

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Linda Thompson Walker (formerly, Linda Kay Thompson)

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

United States District Judge for the Northern District of Georgia

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.

1856 United States Courthouse
75 Spring Street
Atlanta, GA 30303

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

1960; Gloster, Mississippi

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.

1986 – 1989, University of Georgia Lumpkin School of Law, J.D., 1989
1983 – 1986, Atlanta University (now Clark Atlanta University), M.S., 1987
1978 – 1983, Southern University, B.S., 1983

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.

2000 – present
United States District Court for the Northern District of Georgia
75 Spring Street
Atlanta, GA 30303
United States Magistrate Judge

1999
Fulton County Board of Registration and Elections
141 Pryor Street, Suite 4075
Atlanta, GA 30303
Director

1992 – 1999
Fulton County Attorney's Office
141 Pryor Street, Suite 4038
Atlanta, GA 30303
County Attorney (1997 – 1999)
Deputy County Attorney (1992 – 1997)

Summer and Fall 1997
Atlanta Technical College
1560 Metropolitan Parkway
Atlanta, GA 30310
Instructor of Paralegal Studies/Legal Research

1990 – 1992
Webb & Daniel (now known as Holland & Knight)
1201 West Peachtree Street NW, Suite 2000
Atlanta, GA 30309
Associate

1989 – 1990
The Honorable G. Ernest Tidwell
United States District Court for the Northern District of Georgia
1967 United States Courthouse
75 Spring Street, SW
Atlanta, GA 30303
Judicial Law Clerk

Summer 1989
Morehouse School of Medicine
720 Westview Drive
Atlanta, GA 30310
Research Assistant

1987 – 1989
Cook, Noell, Tolley, Bates & Michael, LLC
304 East Washington Street
Athens, GA 30601
Law Clerk

1986 – 1987
University of Georgia Lumpkin School of Law
225 Herty Drive
Athens, Georgia 30602
Student Law Library Assistant

Summer 1987
Law Office of William N. Hutchinson
514 Southeast Seventh Street
Fort Lauderdale, FL 33301
Law Clerk

1985 – 1986
Red Lobster
2435 Campbellton Road
Atlanta, GA 30311
Hostess/Cashier

1984 – 1986
Morehouse School of Medicine
Department of Pharmacology
730 Westview Drive SW
Atlanta, GA 30310
Graduate Research Assistant

1983 – 1985
Atlanta University
Financial Aid Office
223 James P. Brawley Drive
Atlanta, GA 30314
Work Study Student

Other Affiliations (uncompensated)

1999 – 2000
Social Involvement Missions, Inc.
4245 Cascade Road SW
Atlanta, GA 30331
Board of Directors

1995 – 1999
Imani Investment Club
No physical address existed
Atlanta, GA
President (1997 – 1999)
Secretary (1995 – 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 have not served in the military. I have not 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.

Thelma Wyatt Moore Legacy Award, Gate City Bar Association (2007)
Outstanding Service Award, Georgia Association of Black Women Attorneys (2007)
Trailblazer Award, Elizabeth Baptist Church (1999)
Loyal and Meritorious Service Award, Fulton County Land Bank Authority (1998)
Employee of the Year, Fulton County, Georgia (1995)
Order of Barristers, University of Georgia Lumpkin School of Law (1989)
Joseph Henry Lumpkin American Inn of Court (1989)
Intrastate Mock Trial Semi-Finalist, University of Georgia Lumpkin School of Law (1989)
Second Year Mock Trial Winner, University of Georgia Lumpkin School of Law (1987)
Regents Opportunity Scholarship, University of Georgia Lumpkin School of Law (1987 – 1989)
National Cancer Institute Scientist Travel Award (1985)
Outstanding Young Woman of America (1985)

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

American Bar Association
Atlanta Bar Association
 Judicial Section (2001 – present)
 Summer Law Internship (High School) Program (2006 – present)
Christian Legal Society (1987 – 1989)
Federal Magistrate Judges Association
 Diversity Committee (2009 – present)
 Rules Committee (2010)
Gate City Bar Association
 Judicial Section, Founding Board Member (2006 – present)
 Judicial Section, Secretary (2008 – 2009)
 Journey to Judge Program, High School Speaker (2007 – present)
 Third Grade Reading Program (2008 – present)
Georgia Association of Black Women Attorneys
Georgia Association of Women Lawyers

Georgia Minority Counsel Program (1995 – 1998)
Joseph Henry Lumpkin American Inn of Court
Just the Beginning Foundation
Ninth Biennial Conference, Gala Co-Chair (2010)
Lawyers Foundation of Georgia
Fellow (2001 – present)
Online System for Clerkship Application and Review (OSCAR) Advisory Committee
Member (2010-14)
National Bar Association
State Bar of Georgia
Advisory Committee on Legislation (1995 – 1996)

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.

Georgia, 1989

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 Eleventh Circuit, 1992

United States District Court for the Northern District of Georgia, 1992

Supreme Court of the State of Georgia, 1991

Georgia Court of Appeals, 1990

Clarke County, Georgia Superior and State Courts, 1989

There has been no lapse in membership.

11. **Memberships:**

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

Atlanta-Fulton Public Library System

Advisor (1995 – 1997)

Bible Study Fellowship, International (2000 – present)
 Assistant Class Administrator (2006 – 2008)

Big Sister Mentor Program, Central United Methodist Children’s Home
 Big Sister Mentor (1995 – 1997)

Delta Sigma Theta Sorority, Incorporated (1978 – present)
 East Point/College Park Alumni Chapter (2004 – present)
 Diamond Life Member (2007)

Fulton County Citizen Review Panel Program
 Juvenile Court Volunteer Panelist (1994 – 1995)

Fulton County/City of Atlanta Land Bank Authority
 Advisor (1998 – 1999)

Imani Investment Club (1995 – 1999)
 President (1998 – 1999)
 Secretary (1995 – 1997)

Kappa Delta Epsilon (1979 – 1980)

League of Women Voters (1999)

Reunion Place Homeowners Association (1995 – 2000)
 Newsletter Committee, Member (1995 – 1996)
 Deed Restriction Committee, President (1995 – 1996)

Social Involvement Missions, Inc.,
 Member of the Board of Directors (1999 – 2000)

Southern University Alumni Federation
 Lifetime Alumnus (2000 – present)

The University of Georgia
 School of Law Alumnae Host Committee (2007 – 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.

Kappa Delta Epsilon is an honorary educational fraternity, which was founded as a sister organization of Kappa Phi Kappa, an educational fraternity for men. Delta Sigma Theta is a sorority comprised of women. Other than that, none of the organizations listed above discriminate on the basis of race, sex, religion, or national origin. To my knowledge, they have never discriminated against anyone on the basis of race, sex, religion, or national origin.

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.

David W. Hein, Ward G. Kirlin, Ronald G. Ferguson, Linda K. Thompson & Fredrick Ogolla, *Identification and Inheritance of Inbred Hamster N-Acetyltransferase Isozymes in Peripheral Blood*, 239 *Journal of Pharmacology and Experimental Therapeutics* 823 (1986). Copy supplied.

David W. Hein, Ward G. Kirlin, Fredrick Ogolla, Alma Trinidad, Linda K. Thompson & Ronald G. Ferguson, *The Role of Acetylator Genotype on Hepatic and Extrahepatic Acetylation, Deacetylation, and Sulfation of 2-Aminofluorene, 2-Acetylaminofluorene, and N-Hydroxy-2-Acetylaminofluorene in the Inbred Hamster*, 14 *Drug Metabolism and Disposition* 566 (1986). Copy supplied.

Linda K. Thompson, David W. Hein, P. Musey & D. Eneanya, *Determination of Acetylator Genotype with Caffeine in the Rapid and Slow Acetylator Inbred Hamster*, 45 *Federation Proceedings* 1933 (1986). Abstract supplied.

Linda K. Thompson, David W. Hein, P. Musey & D. Eneanya, *Acetylator Genotype Determination Using Caffeine*, *Proceedings of the Third Annual Nabrit Symposium*, at 14 (1986). Abstract supplied.

Richard E. Echols, Robert H. Miller & Linda K. Thompson, *Evaluation of Internal Standards and Extraction Solvents in the Gas Chromatographic Determination of Thiamine*, 347 *Journal of Chromatography* 89 (1985).

David W. Hein, Ward G. Kirlin, Fredrick Ogolla, Alma Trinidad, Linda K. Thompson & Ronald G. Ferguson, *Lack of Association Between Acetylator Genotype and 105,000 x g Microsomal N-Hydroxy-Acetylaminofluorene (N-OH-AFF) and AFF Deacetylase, Cytosolic N-OH-AFF Sulfotransferase, and N-OH-AFF-Dependent Transacetylase Activities in Hamster Tissues*, 27 *The Pharmacologist* 280 (1985). Abstract supplied.

David Hein, Linda K. Thompson, Alma Kirlin & Ronald G. Ferguson, *Inheritance and Partial Purification of Two Acetylator Genotype Dependent N-Acetyltransferase Isozymes in Hamster Blood*, 27 *The Pharmacologist* 248 (1985). Copy supplied. Abstract supplied.

Between 1995 and 1996, I served as an editor on the Newsletter Committee of the Reunion Place Homeowners Association. I did not author any pieces myself.

- 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 that I can recall or have been able to identify.

- 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.

From 1997 to 1999, as the Fulton County Attorney, I often responded to legal or board policy questions posed by members of the Board of Commissioners during public meetings. I have no notes, transcripts, or recordings of any of those remarks.

In addition, and in the same capacity, I prepared legal opinions interpreting local, state, and federal laws at the request of the Board of Commissioners and department heads. To my knowledge, none of those opinions were ever made public.

I have never, in my personal capacity, given testimony or prepared an official statement relating to matters of public policy or legal interpretation nor have others presented any official statements on my behalf.

- 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 am a frequent motivational speaker at my church and local schools. I usually write a few points that I want to make on note cards and do not speak from a prepared text. I do not make it a practice to keep the note cards. I have also been a panelist at a few bar association programs and have participated in continuing legal education classes. I just recently started maintaining copies of my speeches in one location. After a thorough search of my files and internet databases, I have identified the following presentations that I have made, although there may be others that I have been unable to recall or identify:

May 24, 2010: Legacy Christian Academy, Elizabeth Baptist Church, Commencement Address, Speaker. Copy supplied.

April 29, 2010: Federal Bar Association Annual Law Day program for high school students, responsibilities of magistrate judges, Speaker. I have no notes, transcript, or recording. FBA coverage supplied. The address of the FBA is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

February 18, 2010: Elizabeth Baptist Church Golden Years Ministry, *Black History is His-Story/Her-Story*, Black History Month Speaker. Copy supplied.

February 12, 2010: State Bar of Georgia Labor and Employment Section, *Professionalism: A View from the Bench*, Speaker. Copy supplied.

November 11, 2009: University of Georgia Lumpkin School of Law Judicial Clerkship Panel Discussion, Panelist. I have no notes, transcript, or recording. The address of the school is 225 Herty Drive, Athens, Georgia 30602.

April 1, 2009: Westlake High School, *Journey to Judge*, Panelist. I have no notes, transcript, or recording. The address of the high school is 2400 Union Road SW, Atlanta, Georgia 30331.

March 20, 2009: Colonial Hills Christian School, Career Day, Speaker. I have no notes, transcript, or recording. The address of the school is 7131 Mount Vernon Road, Lithia Springs, Georgia 30122.

2009: Atlanta Chapter of Continental Societies, Inc., Installation of Officers ceremony. I have no notes, transcript or recording. The address of the Society is P.O. Box 310392, Atlanta, Georgia 31131.

May 29, 2008: Georgia Association of Black Women Attorneys, Professional Development Panel, Panelist. I have no notes, transcript or recording. The address of GABWA is P.O. Box 4381, Atlanta, Georgia 30302.

March 29, 2008: Atlanta Chapter of Continental Societies, Inc. Scholarship Luncheon, keynote speaker. Remarks supplied.

January 17, 2008: Georgia Association of Black Women Attorneys, *Women of GABWA: Balancing Our Lives to Empower Our Future*, Speaker. Copy supplied.

October 11, 2007: Georgia Association of Black Women Attorneys, New Attorney Mixer, Speaker. Copy supplied.

May 20, 2007: Elizabeth Baptist Church, *Excelling Through Faith*, Graduation Speaker. I have no notes, transcript, or recording. The address of the church is 4245 Cascade Road SW, Atlanta, Georgia 30331.

April 20, 2007: D.M. Therrell High School, *Journey to Judge*, Panelist. Handwritten notes supplied.

April 17, 2007: Federal Agencies Black History Month Program, *Understanding Cultural Diversity: Can We "Live Together Better,"* Introduced speaker Lieutenant General Russell Honoré. Copy supplied.

February 15, 2007: Defense Contract Audit Agency, Black History Month, Speaker. I have no notes, transcript, or recording. The address of the main headquarters of the DCAA is 8725 John J. Kingman Road, Fort Belvoir, Virginia 22060.

September 28, 2006: U.S. Attorney's Office, Speaker to interns about professionalism and being a magistrate judge. I have no notes, transcript or recording. The address of the office is Russell Building, 75 Spring Street, Suite 600, Atlanta, Georgia 30303.

July 25, 2006: Atlanta Bar Association, Summer Law Internship (High School) Program, Speaker. I have no notes, transcript, or recording. The address of the Bar Association is 229 Peachtree Street, Atlanta, Georgia 30303.

April 19, 2006: Southwest Atlanta Christian Academy, Career Day, Speaker. I have no notes, transcript, or recording. The address of the Academy is 3911 Campbellton Road SW, Atlanta, Georgia 30331.

March 22, 2006: Southern University, Chancellor's Lecture Series, Speaker. Copy supplied.

October 14, 2005: Atlanta Bar Association, *Professionalism and Ethical Dilemmas*, Panelist. I have no notes, transcript, or recording. The address of the Bar Association is 229 Peachtree Street, Atlanta, Georgia 30303.

April 12, 2005: Southwest Atlanta Christian Academy, Career Day speaker. I have no notes, transcript, or recording. The address of the Academy is 3911 Campbellton Road SW, Atlanta, Georgia 30331.

April 25, 2004: Spelman College, Women, Values & Law Class speaker. I have no notes, transcript, or recording. The address of Spelman College is 350 Spelman Lane SW, Atlanta, Georgia 30314.

March 27, 2003: State Bar of Georgia Diversity Program, *A Candid Conversation with the Bench*, Panelist. I have no notes, transcript, or recording. State Bar coverage supplied. The address of the State Bar is 104 Marietta Street NW, Suite 100, Atlanta, Georgia 30303.

February 20, 2003: M.D. Roberts Middle School, Career Day speaker. I have no notes, transcript, or recording. The address of the school is 1905 Walt Stephens Road, Jonesboro, Georgia 30326.

November 23, 2002: Dekalb County Girl Scout troop, Speaker. I have no notes, transcript, or recording. The address of the Greater Atlanta Girl Scout organization is 5601 North Allen Road, Mableton, Georgia 30126.

October 18, 2002: Federal Bar Association, *Social Security*, Panelist. I have no notes, transcript, or recording. The address of the FBA is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

August 17, 2002: Elizabeth Baptist Church Women's Conference, *Who's in Charge*, Speaker. Copy supplied.

May 15, 2002: M. Agnes Jones Elementary School, *If You Can Dream It, You Can Do It*, Career Week, Speaker. I have no notes, transcript, or recording. The address of the school is 1040 Fair Street, Atlanta, Georgia 30314.

March 1, 2002: University of Georgia School of Law, Family & Friends Visitation Day, *Women in the Legal Profession: Views from the Bench*, Panelist. I have no notes, transcript, or recording. University coverage supplied. The address of the law school is 225 Herty Drive, Athens, Georgia 30602.

August 12, 2000: Mississippi Valley State University, Motivational Speaker. I have no notes, transcript, or recording. The address of the university is 14000 Highway 82 West, Itta Bena, Mississippi 38941.

August 8, 2000: Atlanta Business Women's Association, *Legal Issues Facing Women*, Speaker. Copy supplied.

January 14, 2000: Federal Magistrate Judge Investiture Ceremony Remarks. Copy supplied.

May 13, 1989: University of Georgia School of Law Commencement, Introduction of Speaker Senator Wyche Fowler, Jr. I have no notes, transcript or recording. The address of the law school is 225 Herty Drive, Athens, Georgia 30602.

Between 2004 and 2010, I gave remarks during Career Day at Ridgeview Charter School. I have no notes, transcript, or recording. The address of Ridgeview is 5340 S. Trimble Road NE, Atlanta, Georgia 30342.

Between 2007 and 2010, I served as a panelist during the annual Image Building Workshop sponsored by Delta Sigma Theta Sorority, Inc. The one instance in which I have been able to recall the exact date of one of the workshops in which I participated was February 20, 2010. I have no notes, transcript, or recording. The address of the Sorority's national headquarters is 1703-1709 New Hampshire Avenue NW, Washington, D.C. 20009.

- 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.

As an attorney and magistrate judge, it has been my general practice not to give interviews. Below is a list of articles in which I was quoted that I have compiled through my recollection and a search of public records. It is possible that others exist that I do not recall and have not been able to locate.

Royce Bluitt, *Spotlight: The Honorable Linda T. Walker*, Georgia Association of Black Women Attorneys Newsletter, Nov. 2007, at 5. Copy supplied.

Stephen Ursery, *Walker Nominated for U.S. Magistrate Judgeship*, Fulton County Daily Report, June 21, 1999, at 1. Copy supplied.

Alfred Charles, *Fulton County News; Vote-Counting System Installed*, Atlanta Journal and Constitution, May 6, 1999, at 8JD. Copy supplied.

Lawrence Viele, *Linda Walker Won't Seek Full Term as County Atty.*, Fulton County Daily Report, Dec. 23, 1998, at 1. Copy supplied.

Christopher Weems, *Fulton County Budget Short by 85 Million: County Manager, Tax Assessors Short of Jobs*, Atlanta Inquirer, Nov. 28, 1998, at 1. Copy supplied.

Northside Notes, Atlanta Journal and Constitution, Aug. 13, 1998, at 01JH. Copy supplied.

Spotlight on...Linda Walker, Georgia Association of Black Women Attorneys Newsletter, April 1998, at 1. Copy supplied.

June D. Bell, *Linda Walker Named County Attorney*, Fulton County Daily Report, Feb. 6, 1998, at 3. Copy supplied.

Sandra Eckstein, *Judge Dismisses Tree-Saving Suit*, Atlanta Journal and Constitution, June 28, 1995, at 3C. Copy supplied.

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

On January 2, 2000, I was appointed a United States Magistrate Judge by the United States District Court for the Northern District of Georgia. On January 2, 2008, I was reappointed. This is a federal court whose jurisdiction is defined by 28 U.S.C. § 636. As

a Magistrate Judge, I preside over, exercise jurisdiction over, and adjudicate federal civil and criminal cases. I handle all preliminary criminal proceedings including issuing arrest and search warrants, hearing and ruling on motions to dismiss and to suppress evidence/statements, and conducting international extradition proceedings. I preside over criminal misdemeanor trials and rule on habeas corpus petitions. Upon the consent of the parties, I preside over civil jury and non-jury matters. I am responsible for resolving discovery disputes in civil cases. I hear and rule on Social Security Administrative Appeals. I serve as a mediator in cases pending before the district court. I handle any matter referred from district court judges.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? 25

i. Of these, approximately what percent were:

jury trials:	16 %
bench trials:	84 %
civil proceedings:	40 %
criminal proceedings:	60 %

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

As a Magistrate Judge, I prepare Reports and Recommendations on dispositive matters (e.g., Motions for Summary Judgment, Motions to Dismiss, Motions to Suppress Evidence) referred to me by the District Judges of this Court, who remain the presiding judge in the case. I also prepare Orders on motions referred to me, which are not dispositive. From time to time, parties will consent to my jurisdiction, and in such cases, I am the presiding judge over the case. When I am the presiding judge, I do not prepare Reports and Recommendations. Instead, I enter Orders for all motions adjudicated in the case. I am attaching a list of the Reports and Recommendations that I have prepared for matters that have referred to me by the District Judges on this Court as well as Orders I have entered when acting as the presiding judge.

See attached list of opinions.

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. *Abernethy v. O'Neill*, No. 1:98-CV-3261-GET. Plaintiff argued that the Internal Revenue Service ("IRS") discriminated against him on the basis of his

race and retaliated against him in violation of Title VII of the Civil Rights Act of 1964. I recommended that summary judgment be granted in favor of the IRS on all of plaintiff's claims except the claim that the IRS retaliated against him when it removed his supervisory duties and lowered his departure rating. District Judge Ernest Tidwell adopted my Report and Recommendation. I then tried the case as a special master and issued a Special Master Report recommending that the IRS be found not liable and that judgment be entered in favor of the IRS. Subsequently, Judge Tidwell held a jury trial, and the jury entered a verdict in favor of plaintiff but awarded no monetary recovery.

Counsel for Plaintiff: Gordon Joseph Rose
Air Line Pilots Association
100 Hartsfield Centre Parkway
Suite 200
Atlanta, GA 30354
(404) 763-4925

Counsel for Defendant: David Wright
Office of United States Attorney
Northern District of Georgia
75 Spring Street, SW
600 United States Courthouse
Atlanta, GA 30303
(404) 581-6000

2. *Collins v. Wal-Mart Stores, Inc.*, No. 3:99-CV-85-JTC. Plaintiff alleged that his male supervisor sexually harassed him in violation of Title VII of the Civil Rights Act of 1964. I recommended that summary judgment be denied as to the same-sex harassment claim, and District Judge Jack Camp adopted my Report and Recommendation. After a non-jury special master trial, I found in favor of the plaintiff. The parties subsequently settled the case.

Counsel for Plaintiff: Kevin Trent Moore
Office of Kevin T. Moore
6111 Peachtree Dunwoody Road, NE
Building C, Suite 201
Atlanta, GA 30328
(770) 396-3622

Counsel for Defendant: Anthony A. Rowell
McLain & Merritt, P.C.
3445 Peachtree Road, NE
Suite 500
Atlanta, GA 30326
(404) 266-9171

3. *United States v. Wheat*, No. 1:06-CR-382-JTC. This was a complex case in which twelve defendants were indicted in a forty-five count indictment, including charges of conspiracy, fraud, wire fraud, mail fraud, importation of narcotic and controlled substances, continuing criminal enterprise, introduction of unapproved new drugs, and adulteration and misbranding of a drug. During the two-year period in which I presided over pre-trial matters in the case, I handled bond hearings, motions to suppress evidence (including evidence seized in Belize), motions to compel, in camera review of evidence, discovery motions, and motions for dismissal of the indictment. All of my Reports and Recommendations were adopted by District Judge Jack Camp. I also prepared for *Daubert* hearings, but they were cancelled at the last minute when defendants decided to enter guilty pleas.

Counsel for Plaintiff:

Cynthia Beckwith Smith
Office of United States Attorney
Northern District of Georgia
75 Spring Street, SW
600 United States Courthouse
Atlanta, GA 30303
(404) 581-6350

John Russell Phillips
Office of United States Attorney
Northern District of Georgia
75 Spring Street, SW
600 United States Courthouse
Atlanta, GA 30303
(404) 581-6239

Aaron M. Danzig
Arnall, Golden & Gregory
Suite 2100
171 Seventeenth Street, NW
Atlanta, GA 30363
(404) 873-8504

Robert C. McBurney
Office of United States Attorney
75 Spring Street, SW
600 United States Courthouse
Atlanta, GA 30303
(404) 581-6184

Counsel for Defendants:

Arthur W. Leach
Law Office of Arthur W. Leach
25th Floor
75 Fourteenth Street, NW
Atlanta, GA 30309
(404) 786-6443

Edward D. Tolley
Cook, Noell, Tolley & Bates
304 East Washington Street
Athens, GA 30603
(404) 549-6111

Warren Carl Lietz , III
Kish & Lietz, P.C.
1700 South Tower
225 Peachtree Street, NE
Atlanta, GA 30303
(404) 588-3991

4. *Mountain Park v. Lakeside at Ansley, LLC*, No. 1:05-CV-2775-CAP. In this case, the City of Mountain Park, Georgia, sued local developers for alleged violations of the Clean Water Act, claiming that their residential developments caused pollutants and sediment to be discharged into Lake Garrett. District Judge Charles Pannell referred the case to me to attempt to mediate the disputes between the parties. Plaintiff and defendants also filed five *Daubert* motions seeking to exclude the opposing parties' erosion experts, which were referred to me as well. After I held a six-day hearing on the motions, I recommended that the plaintiff's motions be denied and that the defendants' motions be granted in part. Judge Pannell adopted my Report and Recommendation. The case was subsequently mediated by a second magistrate judge, but did not settle. The case resulted in a \$25,000 plaintiff's verdict. No attorneys' fees were awarded.

Counsel for Plaintiff:

Holly Page Cole
Schulten Ward & Turner, LLP
260 Peachtree Street
Suite 2700
Atlanta, GA 30303
(404) 688-6800

Martin Arthur Shelton
Schulten Ward & Turner, LLP
260 Peachtree Street
Suite 2700
Atlanta, GA 30303
(404) 688-6800

Counsel for Defendants:

Elizabeth Bolton Davis
Thompson Hine LLP
One Atlantic Center, Suite 2200
1201 West Peachtree Street, NW
Atlanta, GA 30309
(404) 541-2900

Jennifer Grandoff Cooper
Gambrell & Stolz, LLP
3414 Peachtree Road
Suite 1600
Atlanta, GA 30326
(404) 223-2201

Patrick B. Moore
Weinberg, Wheeler, Hudgins, Gunn
& Dial, LLC
Suite 2400
3344 Peachtree Road, NE
Atlanta, GA 30326
(404) 876-2700

Jennifer C. Adair
Duncan & Adair, P.C.
7000 Central Parkway
Suite 220
Atlanta, GA 30328
(770) 698-4560

5. *Daw v. Kennesaw State Univ.*, No. 1:01-CV-1744-LTW. Plaintiff alleged that she was paid lower wages than male employees performing the same work in violation of the Equal Pay Act of 1963. Plaintiff also alleged that defendants discriminated against her on the basis of her sex and retaliated against her in violation of Title VII of the Civil Rights Act of 1964. District Judge Robert Vining granted summary judgment as to one of plaintiff's retaliation claims, but denied it as to the remainder of her claims. The parties consented to my jurisdiction for a jury trial. During the trial, I granted defendant's Motion for Judgment as a Matter of Law on plaintiff's Equal Pay Act claim. The jury found for the plaintiff as to some of the claims, but not others. The case subsequently settled.

Counsel for Plaintiff: Edward D. Buckley
Buckley & Klein, LLP
1180 West Peachtree Street
Suite 1100, Atlantic Center Plaza
Atlanta, GA 30309
(404) 781-1100

Counsel for Defendants: Brent L. Wilson
Elarbee, Thompson, Sapp & Wilson, LLP
229 Peachtree Street, NE
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6. *Nestadt v. Simon Prop. Grp., Inc.*, No. 1:03-CV-751-LTW, 132 F. App'x 824 (11th Cir. 2005). Plaintiff injured himself when he tripped over a curb in a mall parking lot at night after opting for a dark path between two parked vehicles instead of an illuminated public crosswalk. Plaintiff sued defendants for negligence, arguing that defendants knew or should have known that the curb was hazardous due to their failure to mark, illuminate, or remove the curb. I conducted a trial, and the jury found that defendants were negligent and awarded damages in the amount of \$266,000. However, I subsequently granted defendants' Motion for Judgment as a Matter of Law after concluding that because plaintiff was an invitee who deviated from a safe path, he assumed the heightened risk of his chosen path. The Eleventh Circuit affirmed my decision.

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7. *P & O Nedlloyd, Ltd. v. P.B. Indus., Inc.*, No. 1:03-CV-3993-LTW. Plaintiff P & O Nedlloyd, Ltd. hired SIACI Groupe De Assurances to transport a shipment of cognac and champagne from France to Atlanta, Georgia, through the Port of Charleston, South Carolina. Defendant P.B. Industries, Inc. was hired by plaintiff to transport the shipment from Charleston to Atlanta. Defendant received the shipment, but it was stolen prior to delivery. Plaintiff filed suit, claiming that defendant was liable for the value of the stolen shipment under the Carmack

Amendment and the Carriage of Goods by Sea Act, 46 U.S.C. app. §§ 1300-1315. The parties consented to my jurisdiction to decide the matter, and I granted defendant's motion for summary judgment. The parties did not appeal.

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8. *Fitzgerald v. Neal Pope, Inc. & Neal Pope Dodge, Inc.*, No. 1:97-CV-3875-JEC. Plaintiff was an African-American male who claimed he suffered from a racially hostile work environment, culminating in his termination from Neal Pope, Inc., in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. Plaintiff was rehired by Neal Pope Dodge, Inc., but resigned approximately eight months later, claiming he was again subjected to a racially hostile work environment and constructively discharged in violation of Title VII and Section 1981. I recommended that defendants' Motions for Summary Judgment should be denied, and District Judge Julie Carnes adopted my Report and Recommendation. Subsequently, I tried the case, sitting as a special master, and recommended judgment for plaintiff as to his Section 1981 hostile work environment and retaliatory termination claims. Afterward, the parties settled the case.

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9. *United States v. Aguilar-Garcia*, No. 1:07-CR-123-CC. The grand jury returned a six-count superseding indictment against seven defendants alleging violations of 18 U.S.C. § 924 and 21 U.S.C. §§ 841, 846. I considered five motions to suppress statements and evidence, and recommended that all motions be denied. District Judge Clarence Cooper adopted my Report and Recommendation in its entirety. All defendants entered guilty pleas.

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10. *United States v. Hurowitz*, No. 1:05-CR-405-BBM. The grand jury returned an eighty-six count indictment against defendant for health care fraud, obstruction of a criminal investigation of health care offenses, and money laundering. I considered the following motions: a motion to suppress a search warrant; motions to suppress evidence due to violations of the attorney work-product doctrine and a violation of the attorney-client privilege; motions to dismiss counts of the indictment for Fifth and Sixth Amendment violations; a motion to dismiss an asset forfeiture provision; a motion for return of property; a motion to strike indictment surplusage; a motion for a bill of particulars; a motion for a Jackson-Denno hearing; and a motion for jury determination of forfeiture nexus. I reported and recommended that all motions should be denied except the motion for a jury determination of forfeiture nexus. Subsequently, defendant entered a guilty plea, so District Judge Beverly Martin did not have the opportunity to consider the Report and Recommendation.

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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. *United States v. Jagne*, No. 1:01-MJ-935-LTW (N.D. Ga. Mar. 28, 2002).

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2. *Walker v. Delta Air Lines, Inc.*, No. 1:00-CV-0558-TWT, 2002 WL 32136202 (N.D. Ga. Aug. 1, 2002), *adopted* by District Judge Thomas Thrash on Sept. 9, 2002, *aff'd*, 66 F. App'x 846 (11th Cir. 2003).

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3. *Mote v. Ford Motor Co.*, No. 1:99-CV-2169-JEC (N.D. Ga. Sept. 5, 2001), *adopted by* District Judge Julie Carnes on Sept. 5, 2001, *aff'd*, 34 F. App'x 969 (11th Cir. 2002).

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4. *Smith v. Hitachi Transp. Sys. (Am.), Ltd.*, No. 1:99-CV-1515-TWT (N.D. Ga. Feb. 2, 2001), *adopted by* District Judge Thomas Thrash on Feb. 26, 2001.

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5. *Executive Risk Indem., Inc v. AFC Enters.*, No. 1:04-CV-2523-CAP (N.D. Ga. Sept. 27, 2006), *adopted by* District Judge Charles Pannell on Oct. 27, 2006.

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6. *Kates v. Astrue*, No. 1:07-CV-02409-LTW (N.D. Ga. Mar. 23, 2009).

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7. *United States v. Giddens*, No. 1:00-CR-527-LTW (N.D. Ga. Feb. 28, 2003).

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8. *Moisture Vision v. Silver*, No. 1:07-cv-1371-LTW (N.D. Ga. Mar. 6, 2009).

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9. *United States v. Gomillion*, No. 3:03-CR-18-JTC (N.D. Ga. June 21, 2004),
adopted by District Judge Jack Camp on July 20, 2004.

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10. *United States v. McGough*, No. 1:02-CR-418-TWT (N.D. Ga. Aug. 13, 2003). The Report and Recommendation was rejected by District Judge Thomas Thrash on Sept. 26, 2003. The Eleventh Circuit, however, agreed with the Report and Recommendation. *See United States v. McGough*, 412 F.3d 1232 (11th Cir. 2005).

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

To the best of my knowledge, I do not believe certiorari has been granted in any of my cases. The following cases are those in which certiorari was requested, to the best of my knowledge.

1. *United States v. Torres*, No. 1:06-CR-351-WSD (N.D. Ga. June 18, 2010).
2. *United States v. Kim*, No. 1:07-CR-130-CAP (N.D. Ga. Mar. 2, 2010).
3. *United States v. Oliver*, No. 1:01-CR-513-CAP (N.D. Ga. May 4, 2009).
4. *Richards v. Thompson*, No. 1:07-CV-1370 (N.D. Ga. Jan. 30, 2009).
5. *Dixon v. Thompson*, No. 1:07-CV-648 (N.D. Ga. Nov. 14, 2008).
6. *United States v. Hicks*, No. 1:04-CR-478-RWS (N.D. Ga. Oct. 22, 2008).
7. *Neely v. City of Riverdale*, No. 1:05-CV-1930-GET (N.D. Ga. Oct. 16, 2008).
8. *United States v. Dorsey*, No. 1:06-CR-325-ODE (N.D. Ga. Oct. 16, 2008).
9. *Pope v. Pilgrims Pride Corp.*, No. 1:05-CV-1469-TCB (N.D. Ga. Apr. 23, 2008).
10. *United States v. Escalante*, No. 1:04-CR-376-CAP (N.D. Ga. Oct. 19, 2007).
11. *United States v. Givens*, No. 1:03-CR-747-ODE (N.D. Ga. Oct. 12, 2007).

12. *United States v. Outlaw*, No. 1:05-CR-112-WBH (N.D. Ga. Oct. 12, 2007).
13. *United States v. Garrett*, No. 1:05-CR-185-WSD (N.D. Ga. Oct. 12, 2007).
14. *United States v. Disch*, No. 1:04-CR-539-TWT (N.D. Ga. Mar. 27, 2007).
15. *Holliman v. Clark Atlanta Univ., Inc.*, No. 1:03-CV-132-JEC (N.D. Ga. Oct. 13, 2006).
16. *Usher v. Mortin*, No. 1:04-CV-1637-TWT (N.D. Ga. Oct. 2, 2006).
17. *Abernethy v. Rubin*, No. 1:98-CV-3261-GET (N.D. Ga. June 20, 2006).
18. *United States v. Giles*, No. 1:99-CR-289-ODE (N.D. Ga. Mar. 8, 2006).
19. *United States v. Giddens*, No. 1:00-CR-527-WBH (N.D. Ga. Mar. 7, 2006).
20. *Shivers v. United States*, No. 1:05-CV-853-TWT (N.D. Ga. Mar. 6, 2006).
21. *Wright v. State of Georgia*, No. 1:03-CV-3041-BBM (N.D. Ga. Jan. 23, 2006).
22. *Starks v. McCalla Raymer, Padrick, Cobb, Nichols & Clark, LLC*, No. 1:01-CV-1414-MHS (N.D. Ga. Jan. 20, 2006).
23. *Payne v. Vanguard Cellular Sys., Inc.*, No. 1:00-CV-346-TWT (N.D. Ga. Oct. 4, 2004).
24. *Childs v. Riley*, No. 1:02-CV-1526-CAM (N.D. Ga. Jan. 12, 2004).
25. *Brooks v. GA Pardon/Parole*, No. 1:01-CV-1825-JOF (N.D. Ga. Jan. 12, 2004).
26. *Evans v. Sikes*, No. 1:01-CV-1489-CAP (N.D. Ga. June 3, 2002).
27. *Foster v. Rewis*, No. 1:00-CV-1029-RWS (N.D. Ga. May 20, 2002).
28. *Goolsby v. Atlanta Indep. Sch. Sys.*, No. 1:99-CV-2709-JEC (N.D. Ga. Feb. 19, 2002).

- 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.

1. *Owen v. I.C. System, Inc.*, No. 3:08-CV-36-LTW (N.D. Ga. Sept. 28, 2009), *rev'd*, No. 09-15464, 2011 WL 43525 (11th Cir. Jan. 7, 2011). In this Fair Debt Collection Practices Act case, I recommended that plaintiff's Motion for Summary Judgment be denied and that defendant's Motion for Summary Judgment be granted. The Eleventh Circuit Court of Appeals disagreed with me as to a portion of my Order.

2. *Underwood v. Chick-Fil-A*, No. 1:09-CV-2831-TCB (N.D. Ga. July 14, 2010). In this employment discrimination action, I recommended that defendant's Motion to Dismiss be denied as to the franchisor. On August 18, 2010, however, District Judge Timothy Batten rejected a portion of my Report and Recommendation and granted summary judgment as to Chick-Fil-A, the franchisor.

3. *Campbell v. Americredit*, No. 1:09-CV-3115 (N.D. Ga. May 27, 2010). In this action pursuant to several consumer credit laws, on June 22, 2010, District Judge Vining rejected my recommendation that one defendant's Motion to Dismiss be denied as premature.

4. *Gilmore v. Account Mgmt.*, No. 1:08-CV-1388-JOF, 2009 WL 2848278 (N.D. Ga. Apr. 27, 2009). In this Fair Debt Collection Practices Act action, I recommended that default judgment be granted in favor of plaintiff as to most claims, including a state law claim pursuant to the Georgia Fair Business Practices Act. Although I believed that plaintiff's Complaint stated a claim under that statute, Judge Owen Forrester disagreed and rejected that portion of the Report and Recommendation. The Eleventh Circuit, however, agreed with me that the Complaint stated a claim. *See Gilmore v. Account Mgt.*, 357 F. App'x 218 (11th Cir. 2009).

5. *United States v. Hardy*, No. 1:07-CR-374-BBM (N.D. Ga. Dec. 24, 2008). In this criminal action, I recommended that defendant's Motion to Suppress Statements be denied on the grounds that defendant had not been interrogated and therefore, was not entitled to *Miranda* warnings. On May 26, 2009, District Judge Beverly Martin declined to adopt this portion of my Report and Recommendation. Nevertheless, Judge Martin did not suppress the statements because the information gained from them would have inevitably been discovered.

6. *Smith v. Astrue*, No. 1:07-CV-1348-TCB (N.D. Ga. June 26, 2008). In this appeal of the Commissioner of Social Security's decision to deny social security disability benefits, I recommended that the Commissioner of Social Security be affirmed. On September 8, 2008, District Judge Timothy Batten disagreed with

my recommendation and remanded the matter to the Commissioner for further consideration.

7. *Giles v. Burnette*, No. 1:06-CV-2311-RLV (N.D. Ga. Apr. 25, 2007). In this case, I recommended that the plaintiff's Petition for a Writ of Habeas Corpus be denied because it was not timely filed. Plaintiff objected to the Report and Recommendation and made a new argument in support of the timeliness of his claims to District Judge Vining. On August 14, 2007, Judge Vining declined to adopt the Report and Recommendation and referred the matter back to me to consider the plaintiff's new argument.

8. *Freeman v. City of Riverdale*, No. 1:06-CV-2230-WSD-LTW, 2007 WL 1129004 (N.D. Ga. Feb. 16, 2007). In this employment discrimination action, I recommended that defendant's Motion to Dismiss be granted. On April 16, 2007, after plaintiff presented additional evidence that was not presented to me, Judge William Duffey rejected a portion of the Report and Recommendation.

9. *Shah v. Dobbs Temp. Servs., Inc.*, No. 1:05-CV-1706-RWS (N.D. Ga. Apr. 24, 2006). In this employment discrimination action, I recommended dismissal of several of plaintiff's claims. On June 28, 2006, District Judge Richard Story rejected a portion of my Report and Recommendation in which I recommended that one of plaintiff's Title VII claims be dismissed for failure to exhaust administrative remedies.

10. *Lasher v. Day & Zimmerman Int'l, Inc.*, No. 1:05-CV-2643, 2006 WL 1518881 (N.D. Ga. Jan. 09, 2006). In this employment discrimination action, on May 30, 2006, District Judge Marvin Shoob disagreed with my recommendation that venue was proper in the Northern District of Georgia.

11. *Furlow v. Barnhart*, No. 1:03-CV-3167-CC (N.D. Ga. Jan. 19, 2005). In this appeal of the Commissioner of Social Security Administration's decision to deny social security disability benefits, I recommended that the decision of the Commissioner be affirmed. On March 17, 2005, District Judge Clarence Cooper disagreed with portions of my Report and Recommendation and reversed the decision of the Commissioner.

12. *Lofton v. Potter*, No. 1:02-CV-3277-JEC (N.D. Ga. Dec. 10, 2004). In this employment discrimination matter, I recommended that defendants' Motion for Summary Judgment be granted as to federal claims, but denied as to state law claims. District Judge Julie Carnes adopted my Report and Recommendation as to the federal claims but rejected the portion denying summary judgment as to the state law claims on July 21, 2005. The Eleventh Circuit affirmed Judge Carnes' order.

13. *Byrd v. Ameriquest Mortg. Co.*, No. 1:03-CV-219-RWS (N.D. Ga. Nov. 10, 2004). In this Truth in Lending Act ("TILA") action, I recommended that

defendant's Motion for Summary Judgment be granted in part. I recommended summary judgment in favor of defendant as to plaintiff's claim that defendant violated TILA and Regulation Z when it failed to properly disclose a schedule of payments to plaintiffs. On January 14, 2005, District Judge Richard Story rejected this portion of the Report and Recommendation, but adopted the remainder of it.

14. *Vessels v. Atlanta Indep. Sch. Sys.*, No. 1:01-CV-2035-JTC (N.D. Ga. Mar. 22, 2004). In this employment discrimination action, I recommended that summary judgment be granted as to all claims, and my Report and Recommendation was adopted by District Judge Jack Camp on June 28, 2004. The Eleventh Circuit affirmed in part and reversed part. *See Vessels v. Atlanta Indep. Sch. Sys.*, 408 F.3d 763 (11th Cir. 2005).

15. *Washington v. WellStar Health Sys.*, No. 1:01-CV-2590-RLV (N.D. Ga. Sept. 18, 2003). In this employment discrimination action, I recommended that summary judgment be granted in part and denied in part. Although I recommended that defendant's Motion for Summary Judgment be denied as to one claim because defendant did not brief the issue, District Judge Robert Vining rejected this portion of my recommendation.

16. *United States v. McGough*, No. 1:02-CR-418-TWT (N.D. Ga. Aug. 13, 2003). In this criminal action, on September 26, 2003, District Judge Thomas Thrash rejected my recommendation that defendant's Motion to Suppress be granted. The Eleventh Circuit, however, agreed that the evidence should be suppressed. *See United States v. McGough*, 412 F.3d 1232 (11th Cir. 2005).

17. *Phillips v. Barnhart*, No. 1:02-CV-407-TWT (N.D. Ga. April 9, 2003). In this case, I recommended that the Social Security Commissioner's decision denying social security disability benefits be affirmed, and my recommendation was adopted by District Judge Thomas Thrash on May 28, 2003. The Eleventh Circuit disagreed and remanded the matter to the Commissioner for reconsideration of plaintiff's application for disability insurance benefits. *See Phillips v. Barnhart*, 357 F.3d 1232 (11th Cir. 2004).

18. *McDaniel v. Fulton Cnty. Sch. Dist.*, No. 1:00-CV-1929-JEC, 2002 U.S. Dist. LEXIS 24429 (N.D. Ga. July 11, 2002). In this employment discrimination action, I recommended that summary judgment be granted in part and denied in part. On September 13, 2002, District Judge Julie Carnes adopted the Report and Recommendation in part, but declined to adopt my recommendation that summary judgment should be granted as to plaintiff's sexual harassment claim because defendant took prompt corrective action to end sexual harassment. *See McDaniel v. Fulton Cnty. Sch. Dist.*, 233 F. Supp. 2d 1364 (N.D. Ga. 2002).

19. *United States v. Vickery*, No. 1:01-CR-346-ODE (N.D. Ga. Mar. 8, 2002). In this criminal matter, I recommended that the defendant's motion to define the

elements of the offense under the Controlled Substance Analogue Act be denied, but District Judge Orinda Evans rejected my Report and Recommendation on May 16, 2002. The defendant entered a guilty plea.

20. *Wyche v. Earthgrains Banking Cos.*, No. 1:99-CV-2793-ODE (N.D. Ga. Jan. 2, 2002). In this employment discrimination action, I recommended granting in part and denying in part defendant's Motion for Summary Judgment. On March 27, 2002, District Judge Orinda Evans adopted my Report and Recommendation in part, but granted summary judgment as to all of plaintiff's claims.

21. *Gutierrez v. NACOM Corp.*, No. 1:00-CV-872-CAM (N.D. Ga. Feb. 19, 2001). In this employment discrimination action, I recommended that summary judgment be granted as to all claims except for plaintiff's hostile work environment claim. District Judge Charles Moye, Jr. adopted my Report and Recommendation except as to the hostile work environment claim. The Eleventh Circuit reversed and remanded the hostile work environment claim for trial. 55 Fed. App'x 902 (11th Cir. 2002). Subsequently, the case settled.

22. *Yull v. Chapman*, No. 1:00-CV-1093-RLV (N.D. Ga. Aug. 31, 2000). In this case, I recommended that the plaintiff's Petition for a Writ of Habeas Corpus be denied because it was not timely filed, and Judge Vining adopted my Report and Recommendation. The Eleventh Circuit remanded the matter for reconsideration of whether the petition was timely. I again recommended that the petition be denied, and Judge Vining agreed with my recommendation. Plaintiff did not appeal the matter.

- 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.

Civil: As a magistrate judge, I issue orders on non-dispositive matters and orders on dispositive matters in consent cases, and I issue reports and recommendations on all dispositive matters referred to me. My non-dispositive orders include discovery matters, motions to amend the pleadings, motions to extend the discovery schedule and other miscellaneous civil motions. I issue hundreds of such orders in any given year. Very few of those orders are published, although I have filed all of my opinions with our court's Electronic Case Filing system for as long as the court has maintained that system. With respect to dispositive motions referred to me by the district court, a fair percentage of those cases are published electronically and a smaller portion is available in a published reporter. It is not within my discretion as a magistrate judge to determine whether any given opinion is designated as unpublished.

Criminal: As a magistrate judge, I issue orders on non-dispositive criminal motions (hundreds every year) and reports and recommendations on suppression motions which are all referred to the magistrate judge in this district. After the

district court rules on any objections to those reports and recommendations, any given suppression order may be published. Again, it is not within my discretion to determine whether any given order is published. If published, the opinions may be available through electronic publication or in a published reporter. As with my civil opinions, I have filed all of my criminal opinions with our court's Electronic Case Filing system for as long as the court has maintained that system.

- 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.

1. *United States v. Vega*, No. 1:09-CR-97 (N.D. Ga. Mar. 17, 2010), *adopted by* District Judge Marvin Shoob on April 26, 2010.

2. *United States v. Bryant*, No. 1:09-CR-18-JEC (N.D. Ga. Oct. 15, 2009).

3. *United States v. Dominguez-Reyes*, No. 1:08-CR-268-TCB (N.D. Ga. Dec. 5, 2008), *adopted by* District Judge Timothy Batten on January 5, 2009. (Appeal limited to sentencing issues at *United States v. Dominguez-Reyes*, No. 09-15672, 2010 WL 2399353 (11th Cir. June 15, 2010).)

4. *United States v. Crane*, No. 1:07-CR-408-TWT, 2008 WL 5075906 (N.D. Ga. Nov. 25, 2008), *adopted by* District Judge Thomas Thrash on November 25, 2008.

5. *United States v. Jeffries*, No. 1:07-CR-311-RWS (N.D. Ga. Aug. 7, 2008), *adopted by* District Judge Richard Story on November 17, 2008. (Appeal limited to Judge Story's jury instructions at *United States v. Jeffries*, No. 09-12686, 2010 WL 1857352 (11th Cir. May 11, 2010).)

6. *United States v. Torres*, No. 1:06-CR-351-WSD (N.D. Ga. Mar. 21, 2008), *adopted by* District Judge William Duffey on October 9, 2008. Although some defendants filed notices of appeal, the appeals were dismissed by the Eleventh Circuit and/or the petitioners. One defendant filed a petition for a writ of certiorari with the Supreme Court, which was denied.

7. *United States v. Welch*, No. 1:07-CR-354-WSD (N.D. Ga. Feb. 14, 2008), *adopted by* District Judge William Duffey on May 14, 2008.

8. *Redding v. Tuggle*, No. 1:05-CV-2899-WSD, 2007 WL 2462641 (N.D. Ga. July 11, 2007), *adopted by* District Judge William Duffey, 2007 WL 2506442 (N.D. Ga. Aug. 20, 2007).

9. *Neely v. Riverdale*, No. 1:05-CV-1930-GET (N.D. Ga. Feb. 13, 2007), *adopted by* District Judge Ernest Tidwell on March 29, 2007, *aff'd*, 251 F. App'x 632 (11th Cir. 2007), *cert. denied*, *Neely v. Riverdale*, 129 S. Ct. 160 (2008).

10. *United States v. Gomillion*, No. 3:03-CR-18-JTC (N.D. Ga. June 21, 2004), *adopted by* District Judge Jack Camp on July 20, 2004.

11. *United States v. McGough*, No. 1:02-CR-418-TWT (N.D. Ga. Aug. 13, 2003). My Report and Recommendation was rejected by District Judge Thomas Thrash on September 26, 2003. The Eleventh Circuit, however, agreed with the Report and Recommendation. *See United States v. McGough*, 412 F.3d 1232 (11th Cir. 2005).

12. *Bibbs v. Georgia State Univ.*, No. 1:00-CV-3056-JTC (N.D. Ga. Mar. 31, 2003), *adopted by* District Judge Jack Camp on August 23, 2003.

- 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 follow the recusal statutes and Code of Conduct for United States Judges. Whenever called for by the Code of Conduct for United States Judges, the recusal statutes, or the general interest in maintaining impartiality and the appearance of impartiality of the Court, I disclose the potential conflict and/or recuse myself. I also carefully evaluate each case – both at the time of the initial reference and again, if the parties consent to my jurisdiction, when the case is assigned to me for all purposes. To my knowledge no litigant or party has requested that I recuse myself from a case, motion, or matter due to a conflict of interest. To the extent

that I have a financial interest in any party, I would also recuse myself, if confirmed.

I have sua sponte recused myself from cases in which I personally or professionally have known the plaintiff or defendant. I have also recused myself from cases in which the attorney of record was my former employee. If confirmed, I would continue to follow this practice. The vast majority of my recusals have occurred for one of those two reasons, and the rest due to other recusal statute provisions. Specifically, I have recused myself as follows.

- I recused myself from the following cases because of a personal or professional relationship with a party or attorney:

Brown v. MCI, No. 1:98-CV-1258
Dew v. Georgia Dep't of Technical and Adult Educ., No. 1:98-cv-3718
Cloud v. Georgia Tech, No. 1:99-CV-1029
Withrow v. Wal-Mart, No. 1:00-CV-1139
McKinney's v. Shoney's, Inc., No. 1:00-CV-1409
Siddique v. DeKalb Cnty., No. 1:01-CV-244
Johnson v. UPS, No. 1:01-CV-1065
Rogers v. SouthTrust Bank, No. 1:02-CV-1813
Harris v. Hunter, No. 1:04-CV-1558
Holmes v. Fulton Cnty. Sch. Dist., No. 1:06-CV-2556
Carl v. Fulton Cnty., No. 1:07-CV-1812
Korey v. City of Hapeville, No. 1:07-CV-1883
Davis v. Fulton Cnty., No. 1:08-CV-3241
Archer v. Lucent Techs., Inc., No. 1:99-CV-3273
Brown v. Fed. Reserve Bank of Atlanta, No. 1:98-CV-2888
Trimiar v. S. Co. et al., No. 2:01-CV-73
Collier v. Fulton Cnty., No. 1:10-CV-2130

- I recused myself from the following cases because one or more of the litigants was a former client of mine:

Belusel v. Fulton Cnty. Police Dep't, No. 1:00-CV-297
Maddox v. Fulton Cnty. Bd. of Comm'rs, No. 1:02-CV-2562
Jones v. Fulton Cnty. Jail, No. 1:00-CV-224
Carroll v. Fulton Cnty., No. 1:00-CV-336
Brown v. Fulton Cnty. Sheriff, No. 1:00-CV-364
Jones v. Fulton Cnty., No. 1:03-CV-2627
Sims v. Fulton Cnty. Gov't, No. 1:04-CV-1409
Davis v. Fulton Cnty., No. 1:08-CV-3241

- I recused myself from the following cases because I held stock or other financial interest in the company of one of the named litigants:

Oyewole v. GE Capital, No. 1:99-CV-2286
Spect v. Gen. Elec. Co., No.1:99-CV-2508
Stowers v. Gen. Elec. Co., No. 1:00-CV-2591
Alston v. MCI WorldCom, No. 1:00-CV-2749
Kelly v. MCI WorldCom, No. 1:01-CV-1238
Smith v. Home Depot, No. 1:01-CV-2539
Quintyne v. Home Depot, No. 1:02-CV-1560
Gaines v. The Coca Cola Co., No. 1:02-CV-2046
Robinson v. The Home Depot, No. 1:02-CV-2055
Mullenix v. Home Depot, No. 1:03-CV-1679
Avery v. Home Depot, No. 1:04-CV-1604
Waters v. Home Depot USA, Inc., No. 1:04-CV-2172
Andrew v. Bank of Am., No. 1:08-CV-0005
Daniels v. GE Capital Servs., No. 1:99-CV-3315
Militana v. Wells Fargo Bank, N.A., No. 1:10-CV-1218
White v. Wells Fargo Fin., No. 1:10-CV-2486

- I recused myself from the following cases because I was listed as one of the defendants in a lawsuit filed by one or more of the litigants:

Cuyler v. Wal-Mart Stores, Inc., No. 1:00-CV-1350 (the pro se plaintiff filed an action against me)

Saba v. Walker, No. 1:01-CV-2688 (the pro se plaintiff filed an action against me)

Saba v. BellSouth Corp., No. 1:01-CV-2897 (I was previously sued by the plaintiff)

- The following case was referred to me for mediation. However, I recused myself from the following case to avoid the appearance of impropriety or any allegation of bias or prejudice because I had recently sanctioned plaintiff's counsel in another case.

Marable v. G & K Servs. Co., No. 1:03-CV-1857

- I recused myself from the following case because my husband, in the normal course of his business, unknowingly handled a business transaction with a potential witness in the case.

USA v. Ahmed, No. 1:06-CR-147

- I do not remember why I recused myself from the following case:

Mosby v. Georgia State, No. 1:00-CV-2365

- I recused myself from the following case to avoid the appearance of impropriety or any allegation of bias or prejudice because I had previously

found that this plaintiff had been discriminated against and recommended that damages be awarded to the plaintiff in another case.

Fitzgerald v. Asbury Automotive Atlanta, LLC, No. 1:07-CV-2080 (N.D. Ga. Nov. 1, 2007)

- A pro se plaintiff in a civil case filed a motion to disqualify me after I ruled against him and allowed his attorney to withdraw from the case. Plaintiff also filed a judicial complaint against me with the Court of Appeals for the Eleventh Circuit. To avoid the appearance of impropriety or allegations of bias or prejudice, I recused myself from the case.

Cuyler v. Wal-Mart Stores, Inc., No. 1:00-CV-1350

15. Public Office, Political Activities and Affiliations:

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

I was appointed by the Fulton County Board of Registration and Elections to serve as its Director. I served from March 1999 to November 1999. I was also appointed by the Fulton County Board of Commissioners to serve as the Fulton County Attorney. I served from September 1997 to February 1999.

I have not run for an elected office nor have I been an unsuccessful candidate for an appointed 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 have not engaged in any political activity.

I have never worked on a campaign nor have I held any office in a political party or election committee.

16. Legal Career: Answer each part separately.

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

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

I served as a clerk to The Honorable G. Ernest Tidwell, United States District Court for the Northern District of Georgia (1989 – 1990).

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

I have not practiced alone.

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

1990 – 1992

Webb & Daniel (now known as Holland & Knight, LLP)
1201 West Peachtree Street, NW, Suite 2000
Atlanta, GA 30309
Associate

1992 – 1999

Fulton County Attorney's Office
141 Pryor Street, Suite 4038
Atlanta, GA 30303
Deputy County Attorney (1992 – 1997)
County Attorney (1997 – 1999)

Summer and Fall 1997

Atlanta Technical College
1560 Metropolitan Parkway
Atlanta, GA 30310
Instructor of Paralegal Studies/Legal Research

1999

Fulton County Board of Registration and Elections
141 Pryor Street, Suite 4075
Atlanta, GA 30303
Director

- 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.

Prior to becoming a Magistrate Judge, I had not served as a mediator or arbitrator.

As a Magistrate Judge, I conduct settlement conferences monthly. I have settled numerous cases in that capacity. The following is a list of the ten most significant cases in which I was involved.

1. *Harman v. Life Univ., Inc.*, No. 1:00-CV-3375-WBH. Four plaintiffs, university professors, filed this employment discrimination action against defendant Life University. Plaintiffs alleged defendant violated Title VII of the Civil Rights Act of 1964 by discriminating against them in their employment and subjecting them to a hostile work environment on the basis of their religion. Two plaintiffs also asserted that defendant discriminated against them on the basis of their age, in violation of the Age Discrimination in Employment Act. One plaintiff alleged he was terminated on the basis of his disability in violation of the Americans with Disabilities Act. Defendant denied that it discriminated against the plaintiffs. The case was successfully settled.

2. *Frederick v. United States*, No. 1:02-CV-406-CC. Plaintiffs filed this action pursuant to the Federal Torts Claims Act for the wrongful death of their father who was an incarcerated prisoner. The United States denied that its actions resulted in the plaintiffs' decedent's death. The case was successfully settled.

3. *Pinckney v. Assoc. of Am. Med. Colls. ("AAMC")*, No. 1:03-CV-2326-HTW. Plaintiff, a disabled person, filed this action against defendant AAMC pursuant to the Americans with Disabilities Act ("ADA") seeking an order requiring that he be provided reasonable accommodations in the administration of the Medical College Admission Test. Defendant AAMC denied plaintiff's request on the ground that plaintiff was not disabled as defined by the ADA. The case was successfully settled.

4. *Whitaker v. Perimeter Ford, Inc.*, No. 1:04-CV-2824-GET. Plaintiff filed this action against defendant Perimeter Ford, a car dealership, and Bank One, asserting violations of the Truth in Lending Act, the Federal Reserve Board's Regulation Z, the Equal Credit Opportunity Act, and the Fair Credit Reporting Act. Plaintiff alleged, among other things, that defendant Ford failed to provide accurate disclosures of the cost of credit, understated the annual percentage rate, and backdated the retail installment contract and security agreement that she executed. Plaintiff also alleged that both defendants failed to make timely credit decisions on her credit application. Defendants denied plaintiff's allegations. The case was successfully settled.

5. *Unique Sports Prods., Inc. v. Wilson Sporting Goods Co.*, No. 1:05-CV-1816-JEC. Plaintiff, a small family-owned business, markets, distributes, and sells sporting goods. Defendant, one of the largest sporting goods companies in the world, also markets, distributes, and sells

sporting goods. Plaintiff filed this action seeking monetary damages, injunctive relief, and other relief as a result of defendant's alleged violations of federal common law, trademark infringement and false advertising under Section 43(a) of the Lanham Act, unfair competition, willful false and deceptive trade practices under the laws of the State of Georgia, tortious interference with contractual and business relations, unjust enrichment, misappropriation, and conversion. Plaintiff had an exclusive license to use the name and likeness of tennis legend Pete Sampras on tennis ball hoppers and a variety of tennis accessories, and alleged that defendant improperly used the image of Pete Sampras on its tennis ball hoppers. Defendant denied the allegations. The case was successfully settled.

6. *Carter v. Yellow Transp.*, No. 1:06-CV-323-RWS. Plaintiff, a female truck driver, filed this action alleging that defendant Yellow Transportation discriminated against her on the basis of her sex and retaliated against her in violation of Title VII of the Civil Rights Act of 1964. Plaintiff alleged that the defendant subjected her to harassment, discrimination, and retaliation upon learning that she had previously filed an EEOC charge against a former employer. Defendant denied the claims. The case was successfully settled.

7. *Yates v. The City of Atlanta*, No. 1:07-CV-003-WSD. Plaintiff worked for the City of Atlanta in the Aviation Department. He sued the City, the Mayor, and the Manager of the Airport, alleging they violated his right to procedural due process pursuant to 42 U.S.C. § 1983 when he was terminated from his employment. Plaintiff also alleged that defendants breached his employment contract and violated the Georgia Whistleblower Statute. Plaintiff asserted that defendant failed to promote him and that he was terminated after complaining of corruption and mismanagement regarding the international terminal at the airport. Defendants denied plaintiff's accusations. The case was successfully settled.

8. *Gen-Tran Corp. v. Universal Prod. Concepts, Inc.*, No. 1:08-CV-3777-JEC. In this trademark infringement case, plaintiff, a Georgia corporation, filed this action against defendant, a California corporation, seeking damages and attorneys' fees, costs, and permanent injunctive relief. Plaintiff produces, distributes and markets generator transfer switches for portable generators under the GENTRAN Marks. Defendant also manufactures, distributes, and markets electric generators and other power generating equipment under the designation GENTRON. Plaintiff alleged defendant's use of the GENTRON designation constituted a reproduction, copying, counterfeiting, and colorable imitation of GENTRAN Marks in a manner likely to cause confusion, mistakes, or deception of consumers. Defendant denied plaintiff was entitled to any relief and filed a counterclaim seeking a declaratory judgment cancelling

plaintiff's registration and finding that plaintiff's alleged Marks were invalid and unenforceable. The case was successfully settled after a lengthy mediation.

9. *United Rentals, Inc. v. McDowell*, No. 3:08-CV-0087-JTC. In this breach of contract case, plaintiff, a Connecticut corporation, filed this action against defendants, an individual and owner of a number of businesses, for a debt owed on a contract and an account for rental of construction equipment. Plaintiff also sought to foreclose a mechanics' and materialman's lien against real estate owned by defendants. Defendants denied liability, arguing any contracts or accounts were terminated in writing. The case was successfully settled.

10. *Shelbayah v. Bd. of Regents of the Univ. Sys. of Ga.*, No. 1:09-CV-2783-RWS. In this multi-plaintiff case, I mediated plaintiff Shelbayah's claims against defendants. Plaintiff Shelbaya filed this action alleging that defendants discriminated against her on the basis of her race (Arabic) and religion (Muslim) in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, and 42 U.S.C. § 1983. Plaintiff Shelbayah also alleged that defendants retaliated against her when they demoted her and constructively discharged her after she filed a grievance. Defendants denied the claims. The case was successfully settled.

b. Describe:

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

Prior to becoming a judge, my legal practice was exclusively civil litigation. As an associate with Webb & Daniel, I worked with different partners. I assisted in the legal research, preparation, and trial of cases in state and federal courts. I argued motions in state and appellate courts. I prepared briefs, motions, complaints, and legal memoranda in civil actions including commercial contracts, business disputes, employment issues, and antitrust cases. I also interviewed clients and defended depositions.

In 1992, when I became the Deputy County Attorney for Fulton County, and later the County Attorney, I was responsible for defending Fulton County, the largest county in Georgia, and its elected officials and employees in civil cases seeking monetary and equitable relief in state trial, appellate, and federal courts. I served as co-counsel and participated in civil jury trials. I served as chief legal advisor and provided legal assistance for elected officials and the county's departments on all legal matters including, but not limited to, the constitutionality of ordinances, ethics in contracting, bid proposals, bonds, and personnel issues. I also supervised, managed, and provided legal training and strategy sessions for

a staff of thirty-five full and part-time attorneys and legal assistants. My responsibilities also included drafting and reviewing contracts, ordinances, and resolutions, as well as preparing legal opinions for the Board of Commissioners and department heads. I developed and implemented department strategic planning and resource allocation plans. I also prepared departmental budgets and attended budget hearings. Lastly, I served as legal advisor for the Board of Commissioners during public meetings.

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

While in private practice my clients were individuals and/or businesses. While working at Fulton County, my clients were members of the Fulton County Board of Commissioners, individual department heads, governmental entities and administrative bodies such as the Fulton County Board of Commissioners, the Atlanta Fulton Public Library Board, the Fulton County Land Bank Authority, the Fulton County Personnel Board, and the Fulton County Board of Registration and Elections.

- 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.

At Webb & Daniel, I appeared in court occasionally in civil cases. I assisted in the trial of two cases to a verdict, one of which was a seven-week trial. At Fulton County, I appeared in court occasionally for injunctions, temporary restraining orders, discovery and status conferences, and tried two cases to a verdict.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 65 %
- 2. state courts of record: 30 %
- 3. other courts:
- 4. administrative agencies: 5 %

- ii. Indicate the percentage of your practice in:

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

- 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 tried two cases to a verdict as associate counsel and assisted in the trial of two cases.

i. What percentage of these trials were:

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

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.

At Webb & Daniel, I assisted with the research and writing of a petition for certiorari filed in the Supreme Court of the United States. *S.J. Groves & Sons Co. v. Fulton Cnty.*, No. 1:82-cv-189. A copy of the brief is supplied. I have not argued before the Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Alexander v. Fulton Cnty.*, No. 1:93-CV-213-WBH (1994 – 1997). Eighteen current and former employees of the Fulton County Sheriff's Department filed a complaint under Title VII, Section 1981, and Section 1983. I prepared for and participated in a five-week jury trial on behalf of the County. Judge Willis B. Hunt entered a jury verdict for fifteen plaintiffs. I briefed legal issues, prepared witnesses for depositions, and directed and cross-examined witnesses.

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2. *Edwards v. Fulton Cnty.*, No. 1:97-CV-793-GET (1997 – 1998). Plaintiff sued Fulton County alleging discrimination resulting from a failed bid attempt for landscaping services. I worked with the Public Works Director and other Fulton County employees to prepare affidavits to submit along with a motion for summary judgment. Judge G. Ernest Tidwell dismissed the case on Fulton County’s Motion for Summary Judgment.

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3. *Mays v. Fulton Cnty.*, No. 1:92-CV-2042-HTW, 101 F.3d 709 (11th Cir. 1996) (1992 – 1999). Plaintiff filed this action pursuant to 42 U.S.C. § 1986 alleging neglect of duty by employees at the Fulton County Juvenile Detention Center resulting in the suicide of her teenage son. I assisted with internal investigations, prepared witnesses for depositions, and attended depositions. Judge Horace T. Ward granted summary judgment on behalf of one defendant. That decision was affirmed in part and reversed in part by the Eleventh Circuit in 1997. The case was eventually dismissed.

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4. *Polidoro v. Practice Mgmt. Assocs., Inc.*, No. 1:90-CV-2752-GET (1990 – 1991). This was one of several multi-district litigation cases involving chiropractors who entered into contracts for office leases and equipment. In these diversity actions, we represented the plaintiffs, who alleged violations of 18 U.S.C. § 1964 (RICO). Defendants counterclaimed alleging, among other things, breach of contract. I attended hearings, prepared affidavits, and coordinated settlement documents from attorneys and clients located in different states. The Honorable G. Ernest Tidwell was the trial judge. The case ultimately settled.

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5. *Pollard v. Fulton Cnty.*, No. 1:96-CV-2074-RLV (1996 – 1998). Plaintiff sued Fulton County and the Director of the Fulton County Drug Treatment Center alleging they subjected her to a hostile work environment. I assisted in the internal investigation of allegations raised in the complaint. I prepared witnesses for depositions. I negotiated, with others, a settlement on behalf of Fulton County. Judge Robert L. Vining, Jr. was assigned the case.

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6. *Robinson v. Fulton Cnty.*, No. 1:91-CV-01771-JTC (1991 – 1993). A City of Atlanta Police officer sued Fulton County and a Fulton County Police officer under 42 U.S.C. § 1983 alleging use of excessive force and negligent hiring and retention. The case was assigned to Judge Jack T. Camp. I met with the defendant, interviewed witnesses, and prepared witnesses for trial. While preparing for trial, a settlement was negotiated.

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Opposing Counsel:
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7. *Shepherd v. Fulton Cnty.*, No. 1:92-CV-924-HTW (1992 – 1994). Plaintiff sued Fulton County and a police officer on behalf of his minor son alleging excessive force in violation of 42 U.S.C. § 1983. I prepared the case for trial, gave the opening statement, and directed and cross-examined witnesses. A jury trial was held before the Honorable Horace T. Ward, resulting in a verdict for the defendants.

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8. *S.J. Groves & Sons Co. v. Fulton Cnty.*, No. 1:82-CV-1895-JOF (1991). An unsuccessful low-dollar bidder on the Fulton County Airport project challenged Fulton County's Minority Business Enterprise ("MBE") program that was adopted and implemented by Fulton County in compliance with the requirements of the US DOT Federal MBE Program pursuant to a grant of federal funds under the Airport and Airway Development Act as amended. Judge J. Owen Forrester held that the Fulton County Program would be valid if the Federal Program and DOT Regulations were valid as the DOT Regulations would preempt the Georgia Low Bid Statute. The Court held the federal MBE Program and US DOT regulations were unconstitutional, and therefore held the County liable for violating the state low-bid statute.

The Eleventh Circuit Court of Appeals held inter alia that: (1) Congress authorized the US DOT Regulations and that they have the force and effect of law; (2) Fulton County's MBE program violated Georgia's low-bid statute, and would be invalid unless the federal regulations preempted the Georgia low-bid statute; (3) remanded the case based on the County's preemption defense to the district court for re-evaluation; and (4) in evaluating affirmative action programs, the court must determine whether state or local government developed the program, or whether Congress authorized the program's creation. *See* 920 F.2d 752 (11th Cir. 1991). The Eleventh Circuit further held that if a state or local government authorized the program, it is to be strictly scrutinized whereas if Congress authorized the program, intermediate level of scrutiny would be appropriate. Thus, the court also remanded the case to the district court for reconsideration in light of the appropriate standard. I assisted with the legal research and writing of a brief filed in the Supreme Court of the United States in opposition to a Petition for a Writ of Certiorari. We defended the Eleventh Circuit's decision regarding the County's preemption defense and intermediate scrutiny of the local government statute.

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9. *U.S. Anchor Mfg., Inc. v. Rule Indus., Inc.*, No. 1:86-CV-2447-JTC (1990 – 1991). Plaintiff, an anchor manufacturer, alleged violations of antitrust law (predatory price fixing) and tortious interference with business relationships in violation of Georgia law. My client was defendant Tie Down Engineering. I assisted with a seven-week trial, prepared witnesses, defended depositions, researched and briefed legal issues, and prepared exhibits, notebooks, and a pretrial order. I interviewed jurors willing to speak with me after the verdict. I provided any assistance requested by Lead Attorney Harold Daniel and other partners during the trial of the case. The case ended with a verdict for the plaintiff.

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10. *Mitchell v. Fulton Cnty.*, No. D85676 (1991 – 1992). Several disappointed bidders sued Fulton County and the winning bidder, Service America, as a result of their failed efforts to be awarded the Fulton County Jail food service contract. I prepared and

defended the deposition of the Sheriff and other employees in the Sheriff's department, interviewed witnesses, prepared affidavits, and assisted in the drafting of a summary judgment motion. The presiding judge was William Alexander. Defendant prevailed on summary judgment.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have never been involved in any lobbying activities.

As Deputy County Attorney, I appeared in court and successfully opposed a request for a temporary restraining order by a Fulton County tax payer challenging Fulton County's legal authority to fund charitable grants. I appeared before Judge Josephine Holmes Cook who ruled that Fulton County should continue to make payments to 96 Human Services organizations until an appeals court decided whether the payments were unconstitutional. My representation occurred in September 1995.

In my capacity as either Chief Legal Counsel for Fulton County or Deputy County Attorney, I attended meetings, reviewed, and negotiated a number of complex transactions, including but not limited to a \$20 million dollar contract for a comprehensive criminal justice information system (CJIS) with Hitachi Data System, Inc.; a \$15 million dollar cable franchise agreement with Intermedia; a multi-million dollar contract for the Turner Stadium, Phillips Arena; several construction contracts for a number of Fulton County facilities; and 1996 Olympic venue contracts. In addition, I

served as a legal advisor to the Fulton County/City of Atlanta Land Bank Authority (1998 – 1999), and as a legal advisor to the Atlanta-Fulton Public Library System (1995 – 1997).

I represented members of the Board of Commissioners during an investigation conducted by the Securities and Exchange Commission regarding bond issues. I reviewed bond issues and letters provided by outside counsel for my signature.

I attended meetings and advised the Board of Commissioners regarding legislation authorizing the creation of tax allocation districts (“TADs”) in Fulton County and the City of Atlanta. I also represented Fulton County during meetings with local municipalities regarding the distribution of the 1% local option sales tax (“LOST”) which is shared between Fulton County and the municipalities within the county based on population. I met with mayors and financial officers in an effort to halt litigation by municipalities regarding the amount of their apportionment.

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.

During the summer and fall of 1997, I taught Paralegal Studies and Legal Research and Writing at Atlanta Technical College. I have no syllabi, notes, or other materials.

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 do not have any deferred income arrangements, stocks, options, uncompleted contracts, and other future benefits from previous business or professional relationships, services, firms, former employers, clients, or customers.

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

No.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial

disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Final Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am aware of no such conflicts of interest. Should a conflict arise, I would follow the federal recusal statutes and the Code of Conduct for United States Judges.

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

If I am confirmed, and during my service as a United States Magistrate Judge, I will continue to follow the federal recusal statutes and the Code of Conduct for United States Judges. If necessary, I would seek advice from the Code of Conduct Committee of the Judicial Conference. I have and always will err on the side of disqualification.

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.

As a judge, I cannot serve as an advocate in pro bono matters. However, for the past two years, I have participated in a Third Grade Reading Program designed for underprivileged boys. During my lunch break, one day every other week during the school year, I read to a male student at a disadvantaged elementary school. I started reading to the student when he was in third grade. My student is now in fifth grade, and I will continue to work with him until he graduates in May 2011. After my student graduates, I will be assigned another third grade student.

Every summer for the past four years, I have participated in the Atlanta Bar Association's Summer Intern Program by hosting a high school student from a local disadvantaged high

school who is interested in law. The students are assigned to work in my chambers and shadow me for two months during the summer.

For a number of years, I have participated in a Journey-to-Judge program sponsored by the Gate City Bar Association, Judicial Section. I, along with a number of minority judges, speak to students at disadvantaged high schools and describe our journey to becoming a judge. We share our personal stories and allow the students to ask us questions. I am also a frequent career day speaker at disadvantaged elementary, middle, and high schools.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In February of 2009, the Georgia Congressional Delegation convened a Judicial Advisory Panel comprised of a judge, prominent attorneys, and lay persons to assist them with their recommendation to the President. On February 24, 2009, I submitted a letter of interest and my curriculum vitae. I was selected by the Judicial Advisory Panel for an interview and was interviewed on April 14, 2009. I do not know if the Judicial Advisory Panel recommended me for nomination. Since August 17, 2010, I have been in contact with pre-nominations officials at the Department of Justice. On September 27, 2010, I met with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On January 26, 2011, the President submitted my nomination to the Senate.

- 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.

AFFIDAVIT

I, LINDA T. WALKER, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

January 24, 2011
(DATE)

Linda T. Walker
(NAME)

Traci Clements-Campbell
(NOTARY)

