

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Nelva Gonzales Ramos; Nelva Gonzales

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

United States District Judge for the Southern District of Texas

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

901 Leopard Street #804  
Corpus Christi, Texas 78401

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

1965; Port Lavaca, Texas

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1988 – 1991, University of Texas School of Law; J.D. (with Honors), 1991  
1983 – 1988, Southwest Texas State University; B.S. (*summa cum laude*), 1987; Legal Assistant Certificate, 1988  
Summer 1985, 1986 – The Victoria College; no degree received

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.

2001 – present  
State of Texas/Nueces County  
901 Leopard Street  
Corpus Christi, Texas 78401  
District Court Judge – 347<sup>th</sup> Judicial District

1999 – 2000

Law Offices of Nelva Gonzales Ramos  
616 South Tanchua Street  
Corpus Christi, Texas 78401  
Solo Practitioner

1997 – 1999

City of Corpus Christi  
120 North Chaparral Street  
Corpus Christi, Texas 78401  
Municipal Court Judge

1991 – 1997

Meredith, Donnell & Abernethy  
555 North Carancahua Street #400  
Corpus Christi, Texas 78478  
Attorney

Spring 1991

Texas Supreme Court  
Justice Lloyd Doggett  
201 West 14<sup>th</sup> Street, Room 104  
Austin, Texas 78701  
Intern

Summer 1990

Meredith, Donnell & Abernethy  
555 North Carancahua Street #400  
Corpus Christi, Texas 78478  
Law Clerk

Summer 1989

Atlas & Hall  
818 Pecan Boulevard  
McAllen, Texas 78501  
Law Clerk

1987 – 1988

Southwest Texas State University  
College of Education – Bilingual Department  
601 University Drive  
San Marcos, Texas 78666  
Student Secretary

Spring 1988  
Southwest Texas State University  
University Attorney  
601 University Drive  
San Marcos, Texas 78666  
Intern

Summer 1988  
Calhoun High School  
201 Sandcrab Boulevard  
Port Lavaca, Texas 77979  
Teacher's Aide

Other Affiliations (uncompensated, unless otherwise indicated)

2001 – present  
Nueces County Juvenile Board  
901 Leopard Street  
Corpus Christi, Texas 78401  
Board Member (receive stipend)

2005 – 2007  
Council on Alcohol & Drug Abuse – Coastal Bend  
1801 South Alameda Street, Suite 150  
Corpus Christi, Texas 78404  
Board Member (2005 – 2006)  
Vice President (2006 – 2007)

1999 – 2005  
National Conference for Community & Justice  
4541 Everhart Road  
Corpus Christi, Texas 78411  
Board Member (1999 – 2001)  
Vice Chair (2002 – 2003)  
Chair (2003 – 2004)  
Past Chair (2004 – 2005)

2000 – 2001  
Hispanic Women's Network of Texas, Corpus Christi chapter  
7910 Galilee Circle  
Corpus Christi, Texas 78413  
Parliamentarian/Board Member

1995 – 1996  
Mexican American Bar Association (Coastal Bend) (no longer in existence)  
Secretary (1995 – 1996)

1994 – 1996

Corpus Christi Young Lawyers Association  
555 North Carancahua, Suite 260  
Corpus Christi, Texas 78478  
Secretary (1995 – 1996)  
Board of Directors (1994 – 1996)

1993 – 1995

March of Dimes, Corpus Christi chapter  
4455 South Padre Island Drive, #114  
Corpus Christi, Texas 78411  
Board of Directors (1993 – 1995)  
Chapter Counsel (1994 – 1995)

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 and 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.

Highest Rated District Court Judge – Judicial Evaluation Poll (2002, 2003, 2007)  
Judicial Leadership Award (2003)  
Las Estrellas Award – Outstanding Achievement in the Area of Law (2002)  
President’s Scholarship – University of Texas School of Law (1988 – 1991)  
Dean’s List (1983 – 1987)  
Outstanding College Students of America (1988)  
Pi Omega Pi (Business Education Honor Society – 1986)  
Golden Key National Honor Society (1985)  
Alpha Lambda Delta (National Honor Society – 1984)  
Phi Eta Sigma (National Honor Society – 1984)  
LULAC National Scholarship (1983)  
Order of the Golden Pincher Scholarship (1983)

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.

Coastal Bend Women Lawyers Association (occasional member from 1995 – present)  
Corpus Christi Bar Association (1991 – present)  
Liaison to Unauthorized Practice of Law Committee (2001 – present)

Corpus Christi Young Lawyers Association (1991 – 1997)  
Secretary (1995 – 1996)  
Board of Directors (1994 – 1996)  
Liaison to Corpus Christi Independent School District’s Mentor Program (1995 – 1996)  
Mexican American Bar Association (Coastal Bend) (1994 – 1996)  
Secretary (1995 – 1996)  
State Bar of Texas (1991 – present)  
Texas Center for the Judiciary (2001 – present)  
Special Events & Fundraising Committee (2009)

10. **Bar and Court Admission:**

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

State Bar of Texas, 1991

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 District Court for the Southern District of Texas, 1992  
Texas State Courts, 1991

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.

Coastal Bend Chapter of Texas Democratic Women (2003 – present)  
Council on Alcohol & Drug Abuse – Coastal Bend (2005 – 2007)  
Board Member (2005 – 2006)  
Vice President (2006 – 2007)  
Gulf Coast Council of La Raza Advisory Committee (1998 – 1999)  
Hispanic Women’s Network of Texas, Corpus Christi chapter (1999 – 2003)  
Parliamentarian/Board Member (2000 – 2001)

Leadership Corpus Christi (1998 – 1999)  
March of Dimes, Corpus Christi chapter (1993 – 1995)  
    Board of Directors (1993 – 1995)  
    Chapter Counsel (1994 – 1995)  
National Conference for Community & Justice, Corpus Christi chapter (1999 – 2005)  
    Chair (2003 – 2004)  
    Vice Chair (2002 – 2003)  
Nueces County Bail Bond Board (2001 – 2002)  
Nueces County Council of Judges (2001 – present)  
    Local Administrative Judge (2007 – 2008)  
    Jury Selection Revision Committee (2005 – present)  
    Local Rules Revision Committee (2005 – 2007)  
Nueces County Juvenile Board (2001 – present)  
Nueces County Purchasing Board (2007 – present)  
Texas Bar Foundation Fellow (2006 – 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.

To my knowledge, none of the organizations listed in response to 11a above currently discriminates or formerly discriminated based on 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.

On May 23, 2003, I submitted a letter to the editor of the Corpus Christi Caller-Times as Incoming Chair of the National Conference for Community and Justice. Copy supplied.

On November 29, 2000, I submitted a letter to the editor of the Corpus Christi Caller-Times to thank residents who voted for me in my 347<sup>th</sup> District Court race. Copy supplied.

In 2000, while running for my judgeship, I responded to questionnaires from the League of Women Voters. Copies of the questionnaires are supplied.

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

None 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.

March 23, 2007: As the presiding judge of the Council of District Judges of Nueces County, I sent a letter urging state officials to oppose SB 1204/HB 2906. The officials to whom the letter was sent were Representatives Abel Herrero, Juan M. Garcia, Solomon Ortiz, Jr.; Senator Juan Hinojosa; and the state Senate Committee on State Affairs. Copies of the letter are supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my files, calendars, and the internet in an attempt to respond as thoroughly as possible. Nonetheless, there may be other speeches or talks that I have been unable to recall or identify.

Talks or Panel Discussions at Legal Seminars:

November 6, 2009: Advanced Personal Injury Law Seminar, Corpus Christi Bar Association, panel discussion regarding summary judgments, pretrial conferences, and civil jury trials. I have no notes, transcript, or recording. The address of the Bar Association is 555 North Carancahua Street #260, Corpus Christi, Texas 78478.

July 31, 2009: Texas Bar CLE, Advanced Civil Trial Course, Do's and Don'ts From the State Judges. Presentation slides supplied and recording available at <http://www.legalspan.com/txbar/xseminars/main.asp?sServerName=www.TexasBarCLE.com&lEventID=9110&SeminarID=9110&lContactID=3250&sStatus=OO>.

May 28, 2009: Baseball with the Bench, Corpus Christi Young Lawyers Association, question and answer session regarding voir dire, court rules, discovery issues, and other pretrial matters. I have no notes, transcript, or recording, but Corpus Christi Bar Association coverage is supplied. The address of the Bar Association is 555 North Carancahua Street #260, Corpus Christi, Texas 78478.

April 30, 2009: Soaking Up Some CLE: A South Texas Litigation Seminar, Tips and Traps. Presentation slide supplied and recording is available at <http://www.legalspan.com/txbar/xseminars/main.asp?sServerName=www.TexasBarCLE.com&lEventID=8865&SeminarID=8865&lContactID=3250&sStatus=OO>.

August 1, 2007: Texas Bar CLE, Advanced Personal Injury Law Course 2007, Pattern Jury Charge. Course scenario supplied and recording available at <http://www.legalspan.com/txbar/xseminars/main.asp?sServerName=www.TexasBarCLE.com&lEventID=7421&SeminarID=7421&lContactID=3250&sStatus=OO>.

October 2006: Advanced Personal Injury Law Seminar, Corpus Christi Bar Association, Thoughts From the Bench on How Lawyers Waste Their Own Time in Voir Dire. A copy is supplied.

Talks or Remarks to Civic Organizations, Students, and Church Groups:

October 16, 2010: Saint Patrick's Catholic Church, Women's Day Retreat, talk on peace. A copy is supplied.

April 13, 2007: Corpus Christi Young Lawyers Association Kids Law Library Dedication ceremony, Los Encinos Elementary School. I have no notes, transcript or recording, but Corpus Christi Bar Association coverage is supplied. The address of the Bar Association is 555 North Carancahua Street, Suite 260, Tower II, Corpus Christi, Texas 78478.

November 19, 2005: Northside Juneteenth Ceremony, Corpus Christi Juneteenth Coalition, remarks honoring Reverend Arthur Lane of St. Matthew Baptist Church. I have no notes, transcript or recording, but press coverage is supplied. The address of the Coalition is Coles High School & Education Center, Memorabilia Room, 924 Winnbago Street, Corpus Christi, Texas 78401.

October 16, 2004: Labor Council for Latin American Advancement Awards ceremony, remarks upon receiving an award for being a community leader. I have no notes, transcript or recording, but press coverage is supplied. The address of the Council is 815 16<sup>th</sup> Street, NW, 4<sup>th</sup> Floor, Washington, DC 20006.

February 2004: National Conference for Community and Justice Humanitarian Awards Dinner, remarks as Chair. A copy of my remarks is supplied.

2004: National Conference for Community and Justice Walk as One Lunch, remarks regarding mission and history of the organization. I do not recall the exact date or location. A copy is supplied.

2004: Teenage Mothers School, remarks to students about education. I have no notes, transcript, or recording. The address of the school is 3109 Carver Drive, Corpus Christi, Texas 78405.

April 24, 2003: American G.I. Forum Awards ceremony, Omni Bayfront Hotel. I gave brief remarks to thank the organization and my family. I have no notes, transcript, or recording, but press coverage is supplied. The address of the American G.I. Forum is N. Speer Boulevard, #103, Denver, Colorado 80211.

January 2002 and 2001: National Conference for Community and Justice Humanitarian Awards Dinner, remarks regarding mission and history of the organization. Copies of my remarks are supplied.

October 24, 2001: Learning Zone, Corpus Christi Independent School District, question and answer session regarding local government. The program was recorded at Title I Studio and aired on October 31 and November 14, 2001 on KZTV10. A DVD is supplied.

May 2001: Flour Bluff High School, Spanish National Honor Society, remarks regarding education and benefits of speaking a second language. I have no notes, transcript, or recording. The address of the school is 2505 Waldron Road, Corpus Christi, Texas 78418.

2001: Rotary Club, talk regarding jury service. I do not recall exact date or location. A copy of my remarks is supplied.

2001: Del Mar College, Criminal Justice Students, talk regarding campaigns. An outline is supplied.

2001: Substance Abuse Treatment Facility, addressed graduates who had been court ordered to the substance abuse treatment program. I discussed treatment, success, and community supervision. I have no notes, transcript, or recording. The address of the facility is 745 North Padre Island Drive, Corpus Christi, Texas 78406.

2000: G.I. Forum Scholarship Banquet, remarks regarding education. I do not recall exact date or location. I have no notes, transcript, or recording. The address of the American G.I. Forum is N. Speer Boulevard, #103, Denver, Colorado 80211.

1998: Del Mar College, Criminal Justice Students, talk regarding municipal court system. An outline is supplied.

I have spoken to other organizations and groups such as bar associations, Boy Scout troops, new attorneys, and new probation officers. However, I do not recall any specific instances, and have not maintained any written materials. Generally, I would address topics such as our system of justice, the role of a judge, rules of court, testifying in court, education, and careers.

When I campaigned for judicial office (1999 – 2000), I spoke to various civic and professional organizations such as rotary clubs, bar associations, labor unions, coffee clubs, booster clubs, Corpus Christi Police Officers Association, Fraternal Order of Police, and Leadership Corpus Christi. I appeared on local radio and television talk shows such as South Texas Politics, Voices of the Coastal Bend, and Comentaros. I also participated in forums, including one on November 1, 2000 at the Doctors Regional Conference Center. I have been unable to recall the dates of my other public events. At all events, however, I generally spoke regarding my qualifications, experience, and community involvement. I have no notes, transcripts or recordings from these events. In addition, although it is possible that some of the radio and television recordings may still exist, I have been unable to obtain copies of them because I do not know the dates of the interviews.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I searched my files, calendars, and the internet to respond as thoroughly as possible. The following are interviews I have given and articles in which I have been quoted, although there may be others that I have been unable to recall or identify:

Staff, *District 27 Candidates Have Different Fundraising Strategies*, Corpus Christi Caller-Times, Mar. 28, 2010. Copy supplied.

Mary Ann Cavazos, *Instructions to Jurors Change with Social Media; Trials Could be Undone by Online Posts*, Corpus Christi Caller-Times, Jan. 25, 2010. Copy supplied.

I was asked to comment on the Friday Night Corpus Christi event, which took place on November 17, 2009. Copy supplied.

*Court Targets Domestic Abuse Cases*, Corpus Christi Caller-Times, Sept. 14, 2009. Copy supplied.

Mary Ann Cavazos, *Court Takes Domestic Abusers to Task*, Corpus Christi Caller-Times, Sept. 8, 2009. Copy supplied.

Mary Ann Cavazos, *Nueces County Refines Jury Duty Efforts*, Corpus Christi Caller-Times, June 28, 2009. Copy supplied.

Mary Ann Cavazos, *New Court Helps Move Inmates Out of County Jail*, Corpus Christi Caller-Times, Nov. 2, 2008. Copy supplied.

Mary Ann Cavazos, *Visiting Judge to Hear Juvenile Cases for Now*, Corpus Christi Caller-Times, Oct. 28, 2008. Copy supplied.

Jaime Powell, *County Stops Using Courthouse Holding Cells*, Corpus Christi Caller-Times, June 25, 2008. Copy supplied.

Staff, *Courthouse Cells Too Small in Nueces County*, Associated Press, June 25, 2008. Copy supplied.

Jaime Powell, *Holding Cells Are Too Small*, Corpus Christi Caller-Times, June 24, 2008. Copy supplied.

Jaime Powell, *State to Investigate Courthouse Cells*, Corpus Christi Caller-Times, June 21, 2008. Copy supplied.

Mary Ann Cavazos, *Many Skip Jury Duty Despite Options*, Corpus Christi Caller-Times, May 19, 2008. Copy supplied.

Barbara Ramirez, *Gonzales Ramos Named Presiding District Judge*, Corpus Christi Caller-Times, Jan. 18, 2007. Copy supplied.

David Kassabian, *Program Aims to Speed Up Jury Selection*, Corpus Christi Caller-Times, Oct. 2, 2006. Copy supplied.

Sara Lee Fernandez, *Soon, Jurors May Check Their Eligibility Online*, Corpus Christi Caller-Times, Apr. 22, 2006. Copy supplied.

Mike Baird, *Inmate: Sanchez Spoke of Victim; Witness Denies, then Admits, Deal for his Testimony*, Corpus Christi Caller-Times, Mar. 23, 2006. Copy supplied.

Sara Lee Fernandez, *Absent Jurors Hinder System*, Corpus Christi Caller-Times, Feb. 27, 2006. Copy supplied.

Tim Eaton, *Rites for Filemon Vela Today, Friday*, Corpus Christi Caller-Times, Apr. 15, 2004. Copy supplied.

J.R. Gonzales, *State District Judge Seeks Another Term in 2004*, Corpus Christi Caller-Times, June 24, 2003. Copy supplied.

J.R. Gonzales, *Area Federal Judges Fair, Courteous, Poll Says*, Corpus Christi Caller-Times, June 23, 2003. Copy supplied.

J.R. Gonzales, *A Second Gang-Fighting Prosecutor*, Corpus Christi Caller-Times, Mar. 29, 2003. Copy supplied.

J.R. Gonzales, *New Lawyer-Appointment Plan Relies on List to Avoid Bias*, Corpus Christi Caller-Times, Feb. 10, 2003. Copy supplied.

J.R. Gonzales, *Lawyers Rank How Judges Perform*, Corpus Christi Caller-Times, Sept. 17, 2002. Copy supplied.

Staff, *Who's the Most Beautiful*, Corpus Christi Caller-Times, July 21, 2002. Copy supplied.

Caroline Bertuzzi, *Spotlight: 347th District Judge: Nelva Gonzales Ramos*, Corpus Christi Lawyer, Spring 2001. Copy supplied.

Dan Parker, *Hispanic Women Gaining Prominence in Court; Nueces County District Judges Reflect Diverse Community*, Corpus Christi Caller-Times, Jan. 1, 2001. Copy supplied.

Stephanie L. Jordan, *Gonzales Ramos Wins 347<sup>th</sup> District Judgeship*, Corpus Christi Caller-Times, Nov. 8, 2000. Copy supplied.

Jason Ma and Guy H. Lawrence, *Area Democrats Have Big Warchests*, Corpus Christi Caller-Times, Oct. 25, 2000. Copy supplied.

Jason Ma, *347<sup>th</sup> Judge Candidates Cite Experience, Service*, Corpus Christi Caller-Times, Oct. 22, 2000. Copy supplied.

Jason Ma, *With Issues Off Limits, Candidates Tout Experience*, Corpus Christi Caller-Times, Oct. 4, 2000. Copy supplied.

Venessa Santos, *Narrow Win for 347th Nomination; Democrat Gonzales Ramos Faces Medary in November*, Corpus Christi Caller-Times, Mar. 15, 2000. Copy supplied.

Cynthia Hodnett, *Court Candidates Assert their Expertise; Nelva Gonzales-Ramos, Lisa Gonzales Campaigning for the 347<sup>th</sup> District Court*, Corpus Christi Caller-Times, Feb. 20, 2000, at C1. Copy supplied.

Staff, *Gonzalez Chooses Seat with Less Familiar Names*, Corpus Christi Caller-Times, Feb. 20, 2000, at C1. Copy supplied.

James A. Suydam, *Local Mechanic Fights City Hall, Wins*, Corpus Christi Caller-Times, Aug. 17, 1999. Copy supplied.

Jennifer Stump, *Gonzales-Ramos to Seek 347<sup>th</sup> District Court Post*, Corpus Christi Caller-Times, July 9, 1999. Copy supplied.

Jim Day, *Judge Gets Truants to School for Unconventional Lessons*, Corpus Christi Caller-Times, Apr. 9, 1998. Copy supplied.

I have also been interviewed by local television stations (KIII TV3, KRIS TV, and KZTV10) regarding jury duty, jail court, the condition of courthouse holding cells, domestic violence court, courthouse security, and court appointed attorneys. I was also interviewed by these stations during my campaign regarding my qualifications and experience. Although it is possible that some of these recordings may still exist, I have been unable to obtain copies of them. If I am able to obtain copies of them in the future, I will provide them.

On August 6 and November 3, 2009, I appeared on the local radio talk shows of Comentaros and La Voz con Abel Alonzo. I spoke about my background, my job, and the importance of an education. These interviews were not recorded.

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.

Municipal Court Judge – City of Corpus Christi

Appointed (1997 – 1999)

Criminal Jurisdiction – Class C misdemeanors, violations of city ordinances

District Court Judge – 347<sup>th</sup> Judicial District

Elected (2001 – present)

General Jurisdiction – civil, felony, and family cases

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

As a Municipal Court Judge, I presided over 500 cases that went to verdict or judgment. As a District Court Judge, I have presided over 1200 cases that went

to verdict or judgment.

i. Of these, approximately what percent were:

jury trials?	10%
bench trials?	90%

civil proceedings?	55%
criminal proceedings?	45%

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

As a trial court judge, I do not issue 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. Perez v. Alanis, No. 04-08-00276-CV (Tex. App. – San Antonio August 13, 2008, no pet.) (not reported), 2008 WL 3457035.

This case involved an election contest in Jim Wells County, Texas. I was assigned to hear the case by the Presiding Judge of the Fifth Administrative Judicial Region. Perez challenged incumbent Alanis for the position of Precinct 3 commissioner. Perez won the election by a margin of two votes. Alanis filed an election contest claiming that several voters who resided in precinct 3 were incorrectly placed in a different precinct and thus were unable to vote in precinct 3. I declared the election void, finding that two voters were prevented from voting for Alanis because they were mistakenly placed in other precincts by the County Elections Administrator. This mistake materially affected the outcome of the election. The case was affirmed on appeal.

Counsel:  
Phil Westergren  
1750 Santa Fe Street  
Corpus Christi, Texas 78404  
(361) 883-6807

Michael Garcia  
1600 East Main Street, Suite 227  
Alice, Texas 78332  
(361) 668-4989

Jaime Omar Garza  
2477 South Federal Highway 281  
Alice, Texas 78332  
(361) 664-8251

Bobby Bourlon  
The Bourlon Law Firm  
1600 East Main Street, Suite 227  
Alice, Texas 78332  
(361) 664-1000

2. Christus Spohn Health System Corp. v. DeLaFuente, No. 13-04-00485-CV (Tex. App. – Corpus Christi August 16, 2007, pet. granted, judgm’t vacated w.r.m.) (not reported), 2007 WL 2323989.

This was a medical malpractice case involving the delivery of an infant who sustained profound brain damage from loss of oxygen. The defendant doctor settled and the case proceeded to trial against the hospital. After a two and a half week trial, the jury reached a verdict in favor of the plaintiffs and awarded damages of almost ten million dollars.

Counsel:  
Mark R. Mueller  
Mueller Law Offices  
404 West 7<sup>th</sup> Street  
Austin, Texas 78701  
(512) 478-1236

Robert J. Swift  
Fulbright & Jaworski, L.L.P.  
1301 McKinney, Suite 5100  
Houston, Texas 77010  
(713) 651-5151

Ben A. Donnell  
Donnell, Abernethy & Kieschnick  
555 North Carancahua Street #400  
Corpus Christi, Texas 78478  
(361) 888-5551

3. Horton v. Lone Star Indus., Inc., 01-4284-H, (347<sup>th</sup> Judicial District, Nueces County, Texas).

This was the first silicosis case tried in Nueces County. The plaintiffs sued the manufacturers and suppliers of silica dust under theories of products liability, including design, marketing, and manufacturing defects; breach of implied

warranty; breach of express warranty; and negligence. After either settling with or dismissing most of the defendants, the plaintiffs proceeded to trial against the defendant, Lone Star Industries, Inc. After a two week trial, the parties settled while the jury was deliberating.

Counsel:  
Jason Gibson  
363 North Sam Houston Parkway E, Suite 1100  
Houston, Texas 77060  
(713) 650-1010

James L. Ware  
Sheehy, Serpe & Ware, P.C.  
2500 Two Houston Center  
909 Fannin Street  
Houston, Texas 77010  
(713) 951-1000

Rudy Gonzales  
Hilliard & Munoz  
719 South Shoreline Boulevard  
Corpus Christi, Texas 78401  
(361) 882-1612

4. Cygan v. Traveler's Ins. Co., 00-2608-H, (347<sup>th</sup> Judicial District, Nueces County, Texas).

This case involved a suit against an insurance company by its insured and against the law firm the insurance company retained for subrogation purposes. The basis of the suit was a fire that destroyed the plaintiffs' home. The plaintiffs made claims for breach of the duty of good faith and fair dealing, breach of fiduciary duty, violations of the Deceptive Trade Practices Act, negligent misrepresentation, negligence, gross negligence, and conspiracy. The law firm settled and the case proceeded to trial against the insurance company. After a two week trial, the jury reached a verdict in favor of the plaintiffs and awarded damages of over two million dollars. The case was later settled.

Counsel:  
James Harris  
Andrew Greenwell  
Harris & Greenwell, L.L.P.  
800 North Shoreline, Suite 2800  
Corpus Christi, Texas 78401  
(361) 883-1946

Mark A. Lindow  
600 Navarro Street, 6<sup>th</sup> Floor  
San Antonio, Texas 78205  
(210) 227-2200

Carlos Villarreal  
Hermansen, McKibben, Woolsey & Villarreal, L.L.P.  
1100 Tower II  
555 North Carancahua Street  
Corpus Christi, Texas 78478  
(361) 882-6611

5. Texas v. Aguilar, 95-CR-1729-H, (347<sup>th</sup> Judicial District, Nueces County, Texas).

This was a murder case in which a daughter was accused of killing her father. The case was tried in 1997 before I took the bench. The jury convicted the defendant and her stepmother of the murder and sentenced each to 25 years in prison. After being in prison for many years, the defendant daughter made allegations of ineffective assistance of counsel. The Texas Court of Criminal Appeals ordered me to conduct a hearing regarding these claims and later reversed the case, finding that trial counsel had been ineffective. I conducted the second trial in 2009 and the jury found the defendant daughter not guilty.

Counsel:  
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(361) 883-9966

Josh Schaffer  
1301 McKinney Street, Suite 3100  
Houston, Texas 77010  
(713) 951-9555

6. Texas v. Flowers, 07-CR-2759-H, (347<sup>th</sup> Judicial District, Nueces County, Texas).

In this case, two officials from a Christian boot camp were accused of dragging a 15 year old girl behind a van with a rope. They were charged with aggravated assault. Because of defects in the indictment, the case proceeded to trial as a misdemeanor assault. After a two week trial, the jury was unable to reach a

verdict on either defendant so I declared a mistrial. The case has now been filed in misdemeanor court.

Counsel:  
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P.O. Box 6130  
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7. Texas v. Caldwell, 07-CR-3037-H, (347<sup>th</sup> Judicial District, Nueces County, Texas).

This case involved a drug deal where two individuals were killed. The grand jury indicted the defendant for delivery of marijuana and tampering with physical evidence, but did not indict him for murder. The defendant pleaded guilty to the delivery charge and not guilty to the two counts of tampering. The jury found the defendant guilty of one of the tampering counts and assessed a five year sentence. The jury also assessed a two year sentence on the delivery charge. The jury recommended that the sentences be suspended so the defendant was placed on community supervision.

Counsel:  
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Kenneth Botary  
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Corpus Christi, Texas 78401  
(361) 884-3774

8. Helgerson v. State, No. 13-07-359-CR (Tex. App. – Corpus Christi August 28, 2008, pet. ref'd), *cert. denied*, 130 S. Ct. 301 (2009) (not designated for publication), 2008 WL 5179734.

The defendant in this case was charged with three counts of intoxication manslaughter and one count of intoxication assault. The victims were siblings. The defendant pleaded guilty and requested a jury trial for punishment. The jury assessed the maximum sentence of 20 years on each of the intoxication manslaughter charges and of ten years on the intoxication assault charge. I ran the 20 year sentences consecutively and the ten year sentence concurrently. This resulted in a 60 year sentence. The case was affirmed by the Court of Appeals in an unpublished opinion. (2008 WL 5179734). The petition for discretionary review was refused by the Texas Court of Criminal Appeals on March 11, 2009. Certiorari was denied by the Supreme Court on October 5, 2009 (130 S. Ct. 301 (2009)).

Counsel:  
Frank Errico  
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Corpus Christi, Texas 78401  
(361) 888-0410

Rick Rogers  
710 Buffalo Street #202  
Corpus Christi, Texas 78401  
(361) 888-7620

9. Gonzalez v. State, 115 S.W.3d 278 (Tex. App. – Corpus Christi 2003, pet. ref'd.); Gonzalez v. State, No. 13-05-115-CR (Tex. App. – Corpus Christi, March 2, 2006, no pet.) (not designated for publication), 2006 WL 488681.

This case involved a gang related murder. After the defendant was found guilty of murder and engaging in organized criminal activity, he attacked the prosecutor outside the presence of the jury. During closing arguments in the punishment phase of the trial, the State compared the defendant to Osama bin Laden. I sustained the defendant's objection to this argument, but denied a request for a mistrial. I instructed the jury to disregard the argument. The State then proceeded to compare the defendant's gang to al-Qaeda. The jury assessed punishment of life in prison. The Court of Appeals reversed the punishment phase of the trial because of the State's argument. The defendant was retried on punishment only and he was again sentenced to life in prison.

Counsel:  
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Corpus Christi, Texas 78414  
(361) 815-2470

Gerald Rogen  
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Corpus Christi, Texas 78741  
(361) 884-4224

10. Texas v. Spanutius, 08-CR-1896-H, 347th Judicial District, Nueces County, Texas.

The defendant in this case was charged with the murder of Amy Ignatowski, a member of the Coast Guard. The State alleged that the defendant followed Ignatowski home after meeting her in a bar and then strangled her. The defendant claimed that he and Ignatowski got into a fight. He put her in a headlock to calm her down and she then passed out and died. The jury was instructed to consider whether the defendant was guilty of murder, manslaughter or criminally negligent homicide. After finding the defendant guilty of murder, the jury assessed a sentence of 30 years.

Counsel:  
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John Gilmore  
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Corpus Christi, Texas 78476  
(361) 882-9991

- 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.

As a trial court judge, I do not issue opinions.

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

Helgerson v. State, No. 13-07-359-CR (Tex. App. – Corpus Christi August 28, 2008, pet. ref'd), *cert. denied*, 130 S. Ct. 301 (2009) (not designated for publication), 2008 WL 5179734.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

As a trial court judge, I do not issue opinions. The following are cases in which an appellate court has reversed either my decisions or the decisions of the jury in a case over which I presided.

Crossland v. Berry, No. 13-10-217-CV (Tex. App. - Corpus Christi December 9, 2010) (not reported) 2010 WL 5020501. I granted defendant's no-evidence motion for summary judgment because plaintiffs failed to tender any evidence that they had a right to indemnity from defendant. The Court of Appeals reversed, holding that defendant's motion for summary judgment was insufficient because it did not set forth specifically the elements for which plaintiffs could produce no evidence.

Ballesteros v. Nueces County, 286 S.W.3d 566 (Tex. App. – Corpus Christi 2009, no pet. h.). Ballesteros sued Nueces County claiming he was fired for filing a worker's compensation claim. Nueces County filed a plea to the jurisdiction and motion to dismiss, arguing that Ballesteros failed to comply with section 89.0041 of the Local Government Code regarding notice to a county of a lawsuit. I granted the plea and motion. The Court of Appeals initially affirmed my decision, but on rehearing reversed it, holding that Ballesteros had substantially complied with the statute.

State v. Maldonado, 259 S.W.3d 184 (Tex. Crim. App. 2008). I granted defendant's motion to suppress his confession and the State appealed. The issue was whether the defendant or the police had initiated the communication in question. The Court of Appeals reversed my decision and the Court of Criminal Appeals affirmed the reversal in a two to one opinion.

Western Steel Co., Inc v. Altenburg, No. 13-02-450-CV (Tex. App. – Corpus Christi April 10, 2008, no pet.) (not reported), 2008 WL 963677. The jury found that the plaintiff was not the defendant's borrowed employee. The defendant appealed, claiming that the evidence was legally and factually insufficient to support this finding. The Court of Appeals initially affirmed the judgment, but the Texas Supreme Court reversed and remanded the case to the Court of Appeals, instructing the court to consider the sufficiency challenges. The Court of Appeals then reversed the judgment, holding that the evidence was legally insufficient to support the jury's finding.

El Paso South Texas v. Bay, LTD, No. 13-06-186-CV (Tex. App. – Corpus Christi December 6, 2007, pet. denied) (not reported), 2007 WL 4260523. Bay, LTD was the general contractor for the construction of a storage tank. El Paso sought indemnification from Bay for money owed to a subcontractor for materials and labor provided to paint the tank. There were multiple causes of action, counterclaims, and cross-claims between the parties. I granted Bay's motion for summary judgment, finding that El Paso was not entitled to indemnification from Bay. The Court of Appeals reversed my decision.

Christus Spohn Health Sys. Corp. v. DeLaFuente, No. 13-04-00485-CV (Tex. App. – Corpus Christi August 16, 2007, pet. granted, judgment vacated w.r.m.) (not reported), 2007 WL 2323989. This was a medical malpractice case involving the delivery of an infant who sustained profound brain damage from loss of oxygen. The plaintiffs sued the obstetrician and the hospital. The defendant doctor settled prior to trial. The jury found that the hospital was negligent and awarded damages of almost ten million dollars. The hospital appealed and the Court of Appeals modified the judgment to vacate the award of mental anguish damages.

Texas Dep't of Public Safety v. Jimenez, No. 13-03-506 (Tex. App. – Corpus Christi August 19, 2004, no pet.) (not reported), 2004 WL 1852972. Jimenez filed a petition to expunge his arrest records because the indictment had been dismissed. I granted the petition and the Texas Department of Public Safety appealed. The Court of Appeals vacated the expunction order, holding that there was no evidence that the indictment had been dismissed due to a lack of probable cause.

Gonzalez v. State, 115 S.W.3d 278 (Tex. App. – Corpus Christi 2004, pet. ref'd). The defendant was convicted of murder and engaging in organized criminal activity and sentenced to life in prison for each offense. In closing arguments during the punishment phase of the trial, the prosecutor compared the defendant

to Osama bin Ladin. The defendant's attorney objected and asked for a mistrial. I sustained the objection, denied the request for mistrial, and instructed the jury to disregard the argument. The prosecutor then proceeded to compare the defendant's gang to al-Qaeda. The Court of Appeals held that the argument was improper and harmful. Thus, it reversed and remanded the case for a new trial on punishment.

- 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.

As a trial court judge, I do not issue opinions.

- 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.

As a trial court judge, I do not issue opinions.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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 Texas Rule of Civil Procedure 18b(2) which sets forth when a judge should recuse himself or herself.

Texas v. Escobedo, 10-CR-365-F, 214th Judicial District, Nueces County, Texas. I recused myself sua sponte because I knew the defendant. I determined that my impartiality might reasonably be questioned.

Texas v. Amaya, 10-CR-444-B, 117th Judicial District, Nueces County, Texas. I recused myself sua sponte because I knew the defendant. I determined that my impartiality might reasonably be questioned.

Texas v. Amaro, 06-CR-1885-D, 105th Judicial District, Nueces County, Texas. The defendant in this case was on community supervision. There were allegations that she made harassing telephone calls to my court reporter. I recused myself sua sponte because I determined that my impartiality might reasonably be questioned.

Flores-Lamb v. Frost-Gonzales, 09-5837-H, 347th Judicial District, Nueces County, Texas. The plaintiff filed a motion to recuse me after a ruling on a motion for sanctions. I forwarded the motion to the Presiding Judge of the Fifth Administrative Judicial Region. This judge later dismissed the motion.

In Re: An Investigation of an Automobile Accident Involving J. Manuel Banales, MISC-CR-1-H, 347<sup>th</sup> Judicial District, Nueces County, Texas. The automobile accident in question involved a fellow district court judge who was also the Presiding Judge of the Fifth Administrative Judicial Region. The District Attorney filed a Motion to Recuse the District Attorney's Office and a Motion to Appoint a Special Prosecutor. The motions were filed in my court because I was the Local Administrative Judge at the time. I recused myself sua sponte because I determined that my impartiality might reasonably be questioned.

Garcia v. 5<sup>th</sup> Administrative Judicial Region, 09-43-H, 347<sup>th</sup> Judicial District, Nueces County, Texas. This civil case involved the same automobile accident discussed above. I recused myself sua sponte because I determined that my impartiality might reasonably be questioned.

Celis v. Henry, 07-5508-H, 347<sup>th</sup> Judicial District, Nueces County, Texas. In this case, the plaintiff filed suit to enjoin the defendant from running television ads stating that the plaintiff was not licensed to practice law. I recused myself sua sponte because I had personal knowledge of facts that may have been disputed in the proceeding.

Texas v. Celis, 07-CR-4047-E, 07-CR-4048-E, 07-CR-4049-E, 148<sup>th</sup> Judicial District, Nueces County, Texas. I was assigned by the Presiding Judge of the Fifth Administrative Judicial Region to hear the issue of bail in these criminal cases after a fellow district court judge recused herself. The allegations in the criminal cases were related to the allegations in the civil case discussed directly above. The defendant's attorney objected to me hearing the matter because I had previously recused myself

on the civil case. I recused myself and forwarded the case to the Presiding Judge of the Fifth Administrative Judicial Region for reassignment.

Texas v. Riggins, 06-CR-360-B, 117<sup>th</sup> Judicial District, Nueces County, Texas. In this case, an attorney was charged with sexual assault of a child. I recused myself sua sponte because I had personal knowledge of facts that may have been disputed in the proceeding.

Beverly St. Clair v. Alexander, 06-4310-D, 105<sup>th</sup> Judicial District, Nueces County, Texas. This was a medical malpractice case. I informed the attorneys that one of the partners in Nuerosurgeon Institute of South Texas had served as my campaign treasurer during the time period that was relevant to the case. The plaintiff's attorney objected to me presiding over the case so I referred the case to the Local Administrative Judge for reassignment.

In the Interest of Wisner, 06-2963-D, 105<sup>th</sup> Judicial District, Nueces County, Texas. I recused myself sua sponte because the child who was the subject of the suit was a classmate of my son and I had personal knowledge of facts that may have been disputed in the proceeding. This case was not pending in my court, but was sent to me as the Local Administrative Judge because the judge assigned to the case was on vacation.

Mauger v. Texas Farmers Ins. Co., 03-5149-C, 94<sup>th</sup> Judicial District, Nueces County, Texas. This was a class action suit in which I informed the attorneys that I was an insured of the defendant, Texas Farmers Insurance Company. The plaintiffs' attorney objected to me presiding over the case so I referred the case to the Local Administrative Judge for reassignment.

In the Interest of Cuellar, 97-521-H, 347<sup>th</sup> Judicial District, Nueces County, Texas. I recused myself sua sponte because one of the parties is related to my husband. I determined that my impartiality might reasonably be questioned.

Corona v. Corona, 02-5552-H, 347<sup>th</sup> Judicial District, Nueces County, Texas. I recused myself sua sponte because I knew both the petitioner and the respondent in this divorce case. I determined that my impartiality might reasonably be questioned.

Castro v. Nueces County Bail Bond Bd., 02-6502-H, 347<sup>th</sup> Judicial District, Nueces County, Texas. I recused myself sua sponte because I was a member of the Nueces County Bail Bond Board at the time. I determined that my impartiality might reasonably be questioned.

Texas v. Carnahan, 01-CR-3833-H, 347<sup>th</sup> Judicial District, Nueces County, Texas. The defendant filed a motion to recuse me on the basis that I had presided over his divorce case and heard matters regarding the criminal case. I forwarded the recusal motion to the Presiding Judge of the Fifth Administrative Judicial Region and a judge was assigned to hear the recusal. The motion was denied.

Asbestos litigation – When I took the bench in 2001, there were about 60 asbestos cases pending in my court. I advised the attorneys that my father was involved in asbestos litigation as a claimant. In about 15 cases, motions to recuse were filed. I referred those cases to the Presiding Judge of the Fifth Administrative Judicial Region for reassignment.

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

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

I have not held public office other than judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for 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 held office in any political party. I have not held a position or role in a political campaign other than my campaign for judicial office.

**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 did not serve as a clerk to a judge.

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

I was in solo practice from September 1999 to December 2000. My address was 616 South Tanchua Street, Corpus Christi, Texas 78401.

- 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.

1991 – 1997  
Meredith, Donnell & Abernethy  
555 North Carancahua Street #400  
Corpus Christi, Texas 78478  
Attorney

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

As an associate at Meredith, Donnell & Abernethy (1991 – 1997), my primary areas of practice were in personal injury litigation, employment litigation, and insurance defense. A small portion of my practice was in family law and workers compensation.

When I announced my candidacy for District Court Judge (1999), I resigned my position as a Municipal Court Judge as required by the city charter. I was in solo practice during the time I campaigned for office. I did contract work primarily for Constant & Vela, a law firm engaged in personal injury litigation. (This firm is no longer in existence.) A small portion of my practice was in family and criminal law and I was appointed by the courts to represent children involved in family and personal injury cases.

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

As an associate at Meredith, Donnell & Abernethy (1991 – 1997), I specialized in personal injury litigation, employment litigation, and insurance defense. My typical clients were insurance companies, businesses, corporations, government entities, hospitals, attorneys, doctors, and other individuals.

While in solo practice (1999 – 2000), I specialized in personal injury litigation and my typical clients were individuals.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My practice was 95% litigation and I appeared in court frequently.

- i. Indicate the percentage of your practice in:
- |                            |     |
|----------------------------|-----|
| 1. federal courts;         | 5%  |
| 2. state courts of record; | 90% |
| 3. other courts;           | 3%  |
| 4. administrative agencies | 2%  |

- ii. Indicate the percentage of your practice in:
- |                          |     |
|--------------------------|-----|
| 1. civil proceedings;    | 98% |
| 2. criminal proceedings. | 2%  |

- 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.

While in private practice, I tried approximately 17 cases to verdict, judgment or final decision. I was sole counsel in 8, chief counsel in 2, and associate counsel in 7.

- i. What percentage of these trials were:
- |              |     |
|--------------|-----|
| 1. jury;     | 40% |
| 2. non-jury. | 60% |

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

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

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.

It has been over ten years since I have had an active private practice. The firm I worked for has a file retention policy of seven years. Therefore, the files I worked on are no longer available for review. The following are cases I recall working on and in which I have been able to obtain the information requested.

1. Garza v. Wal-Mart Stores, Inc., No. 54540-4, County Court at Law Number 4, Nueces County, Texas.

In this case, the plaintiff claimed that she slipped on water at a Wal-Mart store and sustained injuries. At the time, the store was being reroofed and the plaintiff alleged that the water leaked from the roof and thus the defendants were negligent. The defendants filed cross-claims against each other for contractual indemnity and contribution. I represented the defendant, Alice Roofing & Sheet Metal Works, Inc. I personally handled the case from the beginning which included deposing fact and expert witnesses, preparing and responding to discovery requests, and conducting voir dire. The case settled after the jury was seated.

Date of representation: 1993 – 1994

County Court at Law #4, Nueces County, Texas; The Honorable James Klager  
Counsel:

Robert Zamora  
521 South Carancahua Street  
Corpus Christi, Texas 78401  
(361) 883-6677

John F. Dietze  
Mr. Dietze no longer practices law and I was unable to obtain contact information for him.

Tonya Webber  
One Shoreline Plaza  
800 North Shoreline Boulevard, Suite 800  
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(361) 880-5808

2. Aleman v. Dominguez, No. 93-6922-F, 214<sup>th</sup> Judicial District, Nueces County, Texas.

In this case, the plaintiff fell off of a ladder and fractured his knee when he was doing roof work on the defendant's house. The plaintiff claimed that the defendant was negligent in providing a defective ladder and in hiring incompetent workers. I represented the defendant from the initial filing of the lawsuit. I filed an answer, deposed witnesses, prepared and responded to discovery requests, filed a motion for summary judgment, and tried the case. The jury placed 50% liability on the plaintiff and 50% liability on the defendant. The net award of damages to the plaintiff was approximately \$8,000.00.

Date of representation: 1993 – 1994

214<sup>th</sup> District Court, Nueces County, Texas; Honorable Mike Westergren

Counsel:

Pete Steiner  
2727 Morgan Avenue  
Corpus Christi, Texas 78405  
(361) 881-1000

Henry Kosling – deceased

3. Lopez v. Garza, 79<sup>th</sup> Judicial District, Jim Wells County, Texas.

This case involved an automobile accident. The plaintiffs claimed that the defendant (Garza) rear-ended them and left the scene. Garza denied being in the accident. Co-defendant (Texas Farmers Insurance Company) insured the plaintiffs under a policy which provided for uninsured motorist benefits. Farmers would be liable if the jury found that Garza was not involved in the accident and thus, the driver was unidentified. Representing Garza, I filed responsive pleadings, deposed fact and expert witnesses, prepared and responded to discovery requests, and tried the case to verdict. Garza was elderly and was hospitalized before the trial so I had to go to trial without a client. Farmers settled prior to trial. This was the first case where I called a biodynamics expert to testify before a jury. The jury found no negligence on the part of my client.

Date of representation: 1993 – 1995

79<sup>th</sup> District Court, Jim Wells County, Texas; Honorable Terry Canales

Counsel:

Wallace Canales  
110 North Almond Street  
Alice, Texas 78332  
(361) 664-9301

Larry Matthys  
15600 San Pedro #402  
San Antonio, Texas 78232  
(210) 829-5677

4. Zurlo v. DeBruyn Produce Co., M-89-99, United States District Court for the Southern District of Texas, McAllen Division.

This was an employment case involving allegations of sexual harassment, gender based discrimination, and ERISA claims for health coverage. An attorney I worked with represented the defendants. I was responsible for researching the law, reviewing medical records, evaluating the case, preparing reports to the insurance carrier, and attending mediation. The case was settled at mediation.

Date of representation: 1994 – 1995

United States District Court for the Southern District of Texas, McAllen Division;

Magistrate John Black

Counsel:

William Abernethy  
Donnell, Abernethy & Kieschnick  
555 North Carancahua Street #400  
Corpus Christi, Texas 78478  
(361) 888-5551

Aaron Pena  
323 West Cano, Suite 100  
Edinburg, Texas 78539  
(956) 383-7444

5. Essex Ins. Co. v. Applied Earth Sciences, C.A. No. H-92-787, United States District Court for the Southern District of Texas, Houston Division.

This case involved an insurer's duty to defend an insured in a lawsuit. The insured was an environmental consulting firm who had been sued by a person claiming to have been exposed to hazardous chemicals. An attorney I worked with represented the insurance company. I was responsible for researching the law and preparing a reservation of rights letter, complaint for declaratory judgment, and motion for summary judgment. The complaint asked the court to construe the insurance policy and declare that the insurance company had no duty to defend the insured. The court held that there was no duty to defend.

Date of representation: 1992 – 1993

United States District Court for the Southern District of Texas, Houston Division; I do not recall the judge who presided over the case.

Counsel:

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(361) 888-5551

Patton Breland  
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Houston, Texas 77004  
(713) 526-0541

6. John Hancock Mut. Life Ins. Co. v. Bryan, C.A. No. C-94-6, United States District Court for the Southern District of Texas, Corpus Christi Division.

In this case, the defendant's wife disappeared and her body was discovered almost four years later. After the body was found, the defendant made a claim against the life insurance policy and the insurance company began an investigation to determine who should receive the proceeds. If the defendant was found to have caused the death of his wife, the minor children would receive the proceeds. The Nueces County Sheriff's Department was also conducting an investigation. The life insurance company filed an interpleader, requesting that the life insurance proceeds be placed in the registry of the court until the investigation could be completed. The defendant filed a counterclaim, claiming that the failure of the life insurance company to pay him the insurance proceeds constituted breach of contract, bad faith, violation of the Insurance Code and violation of the Texas Deceptive Trade Practices Act. An attorney I worked with represented the insurance company. I was responsible for researching the law, deposing witnesses, and preparing a motion for summary judgment. I believe the proceeds were eventually paid to the husband.

Date of representation: 1994

United States District Court for the Southern District of Texas, Corpus Christi Division;  
Honorable Hayden Head

Counsel:

Sandra Sterba Boatwright  
Donnell, Abernethy & Kieschnick  
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(361) 888-5551

James Post  
315 Catalina Place  
Corpus Christi, Texas 78411  
(361) 852-2450

7. Leckrone v. Estrada, 92-6060-C, 94<sup>th</sup> Judicial District, Nueces County, Texas.

The automobile accident that led to this suit involved a tractor trailer owned by one defendant, but leased by another defendant. The plaintiff made claims of negligence and negligent entrustment. The issue regarding which defendant was liable for the negligence of the driver involved interpretation of Interstate Commerce Commission regulations. I represented the defendant, Border Connection, Inc., who owned the tractor trailer. I

researched the law, deposed witnesses, and prepared and argued a motion for summary judgment. After the plaintiff settled with the defendant who leased the tractor trailer, he dismissed my client from the suit.

Date of representation: 1994

94<sup>th</sup> District Court, Nueces County, Texas; Honorable Jack Hunter

Counsel:

Mike Crane  
209 West Juan Linn Street  
Victoria, Texas 77902  
(361) 575-6764

8. Cowger v. Well Tech, Inc., 93-09-32009, 79<sup>th</sup> Judicial District, Jim Wells County, Texas.

The plaintiff, a fishing tool operator, claimed he was injured at the Celanese plant when he lifted a casing cutter in conjunction with a workover of a disposal well. The plaintiff alleged negligence and gross negligence against the defendants for failing to implement and maintain an adequate safety program, failing to provide safety equipment, and failing to train and educate workers. An attorney I worked with represented Hoescht Celanese, the owner of the premises where the plaintiff was injured. I deposed fact and expert witnesses, prepared a motion for summary judgment, and was second chair at trial. The jury found in favor of the defendants.

Date of representation: 1996 – 1997

79<sup>th</sup> District Court, Jim Wells County, Texas; Honorable Terry Canales

Counsel:

Roberta J. Hegland  
98 San Jacinto Boulevard, Suite 2000  
Austin, Texas 78701  
(512) 524-2842

JoEllen Hewins  
P.O. Box 5624  
Corpus Christi, Texas 78465  
(361) 883-0601

David Crago  
14001 Fortuna Bay Drive, Unit 5  
Corpus Christi, Texas 78418  
(361) 949-0866

Christopher Rodriguez  
Mr. Rodriguez is no longer practicing law and I was unable to get contact information for him.

9. McKinley v. Brackin, 97-0965-A, 28<sup>th</sup> Judicial District, Nueces County, Texas.

This case involved an employment dispute at a medical clinic. The plaintiff doctor alleged that the defendants conspired to drive him from employment at the clinic. The plaintiff filed suit to enjoin the defendant clinic from ending his employment. An attorney I worked with represented the defendants. I was responsible for interviewing witnesses, preparing a removal to federal court and a motion to transfer venue, and preparing and arguing other pre-trial motions. I left the firm before the case was resolved.

Date of representation: 1997

28<sup>th</sup> District Court, Nueces County, Texas; Honorable Nanette Hasette

Counsel:

Ben A. Donnell  
Donnell, Abernethy & Kieschnick  
555 North Carancahua Street #400  
Corpus Christi, Texas 78478  
(361) 888-5551

George Neely

Mr. Neely is no longer eligible to practice law and I was unable to get contact information for him.

10. Delgado v. Leyendecker Oil, Inc., No. 16151, 229<sup>th</sup> Judicial District, Duval County, Texas.

This case involved a tractor trailer accident where two individuals were killed. The plaintiffs sued the trucking company (Leyendecker) and the company that repaired the brakes on the truck (French-Ellison) for negligence and related claims. An attorney I worked with represented the defendant, French-Ellison. I was responsible for interviewing witnesses, meeting with experts, deposing fact and expert witnesses, and preparing evaluation reports. There were a number of experts involved in this case – brake experts, accident reconstruction experts, metallurgists, and economists. The case settled before trial.

Date of representation: 1996 – 1997

229<sup>th</sup> District Court, Duval County, Texas; Honorable Ricardo Garcia

Counsel:

Rebecca R. Kieschnick  
Donnell, Abernethy & Kieschnick  
555 North Carancahua Street #400  
Corpus Christi, Texas 78478  
(361) 888-5551

James Post  
315 Catalina Place  
Corpus Christi, Texas 78411  
(361) 852-2450

Tony Pletcher  
Watts Guerra Craft, L.L.P.  
500 North Water Street, Suite 1200  
Corpus Christi, Texas 78401  
(361) 887-0500

John Holman Barr  
Burt, Barr & Associates  
203 East Colorado Boulevard  
Dallas, Texas 75203  
(214) 943-0012

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.)

Domestic Violence Court – In 2007, the Nueces County Supervision and Corrections Department and I established the Domestic Violence Court. I conduct monthly review hearings for all defendants placed on community supervision for felony offenses involving domestic violence. The community supervision officers maintain contact with the victims and seek their input prior to reviews. There are currently 100 defendants in the program. A critical component of the program is completion of a batterers intervention program. Drug and alcohol use is also monitored and defendants are referred to treatment as appropriate.

Local Administrative Judge – From 2007 to 2008, I served as the Local Administrative Judge for the Nueces County District Courts. I presided over the meetings of the district court judges; was responsible for the assignment and transfer of cases when conflicts arose; ensured compliance with the local rules of administration; appointed committees regarding court management; supervised the magistrates, magistrate staff, and the court administrator; sought funding for the courts; and presented the court budget to Commissioners Court. In addition, I voted to approve an amendment to Rule 2.1 Criminal Law Magistrates as part of the Council of Judges, and voted to approve a resolution concerning protocol for prioritizing cases.

Employment Law – While employed in private practice, I advised clients regarding various employment matters which did not involve litigation. I reviewed applications for

employment to ensure that they complied with the law such as the Americans with Disabilities Act (ADA). I advised clients regarding proper notice procedures under the Employee Retirement Income Security Act (ERISA). I also reviewed employment contracts to determine proper grounds for termination of employees or to ensure that covenants not to compete would be enforceable.

Unauthorized Practice of Law Committee – I have served on the local subcommittee for the Unauthorized Practice of Law Committee since 1995. The committee is charged with preventing the unauthorized practice of law. I served as an investigator for the subcommittee from 1995 to 2000 and currently serve as a liaison.

Nueces County Bail Bond Board – Between 2001 and 2002, I served on the Nueces County Bail Bond Board, which adopted a set of local rules on November 26, 2002 about who could be a licensed Bail Bond Surety and who could write a bail bond.

Texas Supreme Court Intern – During my last year in law school, I served as an intern for Texas Supreme Court Justice Lloyd Doggett. I conducted legal research and drafted briefs on cases in which applications for writ of error had been filed. I also drafted opinions and presented them to the court.

Children's Rights Clinic – While in law school, I participated in the Children's Rights Clinic. As a student attorney ad litem, I represented children in cases where the State sought custody or termination of parental rights based on allegations of abuse and/or neglect.

I have not performed lobbying activities for any clients or organizations.

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

I have not taught any courses.

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

None.

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

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 Financial Disclosure Report.

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

See attached 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 not aware of any actual or potential conflicts of interest. If I am confirmed, I will resolve any potential conflict by reference to the federal recusal statutes and Canon 3 of 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.

The federal statute (28 U.S.C. sec. 455) that addresses disqualification of judges is very similar to Texas Rule of Civil Procedure 18b(2) which I referred to in response to Question 14. I will follow the federal recusal statute in the same manner that I have followed the state rule.

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 an attorney in private practice, I provided pro bono legal services through Coastal Bend Legal Services, now known as Texas Rio Grande Legal Aid. I provided services in the areas of family law, wills, tax liens, and social security issues. The majority of the cases involved divorces. This was over ten years ago so I do not have specific information regarding the cases or the amount of time I devoted to each.

Since 2006, I have been a Texas Bar Foundation Fellow. The foundation's mission is to provide grants and assistance to organizations so that they can provide legal services to the disadvantaged and underserved.

**26. Selection Process:**

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

On October 5, 2009, I sent a resume to Congressman Solomon P. Ortiz in response to a notice regarding the federal judge position. On October 28, 2009, I met with Congressman Ortiz in Washington, D.C. and appeared before the Texas Democratic Delegation. On May 12, 2010, I submitted a judicial questionnaire to Senators Hutchison and Cornyn. On June 9, 2010, I received notice that I had been recommended for nomination to the President by the Texas Democratic Delegation.

On July 15, 2010, I interviewed with the Senators' Federal Judiciary Evaluation Committee in Houston, Texas. On September 29, 2010, I interviewed with Senators Hutchison and Cornyn in Washington, D.C. On October 12, 2010, Senator Hutchison informed me that my name was being submitted to the White House for consideration. Since October 15, 2010, I have been in contact with pre-nomination officials at the Department of Justice. On December 3, 2010, I interviewed with officials 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.

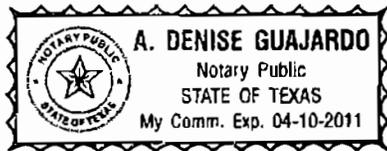
No.

AFFIDAVIT

I, Nelva Gonzales Ramos, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

1/24/11  
(DATE)

Nelva Gonzales Ramos  
(NAME)



A Denise Guajardo  
(NOTARY)