

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Jeffrey Vincent Brown

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: Supreme Court of Texas  
Post Office Box 12248  
Austin, Texas 78711

Residence: Kyle, Texas

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

1970; Dallas, 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.

1992–1995: University of Houston Law Center; J.D., *magna cum laude*, 1995

1988–1992: University of Texas at Austin; B.A., 1992

1990: Austin Community College; no degree

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

2013 – Present  
Supreme Court of Texas  
Post Office Box 12248  
Austin, Texas 78711  
Justice

2012 – Present  
3800 Buffalo Speedway, Suite 500  
Houston, Texas 77098  
Co-editor of *Texas Rules of Evidence Handbook*

2007 – 2013  
Fourteenth Court of Appeals  
301 Fannin Street, Room 245  
Houston, Texas 77002  
Justice

2004 – 2006  
University of Houston Law Center  
4604 Calhoun Road  
Houston, Texas 77204  
Adjunct Professor of Law of Trial Advocacy

2001 – 2007  
55th District Court  
201 Caroline Street, 9th Floor  
Houston, Texas 77002  
Presiding Judge

1998 – 1999  
University of Houston Law Center  
4604 Calhoun Road  
Houston, Texas 77204  
Adjunct Professor of Law of Legal Research & Writing

1996 – 2001  
Baker Botts L.L.P.  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002  
Associate

1995 – 1996  
Supreme Court of Texas  
Post Office Box 12248  
Austin, Texas 78711

Briefing Attorney

1994 – 1995 (part-time)  
Baker Botts L.L.P.  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002  
Law Clerk

1994  
Schlanger, Mills, Mayer & Grossberg  
(now known as Schlanger, Silver, Barg & Paine, LLP)  
109 North Post Oak Lane, Suite 300  
Houston, Texas 77024  
Summer Associate

1994  
Baker Botts L.L.P.  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002  
Summer Associate

Summer 1993  
Royston, Rayzor, Vickery & Williams, LLP  
802 North Carancahua Street, Suite 1300  
Corpus Christi, Texas 78401  
Summer Associate

Summer 1992  
The Container Store  
2511 Post Oak Blvd.  
Houston, Texas 77056  
Cashier

Other Affiliations (uncompensated)

2018 – Present  
Texas Judicial Commission on Mental Health  
201 West 14th Street, Room 104  
Austin, Texas 78701  
Co-Chair

2008 – 2014; 2015 – Present  
Texas Supreme Court Historical Society  
Post Office Box 12673

Austin, Texas 78711  
Trustee

2017 – 2018  
Texas Center for the Judiciary  
1210 San Antonio, Suite 800  
Austin, Texas 78701  
Director

2012 – 2013  
Texas Supreme Court Historical Society  
Post Office Box 12673  
Austin, Texas 78711  
Treasurer

2011 – 2012  
University of Houston Law Alumni Association  
University of Houston Law Center  
4604 Calhoun Road  
Houston, Texas 77204  
Vice President

2009 – 2013  
Texas Association of Civil Trial & Appellate Specialists  
609 Main Street, 40th Floor  
Houston, Texas 77002  
Director

2012 – 2013  
Texas Association of Civil Trial & Appellate Specialists  
609 Main Street, 40th Floor  
Houston, Texas 77002  
President

2004 – Present  
Houston Law Review  
University of Houston Law Center  
4604 Calhoun Road  
Houston, Texas 77204  
Director (2004 – Present)  
Chair of the Board (2013 – 2016)  
Vice-Chair of the Board (2011 – 2013)  
President (2008 – 2011)  
Vice President (2006 – 2008)

2006 – 2007



Texas Center for the Judiciary  
1210 San Antonio, Suite 800  
Austin, Texas 78701  
Director

2011 – 2013  
Bellaire United Methodist Church  
4417 Bellaire Blvd.  
Bellaire, Texas 77401  
Administrative Board Member (2011 – 2012)  
Trustee (2011 – 2013)

2011 – 2013  
Texas Historical Foundation  
P.O. Box 50314  
Austin, Texas 78763  
Director

2011 – 2013  
Texas Lyceum  
6046 Azalea Lane  
Dallas, Texas 75230  
Director

1999 – 2002  
Christian Community Service Center  
3230 Mercer Street  
Houston, Texas 77027  
Director

1996 – 1998  
R Club  
(No longer in existence)  
President (1997 – 1998)  
Treasurer (1996 – 1997)

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

I did not serve in the military. I registered for selective service upon turning 18.

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.

Rosewood Gavel Award, St. Mary's University School of Law, 2016

Alumnus of the Year, Bishop Lynch High School, 2016

Outstanding Eagle Scout Award, National Eagle Scout Association, 2016

Alumnus of the Year, University of Houston Law Center, 2015

Appellate Judge of the Year, Texas Ass'n of Civil Trial & Appellate Specialists, 2010

One of Ten Outstanding Young Texans, Texas Junior Chamber of Commerce, 2008

One of Five Outstanding Young Houstonians, Houston Junior Chamber of Commerce, 2008

District Service Award, Golden Arrow District, Sam Houston Area Council, Boy Scouts of America, 2007

Outstanding Young Lawyer of Texas, Texas Young Lawyers Association, 2006

Woodrow B. Seals Outstanding Young Lawyer of Houston, Houston Young Lawyers Association, 2006

Civil District Judge of the Year, P.O.L.I.C.E., Inc. ("Peace Officers Looking Into Courthouse Excellence"), 2003

Civil District Judge of the Year, Houston Police Officers Union, 2002

University of Houston Law Center, 1992 – 1995

Degree conferred *magna cum laude*, 1995

Order of the Coif

*Houston Law Review*, Chief Note & Comment Editor (1994 – 1995); Staff Editor (1993 – 1994)

Phi Delta Phi

Order of the Barons

Dean's List

University of Texas at Austin, 1988 – 1992

Sigma Tau Delta

Adele Nelka Award for Excellence in English

Dallas Food Brokers Association Scholarship

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.

State Bar of Texas, 1995 – Present  
     Appellate Section, 2008 – Present  
     Editorial Board, *The Advocate*, 2005 – Present  
     Texas Pattern Jury Charge Committee, 2003 – 2013  
     Judicial Section, 2002 – Present  
     Litigation Section, 1996 – Present

Houston Bar Association, 1996 – Present  
     John J. Eikenburg Law Week Fun Run Committee, 2005 – 2007; Committee Co-chairman, 2005 – 2006  
     Judicial Polls Committee, 1998 – 2000  
     Bar-B-Q Committee, 1999 – 2001  
     Historical Committee, 1998 – 1999

Texas Access to Justice Commission Champions of Justice Society, 2014 – Present

Austin Bar Association, 2013 – Present

Texas Supreme Court Historical Society, 1996 – Present  
     Board of Trustees, 2008 – Present  
     Treasurer, 2012 – 2013

University of Houston Law Alumni Association, 1995 – Present  
     Vice President, 2011 – 2012

American Law Institute, Elected Member, 2008 – Present  
     Advisers Group, *Restatement of the Law Third, Conflicts of Laws*, 2015 – Present

Federalist Society for Law & Public Policy Studies, approximately 1997 – Present

Texas Young Lawyers Association, 1995 – 2006  
     Vice-Chairman, National Trial Competition, 2003

Houston Young Lawyers Association, 1995 – 2006  
     Judicial Liaison, 2002 – 2003  
     Chairman, Non-Profit Law Committee, approximately 1997 – 1999

Houston Young Lawyers Foundation, 2000 – Present  
     Life Fellow, 2006 – Present

Houston Bar Foundation, 2004 – Present  
     Life Fellow, 2011 – Present

Texas Bar Foundation, 2002 – Present  
     Life Fellow, 2011 – Present

Sustaining Life Fellow, 2014 – Present

Texas Association of Civil Trial & Appellate Specialists, 2005 – 2014  
President, 2012 – 2013  
Board Member, 2009 – 2013

Houston Law Review Board of Directors, 2004 – Present  
Chair, 2013 – 2016  
Vice-Chair, 2011 – 2013  
President, 2008 – 2011  
Vice-President, 2006 – 2008

Texas Center for the Judiciary Board of Directors, 2006 – 2007; 2017 – 2018

Texas Judicial Commission on Mental Health, 2018 – Present  
Co-Chair, 2018 – Present

Texas Board of Law Examiners, 2018 – Present  
Supreme Court of Texas Liaison, 2018 – Present

Texas Bar Exam Task Force, 2018 – Present  
Supreme Court of Texas Liaison, 2018 – Present

Grievance Oversight Committee, 2014 – Present  
Supreme Court of Texas Liaison, 2014 – Present

Association of Municipal Court Judges, 2014 – Present  
Supreme Court of Texas Liaison, 2014 – Present

Association of County Court Judges, 2014 – Present  
Supreme Court of Texas Liaison, 2014 – Present

10. **Bar and Court Admission:**

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

Texas, 1995

There has been no lapse in membership.

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

United States Court of Appeals for the Fifth Circuit, 1997  
United States District Court for the Eastern District of Texas, 2001  
United States District Court for the Southern District of Texas, 1996

My membership has lapsed in the Fifth Circuit and the Southern District because renewal is required every five years and there was no reason for me to renew while I was a sitting state judge. As I understand it, membership in the Eastern District does not require renewal, so there has been no lapse there.

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.

Sons of the Republic of Texas, 2015 – Present

Texas Historical Foundation Board of Directors, 2014 – 2018

Board of Directors, Texas Lyceum, 2009 – 2011

Headliners Club, 2013 – Present

Coach, Weekley Family YMCA Flag Football, 2006

Coach, Westbury Soccer League, 2006

Sponsor and Coach, Devil Rays, Westbury Little League, 2004

Boy Scouts of America, 1987 – Present

National Eagle Scout Association, 1987 – Present

Boy Scout Troop 222, 2009 – 2014

Troop Committee, 2009 – 2014

Chartered Organization Representative, 2012 – 2014

Cub Scout Pack 455, 2004 – 2011

Pack Committee Chairman, 2009 – 2011

Cubmaster, 2007 – 2009

Assistant Cubmaster, 2005 – 2007

Den Leader, 2004 – 2005

Sam Houston Area Council, Boy Scouts of America, 1997 – 2007

Golden Arrow District Committee, 2006 – 2007

Urban Scouting Committee, 1997 – 1999

Assistant Scoutmaster, Boy Scout Troop 967, 2014 – Present

Houston Livestock Show & Rodeo, Life Member, 2002 – Present  
Committeeman, 2006 – 2014

LifeHouse of Houston Advisory Board, 2002 – Present

Christian Community Service Center Board of Directors, 1999 – 2002

Leadership Houston Class XVIII, 1999 – 2000

R Club, 1996 – 2001

President, 1997 – 1998

Treasurer, 1996 – 1997

Texas Exes, 1992 – Present

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

The Sons of the Republic of Texas limits its membership to male direct lineal descendants of settlers of the Republic of Texas, although it is my understanding that there is an equivalent organization for women. The National Eagle Scout Association formerly limited membership to men who have been awarded the Eagle Scout rank by the Boy Scouts of America. It is also my understanding that many YMCA organizations, possibly including at least some parts of YMCA of Metropolitan Houston, previously discriminated on the basis of sex and race decades before I became involved in the organization. It is also possible that the Houston Livestock Show & Rodeo previously discriminated on the basis of sex and race decades before I became involved in the organization. Otherwise, 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.

*Justice Phil Johnson Has Been a Guiding Light for Public Service*, Journal of the Texas Supreme Court Historical Society, Winter 2019, at 73–75. Copy supplied.

With Reece Rondon, *Texas Rules of Evidence Handbook* (2019). I have co-edited this treatise since 2012. Copy supplied.

*Justice Jeff Brown: Honoring Outgoing Supreme Court Justice Phil Johnson*, Houston Chronicle, December 17, 2018. Copy supplied.

*Brown: Justice Phil Johnson Has Been a Guiding Light for Public Service*, Longview News-Journal, December 15, 2018. Copy supplied.

*Justice Phil Johnson to Retire*, The Gilmer Mirror, December 13, 2018. Copy supplied.

*When You Get Served, Go Serve: Jury Service is a Critical Part of Justice System*, El Paso Times, May 6, 2018, at A6. Copy supplied.

*Success of Our Judicial System Begins With You*, Corpus Christi Caller-Times, May 3, 2018. Copy supplied.

*Too Many Texans Dodge Jury Duty*, Fort Worth Star-Telegram, May 3, 2018. Copy supplied.

*Living Greatly in the Law: Traditional Ideals for the Electronic Age*, 54 Hous. L. Rev. 1283 (2017). Copy supplied.

With Brytne D. Kitchin, *Pleas to the Jurisdiction: A Trial Court's Duty to Rule*, State Bar of Texas, 28th Annual Advanced Administrative Law Course, June 2–3, 2016. Copy supplied.

*"A Scout is Trustworthy": Applying Virtue Ethics to Lawyer Professionalism*, 3 St. Mary's J. Legal Mal. & Ethics 2 (2013). Copy supplied.

With Suzanne R. Chauvin, *Volunteers in Red, White, & Blue*, The Houston Lawyer, May/June 2013, at 12–15. Copy supplied.

*The Platonic Guardian and the Lawyer's Judge: Contrasting the Judicial Philosophies of Earl Warren and John M. Harlan*, 44 Hous. L. Rev. 253 (2007). Copy supplied.

With Lauren Miller, *Declining Jurisdiction: The Abstention Doctrines and Dominant and Primary Jurisdiction*, The Advocate, Winter 2007, at 36–39. Copy supplied.

Andrew M. Edison, *Liability for a Wrongfully Obtained Injunction: The Cause of Action Few Lawyers Understand*, *The Advocate*, Fall 2005, at 83–86. Copy supplied.

With Sandra K. Williams and Cheryle R. Johnston, *War and Remembrance: HBA Members Recall WWII Experiences That Shaped Their Futures*, *The Houston Lawyer*, Nov/Dec 1997, at 26–30. Copy supplied.

*Good Things Come in Well-Defined Packages: The Simple Elegance of Travelers Indemnity Co. v. The Sam Houston*, 25 *Stetson L. Rev.* 123 (1995). Copy supplied.

Note, *Penrod Drilling Corp. v. Williams: The Sinking of Another Maritime Anomaly*, 31 *Hous. L. Rev.* 1317 (1994). Copy supplied.

*U.S. Should Mobilize Industry*, *The Daily Texan*, June 21, 1991, at 4. Copy supplied.

*National Health Insurance Will Solve All Our Medical Needs*, *The Daily Texan*, June 12, 1991, at 4. Copy supplied.

*Reforms Would Make State Taxes Fair*, *The Daily Texan*, June 6, 1991, at 4. 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.

March 1, 2019: Speaker, Induction Ceremony, Texas Board of Legal Specialization, Austin, Texas. Speech supplied.

February 16, 2019: Speaker, Awards Ceremony, 48th Annual William B. Spong Moot Court Tournament, William & Mary Law School. I presented trophies to the semi-finalists and made congratulatory remarks to the contestants. I have no notes, transcript, or recording. The address of William & Mary Law School is 613 South Henry St., Williamsburg, Virginia 23185.

February 13, 2019: Speaker, Chambers County Day, Supreme Court of Texas. I spoke in the courtroom of the Supreme Court of Texas to students from Anahuac High School and East Chambers High School about the history and function of the Court. I have no notes, transcript, or recording. The address of Anahuac High School is 201 Kansas Avenue South, Anahuac, Texas 77514. The address of East Chambers High School is 234 Buccaneer Drive, Winnie, Texas 77665.

February 13, 2019: Speaker, Leadership Boerne Visits the Supreme Court of Texas. I spoke in the courtroom of the Supreme Court of Texas to Leadership Boerne about the history and function of the Court. I have no notes, transcript, or recording. The address of Leadership Boerne is 121 South Main Street, Boerne, Texas 78006.

February 2, 2019: Speaker, Troop 967 Visits the Supreme Court of Texas. I spoke in the courtroom of the Supreme Court of Texas to a troop of Boy Scouts about the history and function of the Court. I have no notes, transcript, or recording. The address of Troop 967 is 302 Elm Street, Buda, Texas 78610.

January 31, 2019: Question and Answer Session, Supreme Court of Texas Oral Argument and Public Question-and-Answer Session, Texas High School, Texarkana, Texas. I and other members of the Court answered questions concerning the Supreme Court of Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=128>.

January 30, 2019: Speaker, "A Scout is Trustworthy," Texarkana Main Event CLE 2019, State Bar of Texas, Government Law Section, Texarkana, Texas. Powerpoint supplied.

January 25, 2019: Co-Chair, Meeting of Texas Judicial Commission on Mental Health, Austin, Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=122>.

January 24, 2019: Speaker, Opening Ceremony, YMCA Texas Youth &

Government 2019 State High School Conference, Austin, Texas. I administered the oath of office to all the delegates and made brief remarks about the importance of young people's involvement in public affairs. I have no notes, transcript, or recording. The address of the YMCA Texas Youth & Government Program is 3208 Red River Street, Austin, Texas 78705.

January 7, 2019: Speaker, Administration of the Oath of Office to Christi Craddick as Chairman of the Texas Railroad Commission, Austin, Texas. I administered the oath of office to Chairman Craddick and made brief remarks in praise of her service to the people of Texas. I have no notes, transcript, or recording. The address of the Texas Railroad Commission is 1701 N. Congress Ave., Austin, Texas 78701.

November 1, 2018: Speaker, Jack C. Hays High School Youth & Government Club Visits the Supreme Court of Texas. I spoke in the courtroom of the Supreme Court of Texas to students from Hays High School about the history and function of the Court. I have no notes, transcript, or recording. The address of Hays High School is 4800 Jack C. Hays Trail, Buda, Texas 78610.

October 29, 2018: Speaker, Campaign event for reelection of Justice Jeff Brown, Headliners Club, Austin, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office and the importance of turning out the vote. I have no notes, transcript, or recording. The address of the Headliners Club is 221 W. 6th Street, Austin, Texas 78701.

October 24, 2018: Speaker, Campaign event for reelection of Justice Jeff Brown, The Austonian, Austin, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office and the importance of turning out the vote. I have no notes, transcript, or recording. The address of The Austonian is 200 Congress Ave., Austin, Texas 78701.

October 23, 2019: Speaker, St. John's Political Education Club, St. John's School, Houston, Texas. I spoke to and answered questions from high-school students about serving as a judge, the legal system, and running for office. I have no notes, transcript, or recording. The address of St. John's School is 2401 Claremont Lane, Houston, Texas 77019.

October 19, 2018: Speaker, Supreme Court of Texas Update, 26th Annual Texas Minority Counsel Program, Houston, Texas. Powerpoint supplied.

October 11, 2018: Speaker, Hill Country Republican Women's Club Meeting, Austin, Texas. I spoke briefly in favor of my reelection campaign and the importance of turning out the vote. I have no notes, transcript, or recording. The address of the Hill Country Republican Women's Club is 8003 Scenic Brook

Drive, Austin, Texas 78736.

October 2, 2018: Speaker, Campaign event for reelection of Justice Jeff Brown, Mattito's Bold Tex Mex, Dallas, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office and the importance of turning out the vote. I have no notes, transcript, or recording. The address of Mattito's Bold Tex Mex is 3102 Oak Lawn Avenue, Dallas, Texas 75219.

September 26, 2018: Speaker, Judicial Candidates Forum, The Colony Amenity Center, Bastrop, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office and the role of the judiciary in our form of government. I have no notes, transcript, or recording. The address of The Colony Amenity Center is 368 Stephen F. Austin Boulevard, Bastrop, Texas 78602.

September 19, 2018: Question and Answer Session, Supreme Court of Texas Oral Argument and Public Question and Answer Session, University of Texas Permian Basin, Odessa, Texas. I and other members of the Court answered questions concerning the Supreme Court of Texas. I have no notes, transcript, or recording. The address of the University of Texas Permian Basin is 4901 E. University Boulevard, Odessa, Texas 79762.

September 12, 2018: Speaker, A Conversation with Justice Jeff Brown, Austin, Texas. Video available at <https://www.facebook.com/empowertexans/videos/a-conversation-with-justice-jeff-brown/2117152808602104/>.

September 8, 2018: Speaker, Fourth Annual Texas Chapters Conference, Federalist Society for Law & Public Policy, Fort Worth, Texas. Video available at [https://www.youtube.com/watch?v=RQytWz\\_UiPM&list=PLWwcngsYgoUUSLyEw961ofabwmn7Zj9TO](https://www.youtube.com/watch?v=RQytWz_UiPM&list=PLWwcngsYgoUUSLyEw961ofabwmn7Zj9TO).

September 6, 2018: Speaker, Judicial Candidates Forum, The Republican Club of Sun City, Sun City Ballroom, Georgetown, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office and the role of the judiciary in our form of government. I have no notes, transcript, or recording. The address of The Republican Club of Sun City is 1530 Sun City Boulevard, Suite 120, PMB 227, Georgetown, Texas, 78633.

September 5, 2018: Speaker, Campaign event for reelection of Justice Jeff Brown, La Griglia, Houston, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office and the importance of turning out the vote. I have no notes, transcript, or recording. The address of La Griglia is 2002 West Gray Street, Houston, Texas 77019.

August 10, 2018: Co-Chair, Meeting of Texas Judicial Commission on Mental Health, Austin, Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=121>.

August 7, 2018: Speaker, Supreme Court of Texas Update, Harris County Civil Judicial Conference, Cedar Creek, Texas. Powerpoint supplied.

June 8, 2018: Speaker, Brazos County Bar Association, Bryan, Texas. I spoke to a gathering of lawyers about the importance of access to justice, recent administrative initiatives at the Supreme Court of Texas, and recent decisions the Court had issued. I have no notes, transcript, or recording. The address of the Brazos County Bar Association is Post Office Box 5801, Bryan, Texas 77805.

May 15, 2018: Speaker, Introduction of Master of Ceremonies, Hays County Republican Party Lincoln Reagan Dinner, TDS Exotic Game Ranch, Buda, Texas. I gave brief remarks to introduce Rick Green, the event's master of ceremonies. I have no notes, transcript, or recording. The address of the Hays County Republican Party is Post Office Box 1655, San Marcos, Texas 78667.

April 19, 2018: Presenter, Supreme Court of Texas Update, David Hockema Civil Trial Law Conference, Hidalgo County Bar Association, Mission, Texas. Powerpoint supplied.

April 16, 2018: Presenter, Evidence Jeopardy, Regional Judicial Conference, Galveston, Texas. Powerpoint supplied.

April 11, 2018: Speaker, Campaign event for reelection of Justice Jeff Brown, Home of Adair & Mayor Dee Margo, El Paso, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office. I have no notes, transcript, or recording. The Margos' address is 4845 Villa Encanto, El Paso, Texas 79922.

April 4, 2018: Speaker, Campaign event for reelection of Justice Jeff Brown, Home of David and Judy Beck, Houston, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office. I have no notes, transcript, or recording. The Becks' address is 3652 Inverness, Houston, Texas 77019.

April 3, 2018: Speaker, Greater Houston Pachyderm Club, Houston, Texas. Powerpoint supplied.

April 3, 2018: Speaker, Judge Mike Landrum's government class, Houston Baptist University, I spoke about the Texas judicial system and how it works. I have no notes, transcript, or recording. The address of Houston Baptist University is 7502 Fondren Road, Houston, Texas 77074.

March 1, 2018: Speaker, "An Evening with the Texas Supreme Court," Appellate Section of the State Bar of Texas and the Austin Bar Association, Austin, Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=124>.

February 27, 2018: Speaker, Mental Health Conference hosted by the Texas Center for the Judiciary. I gave brief welcoming remarks, thanking attendees and informing them about the work of the new Judicial Commission on Mental Health. I have no notes, transcript, or recording. The address of the Texas Center for the Judiciary is 1210 San Antonio, Suite 800, Austin, Texas 78701.

February 10, 2018: Keynote speaker, Brazoria County Republican Party Lincoln-Reagan Dinner, Lake Jackson, Texas. Speech supplied.

January 30, 2018: Speaker, Texas Civil Justice League Judicial Candidates Forum, Austin, Texas. I spoke briefly in support of my reelection campaign. My remarks focused on my experience and qualifications for the office. I have no notes, transcript, or recording. The address of the Texas Civil Justice League is 400 West 15th Street, Suite 1400, Austin, Texas 78701.

January 22, 2018: Speaker, Central Texas Republican Women's Forum, Tenroc Ranch, Salado, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office and the role of the judiciary in our form of government. I have no notes, transcript, or recording. The address of the Central Texas Republican Women's Club is Post Office Box 24, Belton, Texas 76513.

January 17, 2018: Co-presenter, "Two Justice Jeffs and One Ordinary Joe: Third Time's the Charm," Dallas Bar Association Business Litigation Section, Dallas, Texas. Powerpoint supplied.

November 14, 2017: Speaker, Campaign event for reelection of Justice Jeff Brown, Austin Club, Austin, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office. I have no notes, transcript, or recording. The address of the Austin Club is 110 East 9th St., Austin, Texas 78701.

November 14, 2017: Speaker, Civil Justice Reform Group, Austin, Texas. Speech supplied.

November 2, 2017: Speaker, Campaign event for reelection of Justice Jeff Brown, Midland Racquet Club, Midland, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office. I have no notes, transcript, or recording. The address of the Midland Racquet Club is 3009 Racquet Club Drive, Midland, Texas 79705.

October 24, 2017: Speaker, Campaign event for reelection of Justice Jeff Brown, City Club, Fort Worth, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office. I have no notes, transcript, or recording. The address of the City Club is 301 Commerce Street, Fort Worth, Texas 76102.

October 19, 2017: Speaker, Campaign event for reelection of Justice Jeff Brown, at the home of Karolyne and Bryan Garner, Dallas, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office. I have no notes, transcript, or recording. The Garners' address is 8133 Inwood Road, Dallas, Texas 75209.

October 19, 2017: Speaker, Texas Federation for Republican Women, Dallas County Convention Center, Dallas, Texas. I gave brief remarks focusing on how important Republican Women's Clubs are to the electoral success of the GOP. I have no notes, transcript, or recording. The address of the Texas Federation of Republican Women is 13740 N. Highway 183, Suite J4, Austin, Texas 78750.

October 3, 2017: Speaker, Golden Corridor Republican Women, Plano, Texas. Speech supplied.

September 28, 2017: Co-panelist, Seminar on religious freedom, St. Mary's University School of Law, San Antonio, Texas. I spoke on the importance of maintaining religious freedom. I have no notes, transcripts, or recording. The address of St. Mary's Law School is 1 Camino Santa Maria, San Antonio, Texas 78228.

September 27, 2017: Co-presenter, Supreme Court of Texas Update, Texas Association of Trial & Appellate Specialists, Four Seasons Hotel, 1300 Lamar Street, Houston, Texas 77010. Powerpoint supplied.

September 23, 2017: Moderator, "Federalism as a Check on Executive Authority," The Federalist Society Third Annual Texas Chapters Conference, Houston, Texas. Video available at [https://www.youtube.com/watch?v=bk-p8p3CKGY&index=4&list=PLWwcngsYgoUUxbj\\_2ay8oMHf4wXmR1AR9](https://www.youtube.com/watch?v=bk-p8p3CKGY&index=4&list=PLWwcngsYgoUUxbj_2ay8oMHf4wXmR1AR9).

September 21, 2017: Panelist, Breakfast with the Texas Supreme Court, Houston Realty Business Coalition, Junior League of Houston, Houston, Texas. My remarks focused on the work of the Supreme Court of Texas and how judges approach cases. I have no notes, transcript, or recording. The address of Houston Realty Business Coalition is 4500 Bissonnet Street, Suite 370, Bellaire, Texas 77401.

September 15, 2017: Question and Answer Session, Supreme Court of Texas Oral Argument and Public Question-and-Answer Session, University of Houston Law Center, Houston, Texas. I and other members of the Court answered questions

concerning the Supreme Court of Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=108>.

September 7, 2017: Co-presenter, Supreme Court of Texas Update, State Bar of Texas Advanced Appellate CLE Seminar, Austin, Texas. Powerpoint supplied.

August 22, 2017: Presenter, Supreme Court of Texas Update, Austin Lawyers Chapter, Federalist Society, Austin, Texas. Powerpoint supplied.

August 21, 2017: Speaker, Motivational Monday, Boerne Chamber of Commerce, Boerne, Texas. I spoke on leadership, focusing on the value of the Boy Scout Oath and Boy Scout Law guides for ethics and leadership. I have no notes, transcript, or recording. The address of the Boerne Chamber of Commerce is 121 South Main Street, Boerne, Texas 78006.

Summer 2017: Speaker, Keynote Address, Coolidge Dinner, Bell County Young Republicans, Belton, Texas. Speech supplied.

July 19, 2017: Speaker, Campaign event for reelection of Justice Jeff Brown, home of Mike and Dominique Smith, Tyler, Texas. I gave brief remarks in support of my campaign for reelection. The remarks focused on my experience and qualifications for the office. I have no notes, transcript, or recording. The Smiths' address is 5908 Regents Row, Tyler, Texas 75703.

July 19, 2017: Speaker, Announcement of Campaign for Reelection of Justice Jeff Brown, Renard Group, 3805 Timms Street, Ste. 500, Tyler, Texas 75701. I spoke in support of my campaign for reelection. I have no notes, transcript, or recording. Press report supplied.

June 2017 (approximate): Speaker, Keynote Address, Fortnight of Freedom, St. John the Evangelist Catholic Church, San Marcos, Texas. Speech supplied.

February 18, 2017: Speaker, Brazoria County Lincoln-Reagan Dinner, Lake Jackson, Texas. I spoke briefly to introduce the other judges in attendance. I have no notes, recording, or transcript. The address of the Brazoria County Republican Party is 2403 South Grand, Pearland, Texas 77581. Press report supplied.

February 16, 2017: Question and Answer Session, Supreme Court of Texas Oral Argument, LeTourneau University, Longview, Texas. I and other members of the Court answered questions concerning the Court. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=104>.

January 26, 2017: Speaker, Breakfast, Texas Access to Justice Commission and the Texas Access to Justice Foundation, State Capitol, Austin, Texas. I spoke on the significance of access-to-justice efforts of the Commission, the Foundation, and volunteer attorneys. I have no notes, transcript, or recording. Press report

supplied.

November 11, 2016: Speaker, Supreme Court of Texas Update, 24th Annual Texas Minority Counsel Program, Las Colinas, Texas. Powerpoint supplied.

October 19, 2016: Speaker, Family Educators Alliance of South Texas, San Antonio, Texas. Powerpoint supplied.

October 2016 (approximate): Speaker, Ruby Sondock Jurist-in-Residence Address, University of Houston Law Center, Houston, Texas. Speech supplied.

September 13, 2016: Speaker, Esteemed Speaker Series 2016, Young Professionals of Odessa, Odessa, Texas. Powerpoint supplied.

September 2016 (approximate): Speaker, Justice Martha Hill Jamison's Portrait Unveiling, Houston, Texas. Speech supplied.

July 27, 2016: Speaker, Naturalization Session, U.S. District Court for the Southern District of Texas, Houston, Texas. Speech supplied.

June 23, 2016: Speaker, Williamson County Republican Leaders, Round Rock, Texas. Powerpoint supplied.

June 14, 2016: Panelist: Texas Young Lawyers Association State Moot Court Championship, Fort Worth, Texas. After judging the final round of the competition, I and the other panelists offered critiques of the contestants' performances. I have no notes, transcript, or recording. The address of the Texas Young Lawyers Association is 1414 Colorado Street, Austin, Texas 78701. Press report supplied.

2016 (approximate): Speaker, Alumnus of the Year Convocation, Bishop Lynch High School, Dallas, Texas. Speech supplied.

April 2016 (approximate): Speaker, Houston Bar Association Appellate Section, Houston, Texas. Speech supplied.

March 30, 2016: Question and Answer Session, Supreme Court of Texas Oral Argument and Public Question and Answer Session, Baylor Law School, Waco, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. Baylor Law School's address is 1114 S. University Parks Drive, Waco, Texas 76706.

March 4, 2016: Speaker, "Teach Texas" program debut, Texas Supreme Court Historical Society and Houston Bar Association, Edgar Gregory-Abraham Lincoln Education Center, 1101 Taft St., Houston, Texas 77019. I have no notes, transcript, or recording. Press report supplied.



March 2016: Speaker, Upper School Chapel Assembly, Heritage Christian Academy, Rockwall, Texas. Speech supplied.

February 9, 2016: Speaker, Williamson County Republican Party Reagan Dinner, Round Rock, Texas. I gave the invocation. I have no notes, transcript, or recording. The address for the Williamson County Republican Party is 716 South Rock Street, Georgetown, Texas 78626.

January 12, 2016: Speaker, NE Tarrant Tea Party, North Richland Hills, Texas. Video available at <https://www.youtube.com/watch?v=PsNPbzKcRB0>.

November 13, 2015: Question and Answer Session, Supreme Court of Texas Oral Argument and Public Question-and-Answer Session, Abilene Christian University, Abilene, Texas. I and other members of the Court answered questions concerning the Supreme Court of Texas. I have no notes, transcript, or recording. The address of Abilene Christian University is 1600 Campus Court, Abilene, Texas 79601.

October 1, 2015: Panelist, Red Mass Dinner, Diocese of Corpus Christi, Corpus Christi, Texas. I answered questions about religious freedom and practicing my faith while also serving as a judge. I have no notes, transcript, or recording. The address of the Diocese of Corpus Christi is 555 N. Carancahua, Ste. 750, Corpus Christi, Texas 78401. Press report supplied.

August 4, 2015: Speaker, Jefferson County Republican Party Townhall, Beaumont, Texas. I answered questions about recent rulings of the United States Supreme Court. I have no notes, recording, or transcript. The address of the Jefferson County Republican County is 2825 Nail #2, Port Neches, Texas 77651. Press report supplied.

May 2015: Speaker, Keynote Address, Law Day Lunch, Houston Young Lawyers Association, Houston, Texas. Speech supplied.

April 20, 2015: Speaker, "What Access to Justice Means to Me," Champions of Justice Gala Benefiting Veterans, AT&T Conference Center, Austin, Texas. Video available at <https://www.youtube.com/watch?v=IYJZ-wDfN30>.

April 7, 2015: Speaker, Cleburne Chamber of Commerce Visits the Supreme Court of Texas, Austin, Texas. I spoke about the history and function of the Court. I have no notes, transcript, or recording. The address of the Cleburne Chamber of Commerce is 1511 West Henderson Street, Cleburne, Texas 76033. Press report supplied.

March 24, 2015: Speaker, Republican Club of Washington County, Brenham, Texas. Powerpoint supplied.

February 26, 2015: Question and Answer Session, Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at the University of Texas at Tyler, Tyler, Texas. I and other members of the Court answered questions concerning the Court. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=80>.

December 5, 2014: Speaker, Meeting of the State Republican Executive Committee, Austin, Texas. I thanked those in attendance for their support of the party's candidates in the 2014 general election. I have no notes, transcript, or recording. The address of the Republican Party of Texas is Post Office Box 2206 Austin, Texas 78768. Press report supplied.

September 24, 2014: Speaker, Google Hangout with Justice Jeff Brown, Austin, Texas. Video available at <https://www.youtube.com/watch?v=sDar2bryhE4>.

September 20, 2014: Panelist, "Inside the Texas Supreme Court," Texas Tribune Festival, Austin, Texas. Audio available at <https://soundcloud.com/texas-tribune-festival/ttf14-justice-inside-the-texas>.

July 15, 2014: Panelist, Supreme Court Term in Review, Houston Lawyers Chapter of the Federalist Society for Law and Public Policy Studies, Houston, Texas. I and the other panelists summarized the holdings of key cases decided by the United States Supreme Court in the 2014-15 term. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street NW, Suite 300, Washington, D.C. 20006.

June 19, 2014: Speaker, McLennan County Republican Club, Texas Ranger Hall of Fame & Museum's Knox Hall, 100 Texas Ranger Trail, Waco, Texas. My remarks concerned the history and the jurisdiction of the Supreme Court of Texas. I have no notes, transcript, or recording. The address of the Texas Ranger Hall of Fame & Museum's Knox Hall is 100 Texas Ranger Trail, Waco, Texas 76706. Press report supplied.

June 2014 (approximate): Speaker, Texas Boys State, Austin, Texas. Speech supplied.

May 10, 2014: Speaker, Commencement Ceremony, University of Houston Law Center, Houston, Texas. Video available at <https://www.uh.edu/commencement/commencement-live/catalog/2014/>.

May 2014 (approximate): Speaker, Judge of the Year Dinner, Texas Association of Civil Trial & Appellate Specialists, Houston, Texas. The subject matter of my speech was the appropriateness of naming Justice Bill Boyce as Appellate Judge of the Year. I have no notes, transcript, or recording. The address of the Texas Association of Civil Trial & Appellate Specialists is 609 Main Street, 40th Floor,

Houston, Texas 77002.

April 17, 2014: Speaker, "An Evening with the Texas Supreme Court," Appellate Section of the State Bar of Texas and the Austin Bar Association, Austin, Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=73>.

April 2014 (approximate): Speaker, Keynote Address, Houston Law Review Banquet, Houston, Texas. Speech supplied.

February 27, 2014: Question and Answer Session, Supreme Court of Texas Oral Argument and Public Question and Answer Session, Hill County Courthouse, Hillsboro, Texas. I and other members of the Court answered questions concerning the Supreme Court of Texas. I have no notes, transcript, or recording. The address of the Hill County Courthouse is 1 North Waco Street, Hillsboro, Texas 76645.

February 23, 2014: Speaker, Brazoria County Lincoln-Reagan Dinner, Lake Jackson, Texas. I made brief remarks to introduce the keynote speaker, Senator John Cornyn. I have no notes, transcript, or recording. The address of the Brazoria County Republican Party is 2403 South Grand, Pearland, Texas 77581.

November 11, 2013: Speaker, Investiture of Nathan L. Hecht as Chief Justice and Jeff Brown as Justice of the Supreme Court of Texas, Austin, Texas. I spoke briefly to thank family and friends for their support. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is Post Office Box 12248, Austin, Texas 78711.

November 7, 2013: Question and Answer Session, Supreme Court of Texas Oral Argument and Public Question and Answer Session at Texas A&M University, College Station, Texas. I and other members of the Court answered questions concerning the Supreme Court of Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=67>.

October 30, 2013: Speaker, Bishop Lynch High School, Dallas, Texas. I spoke to the mock-trial team and a government class about the judicial system. I have no notes, transcript, or recording. Bishop Lynch High School's address is 9750 Ferguson Road, Dallas, Texas 75228. Press report supplied.

May 2013 (approximate): Speaker, Junior Statesmen of America, Houston, Texas. Speech supplied.

January 2013 (approximate): Speaker, Investiture of Judge Grant Dorfman, Harris County Civil Courthouse, Houston, Texas. The subject matter of my speech was how Judge Dorfman's experience and temperament qualified him for the post he was assuming. I have no notes, transcript, or recording. The address of the Harris County Civil Courthouse is 201 Caroline Street, Houston, Texas 77002.

November 5, 2012: Speaker, Spring Branch Republicans Election Eve Rally. I spoke on the importance of turning out the vote. I have no notes, transcript, or recording. The address of the Spring Branch Republicans is 7941 Katy Freeway #752, Houston, Texas 77024. Press report supplied.

September 2012 (approximate): Speaker, Judge Jennifer Walker Elrod's Portrait Unveiling, Houston, Texas. Speech supplied.

August 2012 (approximate): Speaker, 1L Orientation Welcome, University of Houston Law Center, Houston, Texas. Speech supplied.

August 2011 (approximate): Speaker, 1L Orientation Welcome, University of Houston Law Center, Houston, Texas. Speech supplied.

August 25, 2010: Speaker, Greater Houston Pachyderm Club, Houston, Texas. Speech supplied.

February 6, 2008: Speaker, Investiture of Jeff Brown as Justice of the Fourteenth Court of Appeals, Houston, Texas. I spoke briefly to thank family and friends for their support. I have no notes, transcript, or recording. The address of the Fourteenth Court of Appeals is 301 Fannin Street, Houston, Texas 77002.

January 11, 2002: Speaker, Investiture of Jeff Brown as Judge of the 55th District Court, Harris County Courthouse, Houston, Texas. I spoke briefly to thank family and friends for their support. I have no notes, transcript, or recording. The address of the 55th District Court is 201 Caroline Street, Houston, Texas 77002. Press report 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.

Chuck Lindell, *Trump Taps Texas Justice, Paxton Adviser as U.S. Judges*, Austin American-Statesman, March 8, 2019. Copy supplied.

Jennifer Middleton, *Arkansas, Texas Supreme Courts in Texarkana to Hear Arguments*, Texarkana Gazette, Jan. 30, 2019. Copy supplied.

Emma Platoff, *Texas Supreme Court Justice Phil Johnson to Retire Effective Dec. 31*, Texas Tribune, Nov. 8, 2018. Copy supplied.

*LWV Voters Guide – Voting in the 2018 General Election*, League of Women Voters of Texas, 2018. Copy supplied.

Emma Platoff, *In Campaigns for Texas' Top Courts, Judicial Candidates Must Rely on Party ID*, Texas Tribune, Oct. 29, 2018. Copy supplied.

*For Supreme Court, Place 6: Jeff Brown*, Houston Chronicle, Oct. 20, 2018. Copy supplied.

*Our Picks for State Supreme Court*, San Antonio Express-News, Oct. 19, 2018, Copy supplied.

*We Recommend Jeff Brown for Texas Supreme Court, Place 6*, Dallas Morning News, Oct. 9, 2018. Copy supplied.

Angela Morris, *Task Force Recommends Ditching Texas Bar Exam for UBE*, Texas Lawyer, May 16, 2018. Copy supplied.

Angela Morris, *Texas Courts Not Equipped to Deal With Mental Health Issues, Courts Find*, Texas Lawyer, Feb. 15, 2018. Copy supplied.

Angela Morris, *Just for Laughs: These Tweeting Lawyers Yuck It Up*, Texas Lawyer, Jan. 29, 2018. Copy supplied.

Ryan Autullo, *State Courts Eye Mental Health Panel*, Austin American-Statesman, Jan. 12, 2018. Copy supplied.

Angela Morris, *In the Persona of His Toyota, Texas High Court Judge Tweets Away*, Texas Lawyer, Jan. 12, 2018. Copy supplied.

*Voter Guide, Jeff Brown, Republican, Candidate for Texas Justice, Supreme Court – Place 6*, Dallas Morning News, 2018. Copy supplied.

Alejandro Matos, Jordan Rubio, and Rachael Gleason, *Elections 2018: The San Antonio Express-News Voter Guide*, San Antonio Express-News, 2018. Copy supplied.

Kevin Diaz, *In an Age of Bombast, Cornyn Strives for Quiet Persuasion*, Houston Chronicle, Aug. 20, 2017. Copy supplied.

Jamie Clyde, *Texas Supreme Court Justice Jeff Brown Running for Re-election*, Tyler Morning Telegraph, July 20, 2017. Copy supplied.

*Justice Profile: Brown Happy for Public to See Court in Action*, Longview News-Journal, Feb. 15, 2017. Copy supplied.

Chuck Lindell, *For Two Days, Texas Supreme Court Judge was Known as Juror #6*, Austin American-Statesman, Dec. 2, 2016. Copy supplied.

Michael Barnes, *New Options for Longhorn Football Fans*, Austin American-Statesman, Sept. 27, 2015, at D5. Copy supplied.

Chuck Lindell, *Recent Democrat Campaigns Quietly*, Austin American-Statesman, Oct. 31, 2014, at B1. Copy supplied.

*Jeff Brown Questionnaire, Texas Supreme Court Place 6*, San Angelo Standard-Times, Oct. 18, 2014. Copy supplied.

John Council, *The Two Newest SCOTX Justices Discuss the Unpredictable Nature of Their Court*, Texas Lawyer, Sept. 29, 2014. Copy supplied.

*Editorial: Here's Why Texas Voters Should Pay Attention to the Courts*, Austin American-Statesman, Sept. 9, 2014. Copy supplied.

*2014 Primary Voters Guide: Texas Statewide Races*, Fort Worth Star-Telegram, Feb. 18, 2014. Copy supplied.

David Jennings, *Justice Jeff Brown Appointed to Texas Supreme Court*, Big Jolly Politics, Sept. 26, 2013. Copy supplied.

Martha Deller, *Five Jurists and a Former Lawmaker Want a Seat on the State's Top Civil Court*, Fort Worth Star-Telegram, Feb. 23, 2010. Copy supplied.

Chuck Lindell, *Supreme Court Seat Draws Six GOP Hopefuls*, Austin American-Statesman, at B1, Feb. 22, 2010. 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.

2013 – Present  
Supreme Court of Texas  
Justice

Justices on the Supreme Court of Texas are elected in statewide partisan elections to six-year terms. Vacancies on the Court are filled through gubernatorial appointment. Governor Rick Perry appointed me to fill a vacancy on the Supreme Court in 2013. That appointment expired at the next general election, in 2014, at which time I was elected to the remainder of my predecessor's unexpired term. I was reelected to a full term in 2018. My current term expires on December 31, 2024. The Supreme Court of Texas is the highest court in Texas for all but criminal cases. For the most part, the Court's review is discretionary. The Court assembles its docket from petitions for review from final judgments of the state's intermediate courts of appeals.

2011 – 2013

STAR ("Success Through Addiction Recovery") Drug Court No. 1  
Judge

I served on this court part-time and without compensation, by assignment by the chief justice of the Supreme Court of Texas, while also serving as a justice on the Fourteenth Court of Appeals. STAR is a treatment court for drug-addicted non-violent felony offenders.

2009 – 2013  
Multi-District Litigation Panel (MDL Panel)  
Panel Member

I served on this court part-time and without compensation, by assignment by the chief justice of the Supreme Court of Texas, while also serving as a justice on the Fourteenth Court of Appeals. The MDL Panel is the judicial panel on multi-district litigation designated pursuant to section 74.161 of the Texas Government Code.

2007 – 2013  
Fourteenth Court of Appeals  
Justice

Governor Rick Perry appointed me to fill a vacancy on the Fourteenth Court in 2007. That appointment expired at the next general election, in 2008, at which time I was elected to the remainder of my predecessor's unexpired term. In 2012, I was elected to full six-year term. The Fourteenth Court of Appeals is an intermediate appellate court hearing appeals of cases of all types from trial courts in a ten-county district. In 2013, I was selected by my colleagues on the court to serve as interim chief justice.

2001 – 2007  
55th District Court  
Judge

Governor Rick Perry appointed me to fill a vacancy on the 55th District Court in 2001. That appointment expired at the next general election, in 2002, at which time I was elected to a full term. I was reelected in 2006. The 55th District Court is a trial court of general jurisdiction, though by filing order it hears only civil cases (*i.e.*, no criminal, juvenile, or family).

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

As presiding judge of the 55th District Court, I presided over 230 trials, jury and bench, that went to verdict or judgment.

- i. Of these, approximately what percent were:

|                       |                    |
|-----------------------|--------------------|
| jury trials:          | 44.3%              |
| bench trials:         | 55.7% [total 100%] |
| civil proceedings:    | 100%               |
| criminal proceedings: | 0% [total 100%]    |

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

Citations for all opinions I have written, including concurrences and dissents, are provided at Appendix 13.b.

Appendix 13.b(1) consists of opinions I wrote at the Supreme Court of Texas.

Appendix 13.b(2) consists of opinions I wrote at the Fourteenth Court of Appeals.

Appendix 13.b(3) consists of opinions I wrote as a member of the Judicial Multidistrict Litigation Panel.

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

(1) *Jack J. Terence v. Lee P. Brown*, No. 2001-25380, 55th District Court, Harris County, Texas (Nov. 25, 2002). Copy supplied.

Jack J. Terence, a candidate in the 1999 Houston mayoral election, sued the winner of that election, Lee P. Brown, for technical violations of the Election Code. Following a trial to the bench, I rendered judgment against Mayor Brown in the amount of \$54,260. I found that the plain language of the statute requires this result. My ruling was not appealed.

Counsel for Jack J. Terence:

Theodore S. ("Ted") Hirtz  
2024 Milford Street  
Houston, Texas 77098  
(713) 228-5570

Counsel for Lee P. Brown:

Gene L. Locke  
Orrick, Herrington & Sutcliffe LLP  
609 Main Street, 40th Floor  
Houston, Texas 77002



(713) 658-6769

(2) *Hernandez v. Brinker International, Inc.*, 258 S.W.3d 152 (Tex. App.—Houston [14th Dist.] 2009, no pet.) (plurality op.).

I authored a plurality opinion applying a plain-language reading to a provision in Chapter 95 of the Texas Civil Practice & Remedies Code. In 2016 the Supreme Court of Texas unanimously adopted the opinion's reasoning. *See Ineos USA, LLC v. Elmgren*, 505 S.W.3d 555, 567 (Tex. 2016) (citing *Hernandez v. Brinker Int'l, Inc.*, 258 S.W.3d 152, 157-58 (Tex. App.—Houston [14th Dist.] 2009, no pet.) (plurality op.)).

Counsel for Hernandez:

Collyn A. Peddie  
City of Houston Legal Department  
900 Bagby Street, Floor 4  
Houston, Texas 7700  
(832) 393-6463

Counsel for Brinker International:

Douglas T. Gosda  
Manning, Gosda & Arredondo, LLP  
24 Greenway Plaza, Suite 525  
Houston, Texas 77046  
(713) 783-7070

(3) *Salinas v. State*, 368 S.W.3d 550 (Tex. App.—Houston [14th Dist.] 2011, *aff'd*, 369 S.W.3d 176 (Tex. Crim. App. 2012), *aff'd*, 570 U.S. 178 (2013).

This criminal case presented a question of first impression in Texas: whether the Fifth Amendment prohibits the use as evidence of a defendant's pre-arrest, pre-Miranda silence in cases in which the defendant does not testify. In my opinion affirming the trial court's allowance of the evidence, I wrote that "[a] plain reading of the [Fifth Amendment] reveals that only government compulsion triggers its protections against self-incrimination." The Texas Court of Criminal Appeals and the Supreme Court of the United States affirmed our judgment.

Counsel for Salinas at the 14th Court of Appeals:

Neal Andrew Davis  
Neal Davis Law Firm, PLLC  
1545 Heights Blvd., Suite 700  
Houston, Texas 77008  
(713) 227-4444

Counsel for Salinas at the United States Supreme Court:

Jeffrey L. Fisher  
Stanford Law School  
Crown Quadrangle  
559 Nathan Abbott Way  
Stanford, California 94305  
(650) 724-7081

Counsel for the State of Texas at the United States Supreme Court:

Alan K. Curry  
Galveston County District Attorney's Office  
600 59th St., Suite 1001  
Galveston, Texas 77551  
(409) 766-2355

Counsel for the United States as amicus curiae, by special leave of the Court,  
supporting the State of Texas:

Ginger D. Anders  
Munger, Tolles & Olson LLP  
1155 F St. N.W.  
Washington, D.C. 20004  
(202) 220-1107

(4) *Southern Crushed Concrete, LLC v. City of Houston*, 402 S.W.3d 1 (Tex. App.—Houston [14th Dist.] 2010), *rev'd*, 398 S.W.3d 676 (Tex. 2013).

In this case, the operator of a concrete-crushing facility asserted that because a municipal ordinance was preempted by the Texas Clean Air Act, the enforcement of the ordinance violated the Texas Constitution. I was on a three-judge panel at the Fourteenth Court of Appeals that heard the case. Two members of the panel determined that the ordinance was not preempted. I dissented noting that the ordinance is unconstitutional because it accomplishes nothing that state law does not already accomplish except when it varies from state law. When it does that, it is preempted. The Supreme Court of Texas reversed and rendered judgment for Southern Crushed Concrete vindicating my dissent in its unanimous opinion.

Counsel for Southern Crushed Concrete:

Ben Geslison  
Baker Botts  
One Shell Plaza  
910 Louisiana St.

Houston, Texas 77002  
(713) 229-1241

Counsel for City of Houston:

Kathy D. Patrick  
Gibbs & Bruns LLP  
1100 Louisiana St., Suite 5300  
Houston, Texas 77002  
(713) 751-5253

(5) *Dallas Morning News, Inc. v. Tatum*, 466 S.W.3d 783 (Tex. 2018), *cert. denied*, 2019 WL 659885, (U.S. Feb. 19, 2019).

This is a libel-by-implication case that synthesizes decades of Texas defamation law. The Dallas Morning News had been sued by a couple who alleged the News had defamed them by implication in a column concerning their son's death. The Court decided for the News, holding that though the column was "reasonably capable" of defaming the couple, it was an opinion and thus not actionable. I wrote the opinion for the Court.

Counsel for the Dallas Morning News:

Wallace B. Jefferson  
Alexander Dubose & Jefferson  
515 Congress Avenue, Suite 2350  
Austin, Texas 78701  
(512) 482-9300

Counsel for the Tatums:

Joseph D. Sibley, IV  
Camara & Sibley LLP  
4400 Post Oak Pkwy., Suite 2700  
Houston Texas 77027  
(713) 966-6789

(6) *Nabors Well Services, Ltd. v. Romero*, 456 S.W.3d 553 (Tex. 2015).

This was a wrongful-death and personal-injury case arising from a vehicular collision. The Court unanimously held that in car-wreck cases, relevant evidence of use or nonuse of a seat belt is admissible for the purpose of apportioning responsibility under the proportionate-responsibility statute, overruling a four-decade-old precedent. I wrote the opinion for the Court.

Counsel for Nabors:

Amy Warr  
Alexander Dubose & Jefferson  
515 Congress, Suite 2350  
Austin, Texas 78701  
(512) 482-9300

Counsel for Romero:

Peter M. Kelly  
Kelly, Durham & Pittard, L.L.P.  
1005 Heights Blvd.  
Houston, Texas 77008  
(713) 529-0048

(7) *Wasson Interests, Ltd. v. City of Jacksonville*, 489 S.W.3d 427 (Tex. 2016).

In this case, the City of Jacksonville was sued for breach of contract arising from the leasing of real property. The Court held, as a matter of first impression, that in breach-of-contract cases, the common-law distinction between governmental and proprietary acts applies when determining the extent of a city's sovereign immunity. I wrote the opinion for a unanimous Court.

Counsel for Wasson:

Jeffrey R. Pruitt  
613 Cunningham  
Corpus Christi, Texas 78411  
(336) 749-6477

Counsel for City of Jacksonville:

D. Brett Brewer  
Norman, Angle, Guy & Brewer PLLC  
215 E. Commerce St., Suite C  
Jacksonville, Texas 75766  
(903) 586-2595

(8) *State v. One (1) 2004 Lincoln Navigator*, 494 S.W.3d 690 (Tex. 2016).

This case arose from the civil forfeiture of a Lincoln Navigator confiscated as part of a drug sting. The Court held, as a matter of first impression, that the exclusionary rule does not apply in civil-forfeiture cases. I authored the Court's majority opinion.

Counsel for the State:

J. Campbell Barker  
Office of the Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711  
(512) 463-2100

Counsel for the Respondent:

Celina Marie Lopez Leon  
Law Office of Ralph M. Rodriguez, P.L.L.C.  
5151 Flynn Pkwy., Suite 616  
Corpus Christi, Texas 78411  
(361) 654-2500

(9) *Exxon Mobil Corp., et al. v. Rincones*, 520 S.W.3d 572 (Tex. 2017).

This was a complex employment-discrimination case filed by a refinery technician who had failed an employer-mandated drug test. The Court resolved all claims against the plaintiff. Its most significant holding was that Texas does not recognize that the theory of compelled self-disclosure can satisfy the publication element of a defamation claim. I wrote the opinion of the Court.

Counsel for Exxon-Mobil:

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Counsel for WHM:

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Counsel for DISA, Inc.:

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Counsel for Rincones:

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(10) *EXLP Leasing, LLC v. Galveston Central Appraisal District*, 554 S.W.3d 572, (Tex. 2018).

The Court considered and upheld the constitutionality, under the Texas Constitution, of a statute concerning the taxation of leased heavy equipment as business-personal property. The Court upheld the constitutionality of the statute. I wrote the opinion of the Court.

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- d. For each of the 10 most significant opinions you have written, provide: (1)

citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- (1) *Jack J. Terence v. Lee P. Brown*, No. 2001-25380, 55th District Court, Harris County, Texas (Nov. 25, 2002). The opinion was not published. A copy is attached as Appendix 13(d).

Counsel for Jack J. Terence:

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Counsel for Lee P. Brown:

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- (2) *Hernandez v. Brinker International, Inc.*, 258 S.W.3d 152 (Tex. App.—Houston [14th Dist.] 2009, no pet.) (plurality op.).

Counsel for Hernandez:

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Counsel for Brinker International:

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Houston, Texas 77046  
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- (3) *Salinas v. State*, 368 S.W.3d 550 (Tex. App.—Houston [14th Dist.] 2011, *aff’d*, 369 S.W.3d 176 (Tex. Crim. App. 2012), *aff’d*, 570 U.S. 178 (2013).

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supporting the State of Texas:

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(4) *Southern Crushed Concrete, LLC v. City of Houston*, 402 S.W.3d 1, 11-12  
(Tex. App.—Houston [14th Dist.] 2010) (Brown, J., dissenting), *rev'd*, 398  
S.W.3d 676 (Tex. 2013).

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Counsel for City of Houston:

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(5) *Dallas Morning News, Inc. v. Tatum*, 466 S.W.3d 783 (Tex. 2018), *cert. denied*, 2019 WL 659885, (U.S. Feb. 19, 2019).

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(6) *Nabors Well Services, Ltd. v. Romero*, 456 S.W.3d 553 (Tex. 2015).

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Counsel for Romero:

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(7) *Wasson Interests, Ltd. v. City of Jacksonville*, 489 S.W.3d 427 (Tex. 2016).

Counsel for Wasson:

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(8) *State v. One (1) 2004 Lincoln Navigator*, 494 S.W.3d 690 (Tex. 2016).

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(9) *Exxon Mobil Corp. v. Rincones*, 520 S.W.3d 572 (Tex. 2017).

Counsel for Exxon-Mobil:

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Counsel for DISA, Inc.:

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(10) *EXLP Leasing, LLC v. Galveston Central Appraisal District*, 554 S.W.3d 572 (Tex. 2018).

Counsel for EXLP:

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

I have authored four opinions in which certiorari was requested. It was denied in three and granted in one. They are listed below.

*Dallas Morning News, Inc. v. Tatum*, 466 S.W.3d 783 (Tex. 2018), *cert. denied*, 2019 WL 659885, (U.S. Feb. 19, 2019).

*State v. One (1) 2004 Lincoln Navigator*, 494 S.W.3d 690 (Tex. 2016), *cert. denied*, 137 S. Ct. 633 (2017).

*Americo Life, Inc. v. Myer*, 440 S.W.3d 18 (Tex. 2014), *cert. denied*, 135 S. Ct. 2310 (2015).

*Salinas v. State*, 368 S.W.3d 550 (Tex. App.—Houston [14th Dist.] 2011), *aff'd*, 369 S.W.3d 176 (Tex. Crim. App. 2012), *aff'd*, 570 U.S. 178 (2013).

- 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.

As a trial judge, my decisions were reversed by a reviewing court ten times. On one occasion, my decision was affirmed but modified. Those cases are listed below:

*Horizon Offshore Contractors, Inc. v. Aon Risk Services of Texas, Inc.*, 283 S.W.3d 53 (Tex. App.—Houston [14th Dist.] 2009, *pet. denied*).

Horizon, a marine contractor, sued Aon, an insurance broker, for breach of contract, negligence, negligent misrepresentation, and breach of fiduciary duty. I granted Aon's motion for summary judgment. The court of appeals affirmed the summary judgment as to Horizon's claim for breach of fiduciary duty. But it reversed on the other claims because Horizon had not conclusively proven its affirmative defenses of election of remedies and judicial estoppel.

*Haye v. Elton Porter Marine Ins.*, 13-07-310-CV, 2009 WL 542486, (Tex. App.—Corpus Christi Mar. 5, 2009, no pet.).

Haye, a boat owner, sued Elton Porter Marine Insurance, an insurance agency he had hired to secure policies for his boat. After a boating accident, Haye had sued Elton Porter alleging that it negligently failed to procure or renew insurance on the boat. The court of appeals also overruled Elton Porter's cross-issue, in which it unsuccessfully argued I erroneously overruled its objections and motion to strike Haye's summary-judgment evidence.

*Danos v. Rittger*, 253 S.W.3d 215 (Tex. 2008) (per curiam).

This was a medical-malpractice case. As required by statute, the plaintiff served the defendant with the curricula vitae and expert reports of Drs. David and Baker within 120 days of filing suit. The defendant moved for dismissal on the ground that Dr. Baker's report was inadequate. I ruled the report was deficient and granted the plaintiff 30 days to cure the deficiency. Within 30 days, the plaintiff filed a new report from Dr. Baker and an additional report from a Dr. Meyer, who was not previously designated. The defendant again moved to dismiss. I granted that motion, finding Dr. Baker's report inadequate and ruling that the plaintiff could not file a report from a new expert. The court of appeals affirmed. In a per curiam opinion, the Supreme Court of Texas reversed, referring to a separate opinion it issued the same day, *Lewis v. Funderburk*, in which the court held that a claimant may cure a deficiency by serving a report from a separate expert.

*MEMC Elec. Materials, Inc. v. Albermarle Corp.*, 241 S.W.3d 67, 68 (Tex. App.—Houston [1st Dist.] 2007, pet. denied).

This was an indemnification case. Albermarle indemnified Ethyl Corp. for claims paid by Ethyl to three people who were injured in a fire at a plant. Albermarle then sought indemnification from MEMC for Albermarle's payment to Ethyl. MEMC refused based on its reading of an Asset Purchase Agreement between MEMC and Albermarle. MEMC appealed my order granting partial summary judgment in Albermarle's favor and denying MEMC's cross-motion for partial summary judgment. At the court of appeals, MEMC argued the Agreement's indemnification provision was not triggered by the claims against Ethyl; that the Ethyl indemnity agreement was not an obligation that it assumed under the terms of the Agreement; and that Albermarle's indemnity claim is unenforceable. The court of appeals concluded the Agreement did not obligate MEMC to indemnify

Albermarle for its payment to Ethyl for Ethyl's liability for injuries caused by the fire. It did not reach the enforceability issue. The court of appeals reversed and rendered judgment in MEMC's favor.

*Meekey v. Rick's Cabaret Int'l, Inc.*, 171 S.W.3d 394, 396 (Tex. App.—Houston [14th Dist.] 2005, pet. denied).

Meekey appealed my order dismissing for want of jurisdiction on the basis that the Texas Finance Commission had exclusive or primary jurisdiction over a dispute concerning an alleged violation of the Texas Finance Code. The case arose out of alleged credit card overcharges at strip clubs, which Meekey claimed were illegal surcharges under the finance code. Rick's filed motions to dismiss and pleas in abatement alleging I lacked original jurisdiction over Meekey's suit. I concluded Meekey's claims were purely statutory, arose from a pervasive regulatory scheme, and fell within the Finance Commission's exclusive jurisdiction. I dismissed Meekey's claims with prejudice. The court of appeals reversed and remanded, concluding the finance code provisions at issue did not constitute a pervasive regulatory scheme and provide no remedy for enforcement.

*Masonic Bldg. Ass'n of Houston, Inc. v. McWhorter*, 177 S.W.3d 465, 468 (Tex. App.—Houston [1st Dist.] 2005, no pet.).

This case was an appeal from a jury trial. The Masons sued the McWhorters, seeking to enjoin them from encroaching on the Masons' property via a fence. The McWhorters counterclaimed, seeking to quiet title as to the boundary of the property, and alleged title by adverse possession. The jury found that the McWhorters adversely possessed the property and I rendered judgment on the jury's verdict. On appeal, the Masons argued insufficient evidence supported the adverse-possession finding and that I erred in charging the jury. The court of appeals affirmed in part and reversed in part, holding that sufficient evidence supported the jury's finding for only part of the property. For the portions in which the evidence was insufficient, the court of appeals reversed and rendered judgment in the Masons' favor. The court of appeals held I did not err in charging the jury.

*Zurich Am. Ins. Co. v. Hunt Petroleum (AEC), Inc.*, 157 S.W.3d 462, 463 (Tex. App.—Houston [14th Dist.] 2004, no pet.).

This case involved liability for damage to an oil-drilling rig caused by its submersion in saltwater floods during a tropical storm. Both parties moved for summary judgment based on their respective readings of a relevant contract, arguing it was unambiguous and supported the interpretation that the other party was liable for damage to the rig. I granted Hunt's motion and denied Zurich's. The court of appeals reversed and remanded, holding a fact issue existed as to whether there is a common industry understanding as to the meaning of a phrase, and that the contract was subject to more than one reasonable interpretation.

*City of Houston v. Boyle*, 148 S.W.3d 171, 174 (Tex. App.—Houston [1st Dist.] 2004, no pet.)

This interlocutory appeal arose from my refusal to grant the City of Houston's pleas to the jurisdiction for Boyle's claims. Boyle sued the city for inverse condemnation and non-negligent nuisance and sought recovery authorized under the Texas Tort Claims Act. He argued the city's failure to maintain ditches and approval of a building permit for a shopping center caused his home to flood. The city filed special exceptions to the pleadings, which I overruled, and then filed a plea to the jurisdiction, which I also overruled. The court of appeals reversed and rendered judgment sustaining the city's pleas to the jurisdiction.

*Robinson v. Crown Cork & Seal Co.*, 335 S.W.3d 126 (Tex. 2010).

At issue in this case was whether the statute that limits certain corporations' successor liability for personal-injury claims of asbestos exposure violated the Texas Constitution's prohibition against retroactive laws. After the passage of HB 4, Crown moved for summary judgment requesting that the prior order establishing its successor liability for the Robinsons be vacated and that their claims for asbestos exposure be dismissed. I granted that motion and severed the summary judgment to make it final and appealable. On appeal, the Robinsons argued the new law was retroactive. The court of appeals affirmed, holding the law was not unconstitutionally retroactive because it fell within the legislature's police power and was narrowly tailored to protect the most innocent corporations while leaving the potential pool of asbestos defendants as large as possible. The Supreme Court of Texas reversed and remanded, holding the law significantly impaired a substantial interest the Robinsons had in a well-recognized cause of action and the public interest served is slight, and therefore the statute was unconstitutional as applied to the Robinsons' claims.

*Akinwamide v Transp. Ins. Co.*, No. 14-06-01054-CV, 2008 WL 660303 (Tex. App.—Houston [14th Dist.] 2008, pet. denied) (mem. op.).

This case stems from two unsuccessful lawsuits to recover on a workers' compensation claim. Akinwamide filed a bill of review in my court to set aside a final judgment rendered against him. I granted summary judgment in the defendants' favor. The court of appeals reversed.

*Ganim v. Cotton USA, L.P.*, No. 14-07-00835-CV, 2008 WL 4379605 (Tex. App.—Houston [14th Dist.] 2008, no pet.) (mem. op.) (affirmed with modification).

In this opinion the court of appeals affirmed my judgment but included a modification to condition the award of appellate attorney's fees on Cotton's success on appeal.

As a justice on the Fourteenth Court of Appeals, I authored nearly 400 opinions. I was reversed six times by the Texas Court of Criminal Appeals, but never by the Supreme Court of Texas or the United States Supreme Court. The six cases in which I was reversed as a justice of the Fourteenth Court of Appeals are listed below:

*Blackshear v. State*, 342 S.W.3d 777 (Tex. App.—Houston [14th Dist.] May 24, 2011), *rev'd*, 385 S.W.3d 589 (Tex. Crim. App. 2012).

I wrote for a unanimous panel that the trial court erred by refusing to grant a continuance to allow the defendant time to procure a transcript of his first trial, which resulted in a guilty verdict but a mistrial on punishment. The Court of Criminal Appeals reversed, accepting the State's argument made for the first time that the defendant's oral motion for continuance failed to preserve error.

*Johnson v. State*, 359 S.W.3d 725 (Tex. App.—Houston [14th Dist.] Dec. 13, 2011), *rev'd*, 414 S.W.3d 184 (Tex. Crim. App. 2013).

I wrote for a majority that the trial court did not abuse its discretion in denying Johnson's motion to suppress evidence of an encounter between Johnson and his arresting officer. The encounter led to the officer discovering marijuana in plain view inside Johnson's car, for which he was arrested. A divided Court of Criminal Appeals reversed. The Court of Criminal Appeals remanded the case to the court of appeals for consideration of the trial court's determination that the officer had reasonable suspicion to detain Johnson and determine whether that detention was valid.

*Wooten v. State*, 378 S.W.3d 652 (Tex. App.—Houston [14th Dist.] Aug. 30, 2012), *rev'd*, 400 S.W.3d 601 (Tex. Crim. App. 2013).

In this opinion, I wrote for a unanimous panel affirming in part and reversing in part the trial court's judgment. Wooten argued the trial court erred in admitting irrelevant hearsay testimony about extraneous bad acts. My opinion found no error here. Wooten additionally argued the trial court erred during the punishment phase by refusing to instruct the jury on sudden passion. My opinion concluded this was harmful error and remanded the case for a new trial on punishment. The Court of Criminal Appeals reversed on this point.

*Rogers v. State*, 402 S.W.3d 410 (Tex. App.—Houston [14th Dist.] 2013), *rev'd*, 426 S.W.3d 105 (Tex. Crim. App. 2014); *Romero v. State*, 406 S.W.3d 695 (Tex. App.—Houston [14th Dist.] 2013), *rev'd*, 427 S.W.3d 398 (Tex. Crim. App. 2014); *O'Bannon v. State*, No. 14-12-00653-CR, 2013 WL 4806994 (Tex. App.—Houston [14th Dist.] 2013, no pet.), *judgment vacated*, No. PD-1346-13, 2014 WL 1512960 (Tex. Crim. App. 2014).



In all three of these cases, I wrote for a unanimous panel affirming the trial court on all but the defendant's argument that the specific amount in court costs the trial court ordered him to pay was unsupported by the record. In three per curiam opinions, the Court of Criminal Appeals vacated each of the opinions and remanded for reconsideration in light of *Johnson v. State*, 423 S.W.3d 385 (Tex. Crim. App. 2014). In *Johnson*, the Court of Criminal Appeals "set forth a roadmap for resolving questions regarding court costs." The Court of Criminal Appeals noted in each case that my court "did not have the benefit of our opinion in *Johnson*."

- 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.

All of the opinions I have written as a justice on the Supreme Court of Texas are published.

All of the "unpublished" opinions I wrote as a justice on the Fourteenth Court of Appeals are available on Westlaw or Lexis as well as on the court's website. The original opinions are maintained by the clerk of the Fourteenth Court of Appeals.

As a trial judge, I wrote only one opinion. (Texas state court trial judges do not typically prepare opinions.) The original signed opinion is maintained by the Harris County District Clerk as are all of the orders I signed as judge of the 55th District Court.

- 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.

Majority opinions at the Supreme Court of Texas

*Dallas Morning News, Inc. v. Tatum*, 466 S.W.3d 783 (Tex. 2018), *cert. denied*, 2019 WL 659885 (U.S. Feb. 19, 2019).

*EXLP Leasing, LLC v. Galveston Central Appraisal District*, 554 S.W.3d 572 (Tex. 2018).

*Garofolo v. Ocwen Loan Servicing, L.L.C.*, 497 S.W.3d 474 (Tex. 2016).

*State v. One (1) 2004 Lincoln Navigator*, 494 S.W.3d 690 (Tex. 2016).

*State v. Naylor*, 466 S.W.3d 783 (Tex. 2015).

*City of Houston v. Carlson*, 451 S.W.3d 828 (Tex. 2014).

Concurring opinion at the Supreme Court of Texas

*ETC Marketing, Ltd. v. Harris County Appraisal District*, 528 S.W.3d 70, 89-93 (Tex. 2017) (Brown, J., concurring).

Majority opinions at the Fourteenth Court of Appeals

*Salinas v. State*, 368 S.W.3d 550 (Tex. App.—Houston [14th Dist.] 2011, *aff'd*, 369 S.W.3d 176 (Tex. Crim. App. 2012), *aff'd*, 570 U.S. 178 (2013).

*El-Ali v. State*, 388 S.W.3d 890 (Tex. App.—Houston [14th Dist.] 2012, pet. denied).

*Circle X Land & Cattle Co., Ltd. v. Mumford Indep. Sch. Dist.*, 325 S.W.3d 859 (Tex. App.—Houston [14th Dist.] 2012, pet. denied).

Concurring opinion at the Fourteenth Court of Appeals

*Temple v. State*, 342 S.W.3d 572, 624–28 (Tex. App.—Houston [14th Dist.] 2011) (Brown, J., concurring), *aff'd*, 390 S.W.3d 341 (Tex. Crim. App. 2013).

Dissenting opinions at the Fourteenth Court of Appeals

*Southern Crushed Concrete, LLC v. City of Houston*, 402 S.W.3d 1, 11–13 (Tex. App.—Houston [14th Dist.] 2010) (Brown, J., dissenting), *rev'd*, 398 S.W.3d 676 (Tex. 2013).

- 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.

I have not sat by designation on a federal court of appeals.

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

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

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I personally review each new case that comes before me to determine whether I have a conflict of interest or whether my impartiality in the matter might reasonably be questioned. I cannot recall any occasion when an attorney or party has asked me to recuse myself for any reason. For the first year I was a judge, I preemptively recused myself from any litigation involving the firm where I practiced before assuming the bench. Since leaving the trial bench, I have recused myself from all appeals arising from cases that were pending at the 55th District Court while I was its presiding judge. Since leaving the Fourteenth Court of Appeals, I have followed the practice of the Supreme Court of Texas in recusing myself from any case appealed to the Supreme Court from the Fourteenth Court of Appeals in which I had been a member of the panel that decided the case or in which I had had any other involvement, such as the consideration of a motion for rehearing en banc.

Other than the above-described instances of preemptive automatic recusal, I have recused myself sua sponte from the following cases for the following reasons:

- (1) *In re Pool*, No. 14-004, Supreme Court of Texas. I recused myself sua sponte from this mandamus action to avoid a conflict of interest. The case concerned an attempt by an election opponent to have my name removed from the ballot in the 2014 Republican primary election.
- (2) *Bell v. Republican Governors Ass'n*, No. 14-0181, Supreme Court of Texas. I recused myself sua sponte from this election-related dispute, filed on March 11, 2014, to avoid the appearance of impropriety. The petitioner was represented by the same attorney who represented my opponent in the 2014 Republican primary in his attempt in *In re Pool*, No. 14-004, to have my name removed from the ballot.
- (3) *In re Burnam*, No. 14-0372, Supreme Court of Texas. I recused myself sua sponte from this election-related dispute, filed on May 14, 2014, to avoid the appearance of impropriety. The petitioner was represented by the same attorney who represented my opponent in the 2014 Republican primary in his attempt in *In re Pool*, No. 14-004, to have my name removed from the ballot.
- (4) *Dallas Area Rapid Transit v. Armstrong*, No. 15-0416, Supreme Court of Texas. I recused myself sua sponte from this matter. I have examined the case file, but I cannot recall why I recused myself.
- (5) *Miller v. Dallas Area Rapid Transit*, No. 15-0436, Supreme Court of Texas. I recused myself sua sponte from this matter. I have examined the case file, but I cannot recall why I recused myself.

- (6) *JPMorgan Chase Bank, N.A. v. Dorfman*, No. 15-0814, Supreme Court of Texas. I am a close friend with one of the interested parties in this case, so out of an abundance of caution, I recused myself sua sponte from this matter to avoid the appearance of impropriety.
- (7) *ORCA/ICI Development v. Dorfman*, Cause No. 15-0816, Supreme Court of Texas. I am a close friend with one of the interested parties in this case, so out of an abundance of caution, I recused myself sua sponte from this matter to avoid the appearance of impropriety.
- (8) *Eddington v. Dallas Police & Fire Pension Sys.*, No. 17-0058, Supreme Court of Texas. I recused myself sua sponte from this matter, a dispute between current and retired Dallas police officers and the Dallas Police & Fire Pension System, to avoid the appearance of impropriety. A family member of mine had an interest in the outcome of this case.
- (9) *In re City of Dallas*, No. 17-0186, Supreme Court of Texas. I recused myself sua sponte from this mandamus action to avoid the appearance of impropriety. The real parties in interest in this case, a suit against the City of Dallas for breach of contract and back-pay damages, are current and former Dallas firefighters. *Amici curiae* include current and former Dallas police officers seeking back-pay damages in *City of Dallas v. Martin*, Cause No. 17-0836. A family member of mine had an interest in the outcome of this case.
- (10) *City of Dallas v. Martin*, No. 17-0836, Supreme Court of Texas. I recused myself sua sponte from this mandamus action to avoid the appearance of impropriety. Respondents in this case, a suit against the City of Dallas for breach of contract and back-pay damages, include current and former Dallas police officers. A family member of mine had an interest in the outcome of this case.

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

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

None.

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

Volunteer, John Cornyn for Texas Attorney General, 1998. I assisted with fundraising and worked as a driver for the candidate when he visited Houston.

Volunteer, Texas GOP Victory Committee, 1998. I block-walked for the Republican ticket.

Host Committee Volunteer, Young Professionals for John Cornyn fundraising event, 1998.

Host Committee Volunteer, Young Lawyers for John Cornyn fundraising event, 1998.

Host Committee Volunteer, Young Lawyers for Justice Greg Abbott fundraising event, 1998.

Host Committee Volunteer, Young Lawyers for Jeff Work, Candidate for 189th District Court, fundraising event, 1998.

Host Committee Volunteer, Houston young professionals fundraising event, George W. Bush presidential campaign, 2000.

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;

August 1995 – December 1995  
Justice Jack Hightower  
Supreme Court of Texas  
Law clerk

January 1996 – August 1996  
Justice Greg Abbott  
Supreme Court of Texas  
Law clerk

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

I have never practiced alone.

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

1996 – 2001  
Baker Botts L.L.P.  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002  
Associate

- 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 spent my private-practice career as a civil trial attorney. My practice consisted of litigation and trial work at a full-service law firm of about 700 attorneys. My work ranged from small personal-injury and insurance-defense cases that I handled alone to large complex commercial and product-liability cases in which I was a member of a large team of lawyers. That general composition remained largely intact throughout my time in private practice.

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

In the small cases I handled myself, my clients were the insureds of the law firm's last-remaining insurance-defense client. In other cases, my clients included pharmaceutical manufacturers, utility companies, and other large commercial entities. I am certified as a specialist in civil trial law by the Texas Board of Legal Specialization.

- 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.

My practice was 100% litigation and I appeared in court frequently.

- i. Indicate the percentage of your practice in:
- |                            |     |
|----------------------------|-----|
| 1. federal courts:         | 10% |
| 2. state courts of record: | 87% |
| 3. other courts:           | 2%  |

4. administrative agencies: 1%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 100%
2. criminal proceedings: 0%

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

In five years of practice, I tried 14 cases to verdict. I was sole counsel in four cases, chief counsel in five cases, and associate counsel in five cases.

i. What percentage of these trials were:

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

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.

While I was an associate at Baker Botts, I assisted in the preparation of two petitions for certiorari. Both were denied. The citations are provided below and copies of the petitions are supplied as Appendix 16(e).

*Tank Insulation Int'l, Inc. v. Insultherm, Inc.*, 104 F.3d 83 (5th Cir. 1997), *cert. denied*, 522 U.S. 907 (1997) (cert. petition can be found at 1997 WL 33616118).

*Dodson v. Hillcrest Secs. Corp.*, 95 F.3d 52 (5th Cir. 1996), *cert. denied*, 519 U.S. 1111 (1997) (cert. petition can be found at 1997 WL 33556963).

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) *Charles Lindsey Kroll v. CDB Software, Inc.*, No. 94-28624, 129th District Court, Harris County, Texas (tried in April 1997); appeal reported at 992 S.W.2d 31.

In this contract dispute, we represented CDB Software, which faced claims by its former president, Charles Kroll, alleging that it had failed to honor three separate compensation agreements. CDB contended the agreements had never become effective or had been waived. The case's significance arises from the amount in controversy (over \$1 million) and the complicated issues briefed by the parties, including complex facets of contract law, breach of fiduciary duty, corporate governance, and bankruptcy law. After a trial of nearly two weeks and appeals to the First Court of Appeals and the Supreme Court of Texas, Kroll prevailed and collected a large judgment from CDB.

Dates of representation: 1996 – 1997

Presiding Judge: Hon. Patrick W. Mizell

Counsel for Kroll:

Bob Scott and Susan Bickley  
Blank Rome LLP  
717 Texas Ave., Ste. 1400  
Houston, Texas 77002  
(713) 228-6601

Counsel for CDB Software:

Travis Sales and Bill Kroger  
Baker Botts L.L.P.  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002  
(713) 229-1234

(2) *Philip A. Neel v. S.O. Woods, et al.*, No. H-95-4185, U.S. District Court, Southern District of Texas (tried in February 1998).

I assisted in the court-appointed representation of a Texas Department of Criminal Justice (TDCJ) inmate who had sued several TDCJ officials for violation of his constitutional rights. The trial resulted in a take-nothing judgment for the defendants.

Dates of representation: 1997 – 1998

Judge: U.S. Magistrate Judge Nancy Johnson



My Co-Counsel:

John Anaipakos  
Baker Botts L.L.P.  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002  
(713) 229-1154

Counsel for the Defendants:

Ralph Longmire  
Texas Health and Human Services  
P.O. Box 13247  
Austin, Texas 78711  
(512) 487-3440

(3) *Bonnie Allen v. Ed King and Charles King d/b/a Chuck's Water Well Service*, No. 97-06-02278, 359th District Court, Montgomery County, Texas (tried October 1998).

I represented the defendant in this personal-injury case. The plaintiff alleged past medical expenses of about \$5,000, the need for future surgery amount to about \$20,000, and asked the jury for about \$35,000. The plaintiff's complicated medical history dominated the evidence presented to the jury. At the end of the three-day trial, the jury found the plaintiff 100% responsible for the accident. My client, who had rear-ended the plaintiff, was absolved of all liability. The jury also determined that the plaintiff had suffered no damages.

Dates of representation: 1997 – 1998

Judge: Hon. Stan Pemberton (visiting)

Counsel for Allen:

Todd Cameron Feder  
Welocalize, Inc.  
5718 Westheimer Rd., Suite 1420  
Houston, Texas 77057  
(713) 661-9553

My Co-Counsel:

Mike Calhoon  
Baker Botts L.L.P.  
The Warner  
1299 Pennsylvania Ave., N.W.

Washington, D.C. 20004  
(202) 639-7954

(4) *Esteban Velasco v. Irene Stern d/b/a Stella Ranch*, No. C95-14, Waller County Court at Law No. 1, Waller County, Texas (tried October 1998).

I represented the defendant in this case. The plaintiff claimed he had been injured when his automobile struck and killed a cow on a farm-to-market road outside Brookshire, Texas. The plaintiff alleged the defendant owned the cow and that the animal was loose in the road because the defendant's fences were negligently maintained. The jury found no negligence by the defendant.

Dates of representation: 1997 – 1998

Judge: Hon. June Jackson

Counsel for Velasco:

Jamie J. Elick  
Law Offices of Jamie J. Elick  
7 N. Harris St.  
Bellville, Texas 77418  
(979) 865-5973

(5) *Eldridge Gee v. Galina Bencowitz*, No. 95-CV-0447, 56th District Court, Galveston County, Texas (tried January 1999).

This was a personal-injury case arising out of an automobile accident on Galveston Island. The jury found 50% liability on each party. After alleging about \$15,000 in medical expenses, a 5% physical-impairment rating, and about \$5,000 in lost wages, the plaintiff asked the jury for \$50,000 in damages. The jury awarded \$25,000, which was reduced by 50% due to the plaintiff's contributory negligence.

Dates of representation: 1996 – 1999

Judge: Hon. Norma Venso

Counsel for Gee:

Larry M. Tylka  
Tylka Law Center  
1104 E. Main St.  
League City, Texas 77573  
(281) 557-1500

Co-Counsel:

Robert J. Sergesketter  
Fieldwood Energy LLC  
2000 W. Sam Houston Parkway S., Suite 1200  
Houston, Texas 77042  
(713) 969-1111

(6) *David Downs and Susan Dancer Downs v. Manuel Mejias and Milberger Turf Farms Co.*, No. 97-J-0402-C, 130th District Court, Matagorda County, Texas (tried January 1999).

In this automobile-accident case, I represented defendants Manuel Mejias and Milberger Turf Farms Company. Mejias and plaintiff David Downs were involved in a collision on Highway 35 in Matagorda County while Mejias was in the course and scope of his employment by Milberger Turf Farms. Downs, who underwent back surgery following the accident, brought suit along with his wife, Susan Dancer Downs. They sought nearly \$2 million in damages from the jury. The four-day trial resulted in a verdict for the plaintiffs of about \$90,000, which was less than the defendants' pretrial settlement offer and much less than the plaintiffs' lowest pretrial settlement demand of \$350,000.

Dates of representation: 1997 – 1999

Judge: Hon. Jo Ann Ottis

Counsel for the Downs:

Alton C. Todd  
The Law Firm of Alton C. Todd  
317 S. Friendswood Dr.  
Friendswood, Texas 77546  
(281) 992-8633

Co-Counsel:

David R. Poage  
*Retired*

(7) *Awad v. Merck & Co.*, 99 F. Supp. 2d 301 (S.D.N.Y. 1999), *aff'd*, 213 F.3d 627 (2d Cir. 2000).

The plaintiff alleged that Merck's rubella vaccine had caused her fibromyalgia. Compiling the necessary epidemiological evidence, I prepared the defendant's *Daubert* summary-judgment motion. The trial court granted the motion and the Second Circuit affirmed.

Dates of representation: 1996 – 1999 (approximate)

Judge: Hon. Louis L. Stanton

Counsel for Awad:

Anthony P. Gentile  
Godosky & Gentile, P.C.  
61 Broadway, Suite 2010  
New York, New York 10006  
(212) 742-9700

Lead Counsel for Merck:

Richard L. Josephson  
*Retired*

(8) *Arnold Oil Company, Inc. v. Pennzoil Company, et al.*, 229th District Court, Duval County, Texas (suit filed in 1998; non-suited in 2000).

This case was brought by Arnold Oil Company, a former non-exclusive licensed distributor of Pennzoil oils and lubricants in an 18-county area of south Texas. After Pennzoil terminated the contract, Arnold sued Pennzoil and the replacement distributor in Duval County for tortious interference with contract, civil conspiracy, and tortious interference with prospective business relationships. Arnold dropped its case against Pennzoil once the Fourth Court of Appeals in San Antonio granted our petition for writ of mandamus and ordered the trial court to vacate its order denying our motion for arbitration.

Dates of representation: 1998 – 2000

Judge: Hon. Alex W. Gabert

Lead Counsel for Arnold Oil Company:

Mikal C. Watts  
Watts Guerra LLP  
4 Dominion Drive, Bldg. 3, Suite 100  
San Antonio, Texas 78257  
(800) 294-0055

Lead Counsel for Pennzoil:

George T. Shipley  
Snell Montgomery LLP  
712 Main St., Suite 1400  
Houston, Texas 77002

(713) 652-5920

Counsel for Pennzoil's co-defendant, Texas Enterprises:

John Cardwell and Jeff Hart  
Cardwell, Hart & Bennett, L.L.P.  
Vaughn Bldg., Suite 1001  
807 Brazos St.  
Austin, Texas 78701  
(512) 322-0011

(9) *Paula Collins and Tom Collins v. William J. Schulz*, No. 23,008B, Brazoria County, Texas.

This was a personal-injury case arising out of an automobile accident in which the defendant rear-ended the plaintiffs' vehicle. Medical expenses amounted to about \$13,000 and the plaintiffs claimed about \$10,000 in lost wages. The pre-trial demand was \$50,000, the pre-trial offer to settle was \$6,000, and the plaintiffs asked the jury for \$43,000. The jury found no liability.

Dates of representation: 1999 – 2000 (approximate)

Judge: Hon. James A. Blackstock

Counsel for Plaintiffs:

John Brice Carroll  
Don D. Becker  
Carroll & Becker  
440 Louisiana, Suite 580  
Houston, Texas 77002  
(713) 228-4607

Co-Counsel:

Teresa Potter Montgomery  
1311 Harvard Street  
Houston, Texas 77008  
(713) 449-1750

(10) *City of Wharton, et al. v. Houston Lighting & Power Co., et al.*, 269th District Court, Harris County, Texas.

This was a class action against Houston Lighting & Power Co. The class was composed of about 50 municipalities who sought a declaratory judgment and alleged breach of franchise agreements, fraud, and unjust enrichment. In 2000, the trial court ordered that it

would conduct a separate trial of the claims of the cities of Wharton, Pasadena, and Galveston—the class representatives. The trial resulted in a judgment of just over \$1 million in damages for breach of contract and over \$13 million in attorney's fees. The court of appeals reversed the trial court and rendered judgment that the cities take nothing.

Dates of representation: 1997 – 2000 (approximate)

Judge: Hon. John T. Wooldridge

Lead Counsel for Plaintiffs:

John O'Quinn  
*Deceased*

Benjamin Lewis Hall, III  
The Hall Law Firm  
530 Lovett Blvd.  
Houston, Texas 77006  
(713) 942-9600

Lead Counsel for Defendants:

Daryl Bristow  
*Retired*

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.)

All of the significant legal activities I pursued in private practice involved litigation. Most of that litigation did not progress to trial. Significant litigation matters I worked on included product-liability cases against large commercial entities, commercial cases involving large utility companies, and a handful of toxic-tort cases against chemical manufacturers. I also worked on a small number of significant insurance-coverage disputes. 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.

Judicial Philosophy & American Law, National Judicial College, 2009. This was a constitutional-law course I co-taught with Judge Grant Dorfman in Newport, Rhode Island. I do not have a syllabus of this course.

Trial Advocacy, University of Houston Law Center, 2004 – 2006. I do not have a syllabus of this course.

Legal Research & Writing, University of Houston Law Center, 1998 – 1999. I do not have a syllabus of this course.

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

I expect to receive pensions from the Judicial Retirement System of Texas and the Texas County & District Retirement System.

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.

Yes. Since 2012, I have worked as an independent contractor to co-edit the annual updates of a legal treatise, *Texas Rules of Evidence Handbook*, for O'Connor's Publishing, a division of Thomson Reuters. I hope to continue this work for many years to come.

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

See attached Financial Disclosure Report.

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

See attached Statement of Net Worth.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest

when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am aware of no potential conflicts of interest. If confirmed, I will recuse in any litigation where I have ever played a role. I would also recuse myself in matters involving my own financial interests. I will evaluate any other real or potential conflict, or relationship that could give rise to an 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. To identify parties which present an actual or potential conflict of interest and to address any conflict were it to arise, I would consult the Code of Conduct for United States Judges, 28 U.S.C. § 455, and the relevant rules, practices, procedures, and personnel of the District Court, the Fifth Circuit, the Administrative Office of the United States Courts, and the Judicial Conference.

- 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 referring 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.

From 1999 – 2001, I was a volunteer attorney in the Houston Volunteer Lawyers Program. In that capacity, I handled several uncontested divorce cases, devoting many hours to each.

I also volunteered periodically both at a veterans' pro bono legal clinic and for LegalLine. LegalLine is a weekly telephone hotline administered by the Houston Bar Association. It is designed to help the people of Houston receive simple legal advice, answers to legal questions, and referrals to helpful resources, at no cost to the caller.

I was also one of the founding members of the Baker Botts law firm's Pro Bono Committee. Among the firm's pro bono clients is DePelchin Children's Center. One of the more significant pro bono cases I handled was a lawsuit against DePelchin in state district court in Houston.

The only pro bono matter on which I worked that went to trial was the court-appointed representation of a Texas prison inmate in his civil lawsuit against several wardens and other officials of the Texas Department of Criminal Justice. In that case, I devoted many



hours to pre-trial discovery (including travel from Houston to visit the client at his prison unit outside of Palestine, Texas, and to Austin to depose the defendants), preparation for trial, and the trial itself.

I also served as chairman of the Houston Young Lawyers Association's Non-Profit Law Committee from 1997 – 1999. In that capacity, I organized an annual non-profit law seminar for the benefit of both non-profit organizations and lawyers interested in doing pro bono work for non-profit organizations.

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 February 9, 2018, Senators John Cornyn and Ted Cruz announced that the bipartisan Federal Judicial Evaluation Committee (FJEC) would be accepting applications for federal judicial vacancies in Texas. On February 27, 2018, I submitted my application. On April 6, 2018, I interviewed with the FJEC. I then interviewed with Senators Cornyn and Cruz on May 10, 2018. I interviewed with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice on August 2, 2018. Since that time, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy.

- 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.