf of the federal government.

I have never acted or registered as a lobbyist.

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

I have not taught any courses.

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.

When I withdraw from the partnership at my law firm, I will be entitled to a repayment of my capital investment.

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

I have no plans, commitments, or agreements to pursue any outside activities or employment.

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, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

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.

If confirmed, I will recuse in any litigation where I have ever played a role. I will recuse myself from matters involving my family and my own financial interests. For a period of time, I anticipate recusing in all cases where my current firm, Baker Hostetler LLP, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

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

If confirmed, 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 any 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.

During the course of my career, I have volunteered for LegalLine, which is a community service outreach program created by the Houston Bar Association in 1985. This hotline is designed to help the people of Houston receive simple legal advice, answers to legal questions and referrals to helpful resources over the telephone, at no cost to the caller. Additionally, I provided pro bono advice to the Humble Area Football League, which is a non-profit youth football organization for children ages four to twelve in the Humble, Atascocita, Summerwood, Kingwood, Huffman, and Aldine areas of Texas. Further, I have provided pro bono advice and counselling to many members of my church, Second Baptist, particularly in the area of labor and employment law.

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 Life Fellow of the Texas Bar Foundation. The Texas Bar Foundation funds projects throughout Texas that provide legal services for the underserved, administration of justice, and victim services.

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.

On August 2, 2019, a vacancy was announced for the Southern District of Texas, Corpus Christi Division. Senator John Cornyn and Senator Ted Cruz have in place a bipartisan Federal Judicial Evaluation Committee to which they have appointed approximately 30 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 on August 26, 2019, and the Committee interviewed me on October 11, 2019 in Houston, Texas. Based on the Committee's



recommendation, I was interviewed by Senator Cornyn and Senator Cruz on November 5, 2019 in Washington, D.C. On November 12, 2019, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy in Washington, D.C. Since then, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

- 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.