

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

Duane Adkins Kees  
Nickname: DAK Kees

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

U.S. Attorney for the Western District of Arkansas

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.

Walmart Stores Inc.  
702 SW 8<sup>th</sup> Street  
Bentonville, AR 72716-0880

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

1975; Little Rock, Arkansas

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.

University of Arkansas  
School of Law  
1997-2000  
J.D. 2000

University of Arkansas  
1993-1997  
B.A. 1997

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.

Arkansas National Guard  
Camp Robinson, Little Rock, Arkansas  
Major – Senior Defense Counsel  
August 2015 – Present

Wal-Mart Stores, Inc.  
702 Southwest 8<sup>th</sup> Street, Bentonville, AR 72716-0880  
Director  
June 2014 – Present

University of Arkansas School of Law  
Fayetteville, Arkansas  
Adjunct Professor (Military Law)  
Spring Semester 2013  
I did not receive payment

The Kees Law Group, Inc.  
3701 NE Oakbrooke Avenue, Bentonville, AR 72712  
Owner  
July 2013 – June 2014

The Asa Hutchinson Law Group, PLC  
3300 Market Street, Rogers AR 72758  
Partner  
October 2009 – July 2013

United States Army  
Judge Advocate General's Corps  
Trial Defense Attorney, Fort Sill, OK, January 2008 – October 2009  
Trial Counsel, Kirkuk, Iraq, August 2006 – October 2007 (2 months of leave following deployment)  
Brigade Judge Advocate, Schofield Barracks, HI, March 2005 – August 2006  
Trial Counsel, Kandahar/Heriot, Afghanistan, April 2004 – March 2005  
Legal Assistance Attorney, Schofield Barracks, HI, October 2003 – April 2004  
Judge Advocate Officer Basic Course, Charlottesville, VA, May 2003 – October 2003  
Brigade Paralegal, Fort Hood, TX, September 2001 – May 2003 U.S. Army Basic Training, Fort Benning Georgia, March 2001 – September 2001

City Attorney – Magnolia, Arkansas  
100 North Court Square, Magnolia AR 71753  
August 2000 – February 2001

The Bell Law Firm  
100 North Court Square, Magnolia, AR 71753  
Associate  
August 2000 – February 2001

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.

Arkansas National Guard  
2015-Present  
Judge Advocate General's Corps  
Major/O-4

United States Army  
2001-2009  
Judge Advocate General's Corps  
Captain/O-3  
Honorable

I have registered for Selective Service.

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

**Military Awards (In order of Distinction)**

Meritorious Unit Citation (October 2007)  
Bronze Star (2 Awards) (March 2005/October 2007)  
Meritorious Service Medal (October 2009)  
Army Commendation Medal (3 Awards) (May 2003/ March 2004/October 2007)  
Army Achievement Award (2 Awards) (May 2002/October 2004)  
National Defense Service Medal (May 201)  
Global War on Terrorism Expeditionary Medal (March 2005)  
Global War on Terrorism Service Medal (May 2001)  
Iraqi Campaign Medal (w/Campaign Star) (October 2007)  
Noncommissioned Officer Professional Development Ribbon (March 2003)  
Army Service Ribbon (May 2001)  
Overseas Service Ribbon (2 Awards) (March 2005/October 2007)  
Arkansas Commendation Medal (2 Awards) (May 2016/September 2017)

Super Lawyers – Rising Star (2014 – 2015)  
American Institute of Criminal Law Attorneys – Top 10 Best Criminal Defense Attorneys in the State of Arkansas for client satisfaction (2014)

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.

Arkansas Bar Association, 2000 (no lapses in membership)

**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.

State Bar of Arkansas, admitted 2000 (no lapses in membership)

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

United States Court of Federal Claims, admitted 2013

United States Court of Appeals for the Armed Forces, admitted 2010

United States Army Court of Criminal Appeals, admitted 2010

United States Air Force Court of Criminal Appeals, admitted 2010

United States Navy and Marine Court of Appeals 2010

United States Military Circuit Courts, admitted 2003

Western District of Arkansas, admitted 2009

Eastern District of Arkansas, admitted 2009

No lapses in any membership listed above.

**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.

Compassion International – Sponsored a child since 2009;

First Baptist Rogers – Members since 2009;

Benton County Bar Association – 2009 – 2014;

Oakbrooke Subdivision Property Owners Association – 2016 – Present;

Benton County Republican Party – 2017;

Arkansas Republican Party – 2017;

Republican National Committee – 2017;

National Rifle Association – 2017;

American Center for Law and Justice – 2017;

The Federalist Society – 2017;

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organizations to which I gave funds and did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations currently discriminates nor 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.

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces, and other published material, including a thorough review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

“Wills, POAs and Everything Else a Soldiers Needs to Know Prior to Deploying.”  
*Schofield Barracks News Letter*, January 2004 (est.). Copy not 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.

To my knowledge I have never prepared any reports, memorandum, or policy statements, or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which I am a member.

- 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.

To my knowledge I have never made an official statement or other communication relating, in whole or in part, to matters of public policy or legal interpretation, that have been presented to public bodies or public officials.

- 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.

I have done by best to identify transcripts or recordings of all speeches or talks delivered, including a thorough review of personal files and searches of publicly available electronic databases. I frequently use the text of a speech from a prior event, speak without notes, or speak from a handwritten outline. I did not retain those handwritten outlines. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

June 2012  
U.S. Military Law and Civilian Practice  
Benton County Bar Association  
Rogers, Arkansas  
Copy supplied.

November 2009  
Cross Examination of an Expert Witness  
U.S. Army Trial Defense Services  
Regional Conference  
San Diego, California  
Copied not 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.

I have done my best to identify all interviews given, including through a review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find or remember. I have located the following:

July 2007  
Desert Thunder  
“Arkansas native helping to legitimize Iraq’s legal system.”  
Copy supplied.

May 2012  
LA Weekly  
“Gambling: New combat Vets Plagued by Troubling Addiction.”  
Copied supplied.

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

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

I have never held public office.

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

I am a member of the Arkansas and Benton County Republican Party since 2017. I have never held a position, office or been compensated by either.

I have never taken part in a political campaign.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a judicial law clerk.

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

I practiced alone from July of 2013 until June 2014. My address was  
The Kees Law Group, Inc.  
3701 NE Oakbrooke Avenue

Bentonville, AR 72712

- 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.

The Bell Law Firm  
100 Court Square, Magnolia, AR 71753  
Associate  
August 2000 – February 2001

City Attorney – Magnolia, Arkansas  
100 North Court Square, Magnolia AR 71753  
August 2000 – February 2001

United States Army  
Judge Advocate General's Corps  
Brigade Paralegal, Fort Hood, TX, September 2001 – May, 2003  
Legal Assistance Attorney, Schofield Barracks, HI, October 2003 – April 2004  
Trial Counsel, Kandahar/Heriot, Afghanistan, April 2004 – March 2005  
Brigade Judge Advocate, Schofield Barracks, HI, March 2005 – August 2006  
Trial Counsel, Kirkuk, Iraq, August 2006 – October 2007  
Trial Defense Attorney, Fort Sill, OK, January 2008 – October 2009

The Asa Hutchinson Law Group, PLC  
3300 Market Street, Rogers AR 72758  
Partner  
October 2009 – July 2003

The Kees Law Group, Inc.  
3701 NE Oakbrooke Avenue, Bentonville, AR 72712  
Owner  
July 2013 – June 2014

University of Arkansas School of Law  
Fayetteville, Arkansas  
Adjunct Professor (Military Law)  
Spring Semester 2013  
I did not receive payment

Wal-Mart Stores, Inc.  
702 Southwest 8<sup>th</sup> Street,  
Bentonville, AR 72716-0880  
Director

June 2014 – Present

Arkansas National Guard  
Camp Robinson, Little Rock, Arkansas  
Major – Senior Defense Counsel  
August 2015 – Present

- 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 in alternative dispute resolution proceedings.

b. Describe

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

I began my private practice with The Bell Law Firm where I was a general practitioner. When I joined the Army in March of 2001, the character of my practice changed to criminal prosecution/defense and operational law.

When I left the Army in October of 2008, I joined the Asa Hutchinson Law Group and continued to specialize in criminal law with an emphasis on U.S. Service members while also building a general practice. I continued the mix of military/criminal law and general practice until I left private practice in June of 2014 and began working for Wal-Mart Stores Inc.

At Walmart Stores, Inc. I manage high risk investigations regarding violations of the company's statement of ethics and ensuring proper remediation for any procedural or policy deficiencies.

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

While at The Bell Law Firm my typical client would be an individual with a family law matter, property dispute or a local business needing help with debt collection. I did not specialize in any specific area of law.

As the City Attorney my client was the City of Magnolia and I prosecuted all misdemeanor cases in district court. I specialized in misdemeanors.

As a United States Judge Advocate my client was the U.S. Army until I transitioned to Trial Defense Services. At that point the accused Soldier was my client. Prior to joining Trial Defense, I specialized in felony

prosecutions and operational law. While in trial defense, I specialized in the defense of drug distribution and sexual assault cases.

At The Asa Hutchinson Law Group, the bulk of my practice was devoted to defending U.S. Service members in courts martial. The remainder of my practice was devoted to criminal defense in state and federal court and various general practice issues. I specialized in criminal defense cases.

At The Kees Law Group, the bulk of my practice mirrored that of the Asa Hutchinson Law Group. My practice was devoted to defending U.S. Service members in courts martial. The remainder of my practice was devoted to criminal defense in state and federal court and various general practice issues. I specialized in criminal defense cases.

As a Senior Defense Attorney for the Arkansas National Guard, my practice is devoted to defending Army National Guard and Air National Guard members. I specialize in the Uniform Code of Military Justice cases.

As an Ethics and Compliance Director at Wal-Mart Stores Inc., I advise my various business partners regarding Wal-Mart's Statement of Ethics and oversee investigations into violations of the Statement of Ethics.

- 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.

As a private attorney and during my time in the U.S. Army JAG Corps, I appeared in court on a weekly to monthly basis. My military practice took place exclusively in military courts and within military administrative proceedings. Other than military law, my practice varied between civil and criminal litigation in federal, state and municipal courts.

- i. Indicate the percentage of your practice in:
  1. federal courts; 10%
  2. state courts of record; 20%
  3. other courts (military and municipal); 60%
  4. administrative agencies; 10%
- ii. Indicate the percentage of your practice in:
  1. civil proceedings; 40%
  2. criminal proceedings. 60%

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

I have tried two civil cases (one personal injury and one breach of contract) to verdict and I was lead counsel on both. One was a jury trial and one was a bench trial.

I defended one criminal case to jury verdict in state court and I was second chair on the matter.

I defended one criminal case to jury verdict in federal court and I was lead counsel on the matter.

I have defended 38 criminal cases to verdict in military courts martial and I was lead counsel on all but two. Of those cases, 33 were jury trials and 5 were bench trials.

I have had over 20 guilty plea cases before a court martial. One case was litigated before a jury and the remaining before the military judge. I was lead counsel on all but three of those cases.

I have prosecuted or defended over 30 administrative separation board, fitness for duty boards, and flight evaluation boards. I was lead counsel on all of those administrative boards.

i. What percentage of these trials were:

1. jury; 39 %
2. non-jury; 61%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

15. **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:

1. State of Arkansas v. Bisbee  
04CR-10-645  
Hon. John Cole  
May 2010 – August 2010

Co-Counsel: Asa Hutchinson II

500 Woodlane Street  
Little Rock, AR 72201  
501-682-2345

Opposing Counsel: Van Stone  
479-236-2290

David Reading  
479-841-5877  
702 Southwest 8<sup>th</sup> Street  
Bentonville, AR 72716

Description: This criminal case was hotly contested in the media. Our client was a public official charged with three counts of Violation of Rules of Conduct by a County Officer. The State filed the charges weeks before the primary election. This forced the defense to request a speedy trial in order to prove our client's innocence before the election. I served as second chair. Our client was acquitted of two of the three remaining charges with the jury being deadlocked on the third. The state elected to not refile.

2. Muncy v. Bicknell  
CV-2011-524  
Hon. Dennis C. Sutterfield  
November 2010 – July 2013

Co-Counsel: Adrienne Woods  
1711 South 42<sup>nd</sup> Street  
Rogers, AR 72758  
479-381-2696

Opposing Counsel: Bruce Munson  
Munson, Rowlett, Moore, & Boone  
400 West Capitol, Suite 1900  
Little Rock, AR 72201  
501-374-6535

Description: This was my first personal injury case. Our client was a motorcycle passenger involved in a collision at a dangerous intersection. The client's injuries were serious and her medical bills were several hundred thousand dollars. We were able to reach a confidential settlement with the driver of the truck that collided with my client. In addition to settling with the driver of the truck, my client elected to pursue claims against the driver of the motorcycle for negligence. Despite evidence from two experts, the jury came back with a defense verdict.

3. United States v. Sergeant First Class Sean Pieciak  
Trial was held at Grafenwoehr, Germany, 13-14 July, 2011  
COL Christopher Fredrickson

May 2011 – July 2011

Co-Counsel: Major Matt Forst  
Brigade Operation Legal Team  
Battalion Avenue, Building 10012  
Fort Hood, TX 76544  
254-288-2309

Opposing Counsel: Major Heidi Steele  
10<sup>th</sup> Special Forces Group Judge Advocate  
Fort Carson, CO 80913  
719-524-1807

Major Sean Rogers  
1504 Madison Avenue  
Fort Eustis, VA 23604  
757-501-7831

Description: My client was charged with multiple assaults during a drunken altercation. The alleged victim was an off duty Military Police. The defense showed that the alleged victim may have colluded with fellow MPs at the scene to shift the blame to my client. The military jury acquitted my client of all charges.

4. United States v. PVT Christopher M. Bailey  
Trial was held at Fort Sill, Oklahoma, January 13-14, 2009  
LTC Timothy Hayes  
October 2008 – January 2009

Co-Counsel MAJ Steven Vargo  
1869 Severn Road  
Grosse Pointe Woods, MI 48236  
313-568-6033

Opposing Counsel: MAJ John Olson  
1633 Mekong, Building 6222  
Fort Carson, CO 80913  
719-503-4076

Description: This was my first contested court martial as a defense attorney. My client and his wife were at a party when a fight broke out due to high levels of intoxication. My client was accused of multiple counts of assault with a deadly weapon. My client's defense was that he acted in self-defense. The defense showed that my client's actions were done out self-defense and defense of his wife. The military jury acquitted my client of all charges.

5. United States v. Airman Brennan Wagoner

Trial was held at Vandenberg AFB, March, 29-30, 2010  
COL Vance Spath  
January 2010 – March 2010

Co-Counsel: Captain Harris  
Address unknown

Opposing Counsel: Captain Aimee R. Haney  
Vandenberg, AFB  
30 SW/JA  
747 Nebraska Suite C-104  
Vandenberg AFB, CA 93437

Description: This was my first court martial as a civilian defense attorney. My client was charged with multiple counts of illegally possessing, distributing and using prescription medication. My client was one of many charged in connection with this case.

This case was actually won during motions practice. The defense suppressed my client's statement by showing the OSI Investigator had violated my client's Article 31 Rights. The defense also showed that much of the government's evidence against my client was a result of immunity given to my client in order to have him testify against his fellow accused. This required a Kastigar hearing in which the defense prevailed. This left the government with little evidence to present at trial and my client was acquitted of all charges.

6. United States v. Staff Sergeant Keith Lovely  
Trial was held at Misawi, Japan, May 14-17, 2012  
COL Vance Spath  
December 2011 – December 2012

Co-Counsel: Maj Elizabeth Hernandez  
460 Steen Boulevard, Suite 201  
Grand Forks AFB, ND 58205  
701-747-3606

Opposing Counsel: Aaron Gershbock  
US Department of Justice, CRM/OIA  
1301 New York Avenue NW  
Rm 246  
Washington, DC 20530  
202-616-5275

Maj Matthew Talcott  
Military Judge  
Randolph Air Force Base  
334-202-7866

Description: This was the most difficult case I have ever tried. My client was an Airman accused of killing his child through blunt force trauma to the head. The child was taken to the hospital when he began to have seizures, and my client remained silent while the medical team tried to determine the cause of the seizures.

My client's defense was based on the fact that the child had a pre-existing neurological issue and there were several issues with the quality of care the child received in the emergency room at the local Japanese hospital. The trial lasted a week and several experts testified (neurologist, hematologist, forensic pathologist, and others).

The military jury ultimately convicted my client of negligent homicide and child endangerment and he was sentenced to seven years confinement and a dishonorable discharge.

7. United States v. Capt Donna Domanski

Trial was held at Keesler AFB, MS, October 12-14, 2010

LTC Donald R. Eller Jr.

May 2010 - October 2010

Co- Counsel:           Capt Luke D. Wilson  
                                  PO Box 1926  
                                  Gulfport, MS 39502  
                                  228-731-4003

Opposing Counsel:   Capt Rachel Van Maasdam  
                                  Capt Michael D. Wakeley  
                                  Addresses unknown

Description: My client was a nurse practitioner who was accused of making false statements to her command and submitting falsified documentation. Though the defense was unable to prove Capt Domanski's innocence on either charge, the defense did put on an effective sentencing case that kept Capt Domanski from serving jail time. The jury sentenced her to a fine of \$5,373.00 per month for three months and to be reprimanded.

8. In The Matter Of Jimmy R. Ames (An Incapacitated Person)

PR-2013-231-4

Hon. John R. Scott

May 2013 – March 2014

Co-Counsel:           None

Opposing Counsel:   George R. Rhodes  
                                  Matthews, Campbell, Rhoads, McClure & Thompson, P.A.  
                                  119 South Second Street  
                                  Rogers, AR 72756  
                                  479-636-0875

Description: This was a contentious guardianship between family members. I defended my clients against allegations of abuse made to the Arkansas Department of Human Services by my client's relatives while at the same time advocating that my clients were in the best position to care for their ailing family member. There was intense pretrial discovery and investigations which led to a settlement on the eve of trial.

9. Gholson v. Gholson

Eastern District of Carroll County, Arkansas - 2012-34

Hon. Kent Crow

February 2012 – August 2012

Co-Counsel: None

Opposing Counsel: Greg A. Thurman  
Thurman & Flanagan  
P.O. Box 190  
Eureka Springs, AR 72632  
479-253-1234

Description: My client was the wife of a local businessman who was suing for divorce and at stake was a multi-million dollar business. The value of the business was tied up in the accounts receivable and inventory which made the evaluation difficult. In the end, we reached an agreement where my client would receive a payout over a terms of years.

10. United States v. Staff Sergeant Desmond Anthony

Trial was held at Fort Riley, Kansas, December 13-14, 2010

COL Charges D. Hayes

August 2010 – December 2010

Co-Counsel CPT Joshua Hessmiller  
Address unknown

Opposing Counsel: Captain Timothy Erickson  
Michigan Department of the Attorney General  
525 West Ottawa Street  
Lansing, MI 48933  
630-740-6063

Description: My client was charged with violating a lawful General Order in that he possessed, consumed and distributed alcohol while deployed to Iraq. The defense was able to keep out several pieces of evidence and successfully used the government's expert witness to bolster the defense's case that the alcohol found in my client's room was nothing more than a discarded fruit punch drink from the dining facility that had fermented in the desert heat while my client was on leave. The case resulted in full acquittal.

16. **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.)

During my deployment to Iraq from July of 2006 to October of 2007, I was one of two Judge Advocates in charge of legal reviews for detainee operations. I was responsible for reviewing all available intelligence information regarding detainees and recommending available options to the command. At times, I was called upon to work with the various intelligence agencies stationed at the Kirkuk Regional Air Base to ensure my command was given the best possible advice.

While deployed to both Iraq and Afghanistan as a Judge Advocate, one of my areas of practice was Operational Law. I was required to stay abreast of all laws and regulations relating to the rules of engagement and the use of force. I would routinely accompany my brigade commander in the tactical operation center to advise him during ongoing operations as to his options. This job also required that I keep a brigade of over 5000 service members up to speed on the rules of engagement and use of force. I regularly gave classes on the matter and reviewed several investigations regarding allegations that such rules had been violated.

In 2008 I represented an officer who was accused of an assault, terroristic threatening and various other charges. The officer was facing a general court martial and the possibility of a dishonorable discharge. I spent several weeks gathering evidence and speaking to witnesses. I compiled all the evidence I had uncovered and drafted a report for the prosecution. The report showed that the alleged victim had indeed fabricated certain email evidence. After reviewing my report and after speaking to their witness, the prosecution dismissed the charges and my client was released from confinement.

17. **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.

American Court System, Central Texas College (Kandahar, Afghanistan), August – October 2005. The course objective was to give students a working knowledge and understanding of the fundamentals of the criminal justice system. Syllabus not available.

Military Law, University of Arkansas, Spring Semester 2014. Maggs and Schenk. The course objective was to explore the nature and function of military justice today. Topics examined included the constitutional rights of military personnel; court-martial jurisdiction and offenses; trial and appellate structure and procedure; collateral review; the roles of commanders, Congress, the Supreme Court, and the president; command

influence; the role of custom; punishment; and the correctional system. Syllabus supplied.

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

I have not made any arrangements with any previous employer regarding deferred income. My 401K will be rolled over into a Thrift Savings account if selected for this position. My wife and I will continue to contribute to various IRAs until retirement.

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

No.

20. **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 my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest**:

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an agency agreement that I have entered with the Department's designated agency ethic's official.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I routinely provide, on average, 20-30 hours of free legal services for elderly, widows/widowers and less fortunate members of my church. I draft wills, help with family law matters and assist with social security issues.

In 2016, I took part in Walmart Stores, Inc.'s Pro Bono program. Specifically, I represented an indigent mother who requested assistance dealing with the local school district when it came to issues of accommodating her special needs child. I devoted approximately 20 hours to this case.

When asked, I have always volunteered to help judge various law school competitions at the University Of Arkansas School Of Law including Moot Court, Trial Advocacy and the Negotiation Competition.