

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

John Michael O'Connor

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

United States District Judge for the Northern and Eastern Districts of Oklahoma

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.

320 South Boston Avenue, Suite 200
Tulsa, Oklahoma 74103

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

1954; Tulsa, Oklahoma

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.

1980 – 1981: Friedrich Wilhelms Rheinische Universitat, Bonn, Germany; no degree

1977 – 1980: University of Tulsa College of Law; J.D., 1980

1973 – 1977: Oklahoma State University; B.A., 1977

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.

2018 – present
Hall Estill
320 South Boston Avenue, Suite 200
Tulsa, Oklahoma 74103

Shareholder (2018)

1983 – 2018

Newton, O'Connor, Turner & Ketchum, P.C.

15 West 6th Street, Suite 2700

Tulsa, Oklahoma 74119

President and Board Chair (1985 – 1996, 1999 – 2005)

Board Chair (2006 – 2017)

Board Chair Emeritus (2018)

1981 – 1983, 1979 – 1980

Rosenstein, Fist & Ringold

525 South Main Street

Tulsa, Oklahoma 74103

Attorney (1981 – 1983)

Legal Intern (1979 – 1980)

1978 – 1979

Kothe, Nichols and Wolfe

124 East 4th Street, Suite 400

Tulsa, Oklahoma 74103

Law Clerk

Other Affiliations:

1989 – present

Tulsa Ronald McDonald House

(formerly known as TLC Inc.)

6102 South Hudson Avenue

Tulsa, Oklahoma 74136

President (1988)

Board Chair (1991 – 1993)

Advisory Board (1989 – 1990, 1994 – present)

1983 – present

Rotary Club of Tulsa

616 South Boston Avenue, Suite 410

Tulsa, Oklahoma 74119

Chair, Long Range Planning Committee (2007 – 2008; 2010 – 2011; 2017 – 2018)

Past President (2004 – 2005)

President (2003 – 2004)

Vice President (2002 – 2003)

International Service Director (2000 – 2001)

2016 – present

Tulsa's Leadership Vision, Inc.

401 South Boston Avenue, Suite 500
Tulsa, Oklahoma 74103
Chair, Board of Directors

2015 – present
Oklahoma State University – Tulsa
700 North Greenwood Avenue
Tulsa, Oklahoma 74106
Member, Board of Trustees

2008 – 2017
Saint Francis of Assisi Tuition Assistance Trust
Roman Catholic Diocese of Tulsa
12300 East 91st Street South
Broken Arrow, Oklahoma 74012
Trustee

2004 – 2016
WellQuest Medical & Wellness Corp.
3400 SE Macy Road, Suite 18
Bentonville, Arkansas 72712
Member, Board of Directors (2004 – 2016)
Secretary (2004 – 2016)

2006 – 2016
3DIcon
(now the Coretec Group Inc.)
6804 South Canton Avenue, Suite 150
Tulsa, Oklahoma 74136
Chairman, Board of Directors (2014 – 2016)
Co-Chairman, Board of Directors (2011 – 2013)
Assistant Secretary (2006 – 2008)
Director (2006 – 2016)

1992 – 2003
Dillon International, Inc.
7335 South Lewis Avenue, Suite 302
Tulsa, Oklahoma 74136
Director

1994 – 1996
Oklahoma State University Alumni Association
201 ConocoPhillips OSU Alumni Center
Stillwater, Oklahoma 74078
Board of Directors

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

I have not served in the military. I registered for selective service upon turning 18.

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

Oklahoma Super Lawyers, 2009 – 2017

Best Lawyers in America, 2012 – 2017

AV Preeminent, Martindale-Hubbell Peer Review Rating System, 1995 – 2017

Oklahoma's Top Rated Lawyers, 2012 – 2015

Tulsa Business Journal – Tulsa's 2012 Power Attorneys

Bishop Kelley High School Hall of Fame, 2010

Rotary International – Ambassadorial Scholarship, 1980 – 1981

Claude H. Rosenstein Scholarship, University of Tulsa College of Law, 1977

Villard Martin Scholarship, University of Tulsa College of Law, 1978 – 1979

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 Academy of Adoption Attorneys Fellow (approximately 1996 – 2016)

American Bar Association (1994 – present)

Cherokee Nation Bar Association (1996 – 2008)

The Council Oak Johnson Sontag American Inn of Court (1995 – 1996)

Oklahoma Bar Association (1980 – present)

Board of Directors of Young Lawyers Division (approximately 1985)

Oklahoma General Corporation Act Committee (2015 – present)

Oklahoma County Bar Association (2012 – present)

Tulsa County Bar Association (1981 – present)
Fellow (1994 – present)
Chairperson of Professional Responsibility Committee (2007 – 2008)
Board of Directors (2008)

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.

Oklahoma, 1980. There has been no lapse in membership.

Cherokee Nation Bar Association, 1996 – 2008. I did not renew this membership because I no longer needed it.

- 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 Tenth Circuit, 2014
United States District Court for Northern District of Oklahoma, 1981
United States District Court for Western District of Oklahoma, 2012
United States District Court for Eastern District of Oklahoma, 2018
United States Tax Court, 1996

There have been no lapses in membership.

11. Memberships:

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

American Red Cross – Tulsa
Fundraising Event Co-Chair (2012)

Brother House of Tulsa

Catholic Charities – Tulsa
Cooking Up Compassion Co-Chair (2017)

Dillon International, Inc.
Director (1998 – 2003)

Gilcrease Posse, Thomas Gilcrease Institute of American History and Art
Co-Chairman, Inaugural Stampede (1994)

National Student Leadership Forum
Sponsor (2000 – 2017)

Oklahoma State University Alumni Association
Board of Directors (1994 – 1996)

Oklahoma Student Leadership Forum
Co-Coordinator (2016 – 2017)

Rotary Club of Tulsa, (1983 – present)
Chair, Long Range Planning Committee (2007 – 2008; 2010 – 2011; 2017 – 2018)
Past President (2004 – 2005)
President (2003 – 2004)
Vice President (2002 – 2003)
International Service Director (2000 – 2001)

Rotary International District 6110
Past Chair – Foundation Committee (approximately 1997)

Saint Francis of Assisi Tuition Assistance Trust
Trustee (2008 – 2017)

Tulsa's Leadership Vision, Inc.
Chair, Board of Directors (2016 – present)

Tulsa Ronald McDonald House (1989 – present)
President (1988)
Board Chair (1991 – 1993)
Advisory Board (1989 – 1990, 1994 – 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.

Until 1987, the Rotary Club of Tulsa, consistent with the policies of its parent organization, Rotary International, did not admit women as members. In 1987, in response to the United States Supreme Court's decision in *Bd. of Dirs. of Rotary Int'l v. Rotary Club of Duarte*, Rotary Clubs in the United States began admitting women as members. In 1989, Rotary International adopted a worldwide policy eliminating the male membership policy for all Rotary clubs.

Except as set forth above, to the best of my knowledge, none of the above organizations referenced in Section 11a, currently discriminates, or formerly discriminated, on the basis of race, sex, or religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None,

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

None.

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

An audio recording of the opening meeting of the Agency Performance and Accountability Commission is available at:
<https://www.youtube.com/watch?v=dz239fGJ3YU>.

In the 1990s, I gave testimony before the State of Oklahoma House Committee in support of legislation reforming the code applicable to adoptions in Oklahoma. I have been unable to obtain copies of the Committee minutes.

- 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.

June 5, 2013: Moderator, Tulsa Mayoral Forum, Rotary Club of Tulsa, Tulsa, Oklahoma. I have no notes, transcript, or recordings. The address of the Rotary Club of Tulsa is 616 South Boston Avenue, Suite 410, Tulsa, Oklahoma 74119.

October 31, 2012: Moderator, 1st District Congressional Candidate Forum, Rotary Club of Tulsa, Tulsa, Oklahoma. I have no notes, transcript, or recordings. The address of the Rotary Club of Tulsa is 616 South Boston Avenue, Suite 410, Tulsa, Oklahoma 74119.

June 15, 2011: Speaker, "Service Above Self . . . And Then Some Award," Rotary Club of Tulsa, Tulsa, Oklahoma. Outline supplied.

October 6, 2010: Moderator, Gubernatorial Debate, Rotary Club of Tulsa, Tulsa, Oklahoma. I have no notes, transcript, or recordings. The address of the Rotary Club of Tulsa is 616 South Boston Avenue, Suite 410, Tulsa, Oklahoma 74119. Press report supplied.

May 15, 2007: Lecturer, "Judicial Custody Determinations in Failed Termination of Parental Rights (TPR) and Adoption (AWOC) Cases Under Title 10 § 7505-2.1 (E) and Title 10 § 7505-6.4," Cutting Edge Issues and Ethics of Adoption Law CLE, Oklahoma Bar Association, Tulsa, Oklahoma. Program information supplied.

September 22, 2005: Lecturer, "Adoption Cases Involving Duty to Support, Opportunity Interest, Grasping Parental Rights and the *Quid Pro Quo* in Adoption Without Consent including a Discussion of Related Decisions," 2005: Nuts, Bolts and Spice of Adoption Law CLE, Oklahoma Bar Association, Tulsa, Oklahoma. Program information supplied.

October 15, 2004: Speaker, "Creating and Dissolving Families Across Borders: How International Family Law Affects Your Practice," the University of Tulsa College of Law, Tulsa, Oklahoma. I have no notes, transcript, or recordings. The address of the University of Tulsa College of Law is 3120 East 4th Place, Tulsa, Oklahoma 74104.

October 24, 2003: Lecturer, "Involuntary Termination of Parental Rights," 2003 Adoption Law Update CLE, Oklahoma Bar Association, Tulsa, Oklahoma. Program information supplied.

October 29, 1994: Speaker, Gilcrease Stampede, Thomas Gilcrease Institute of American History and Art, Tulsa, Oklahoma. I gave welcoming remarks at a fundraiser for the museum. I have no notes, transcript, or recordings. The address of the Gilcrease Museum is 1400 North Gilcrease Museum Road, Tulsa, Oklahoma 74127.

January 24, 1989: Speaker, Sweet 16: Choose Life Rally, Mabee Center, Oral Roberts University, Tulsa, Oklahoma. I have no notes, transcript, or recordings. The address of Oral Roberts University is 7777 South Lewis Avenue, Tulsa, Oklahoma 74171.

From 1989 through the present, I have served in various leadership roles with the Tulsa Ronald McDonald House. In those roles, I have regularly been called upon to offer remarks at events hosted by the House including fundraising events. I do not have records for the dates of these events and I have no notes, transcript, or recordings of these events. The address of the Tulsa Ronald McDonald House is 6102 South Hudson Avenue, Tulsa, Oklahoma 74136.

- 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.

Molly M. Fleming, *Hall Estill Completes Merger with Newton O'Connor*, J. Rec. (Oklahoma City, Oklahoma), Mar. 21, 2018. Copy supplied.

As Tulsa Park Systems Limp Along, Park Directors Aren't Certain Consolidation Is the Best Fix, Frontier (Oklahoma), Dec. 28, 2016. Copy supplied.

Randy Krehbiel, *Tulsa County Commissioners Grudgingly Approve City-County Park-Consolidation Study*, Tulsa World, Nov. 29, 2016. Copy supplied.

Don Mecoy, *Feds File Charges in Insurance Looting*, Daily Oklahoman, Oct. 5, 2012. Copy supplied.

Michael McNutt, *Oklahoma Attorney Seeks Legislation to Support Adoptive Parents*, NewsOK, Nov. 21, 2009. Copy supplied.

Michael McNutt, *Some Say Proposal Would Infringe on Liberties; Church Property Law to Get a Look*, Oklahoman, Oct. 2, 2009. Copy supplied.

State News Service, Oct. 1, 2009. Copy supplied.

Bill Sherman, *Kirk of the Hills Votes to Buy Back Property*, Tulsa World, Dec. 1, 2008. Copy supplied.

Bill Sherman, *Kirk of the Hills Congregation Again Votes to Buy Church*, Tulsa World, Nov. 30, 2008. Copy supplied.

Bill Sherman, *Ruling Clears Way for Kirk of Hills Deal*, Tulsa World, Nov. 6, 2008. Copy supplied.

Bill Sherman, *Kirk Deal No Longer Is Certain*, Tulsa World, Oct. 24, 2008. Copy supplied.

Bill Sherman, *Church Deal May Be in Jeopardy*, Tulsa World, Oct. 23, 2008. Copy supplied.

Bill Sherman, *Kirk of Hills Congregation Faithful About Future*, Tulsa World, Sept. 14, 2008. Copy supplied.

Bill Sherman, *Church Loses Court Fight for Its Property*, Tulsa World, Sept. 10, 2008. Copy supplied.

Bill Sherman, *Kirk of the Hills Presbyterian Loses Property Fight*, Tulsa World, Sept. 9, 2008. Copy supplied.

Bill Sherman, *Property Dispute May End This Month*, Tulsa World, Aug. 9, 2008. Copy supplied.

Bill Sherman, *Kirk Suit to Remain in District Court*, Tulsa World, Oct. 27, 2006. Copy supplied.

Bill Sherman, *Battle Begins over the Property*, Tulsa World, Sept. 2, 2006. Copy supplied.

Ginnie Graham, *Kirk Decision Surprise to Some*, Tulsa World, Aug. 19, 2006. Copy supplied.

Barbara Hoberock, *Tulsa Grad Gets Award From Bush*, Tulsa World, May 7, 2006. Copy supplied.

Trip Deepens Men's Faith, Tulsa World, Mar. 24, 2000. Copy supplied.

July DelCour, *Culture, Legal Interests Fail Couple's Adoption of 'Baby J'*, Tulsa World, May 28, 1995. Copy supplied.

Sonya Colberg, *Halfway House Denied Zoning Code Exemption to Operate*, Tulsa World, Apr. 25, 1991. Copy supplied.

Danna Sue Walker, *Nearly \$30,000 Raised to Fund McDonald House*, Tulsa

World, July 10, 1989. Copy supplied.

Frank Main, *Ronald McDonald House Granted Zoning by City*, Tulsa World, July 7, 1989. Copy supplied.

Kathy Callahan, *Site Chosen in South Tulsa for Ronald McDonald House*, Tulsa World, July 4, 1989. Copy supplied.

Sonya Colberg, *Foes of Abortion Rally at ORU*, Tulsa World, Jan. 25, 1989. Copy supplied.

Rally Speaker, Tulsa World, Jan. 25, 1989. Copy supplied.

I was interviewed by a local Tulsa television station in approximately 2002. In the interview, I discussed my opposition to the creation of a lottery in Oklahoma. I have been unable to locate a copy of that broadcast.

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

I have not held any judicial offices.

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

- i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

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

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

- a. List chronologically any public offices you have held, other than judicial offices,

including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Vice-Chair, Agency Performance and Accountability Commission (2017 – present)

Appointed by Oklahoma State Senate President Pro-Tempore Mike Schultz. Elected to serve as Vice-Chair by the Commission

Oklahoma State University – Tulsa Board of Trustees (2015 – present)

Appointed by Governor Mary Fallin

City of Tulsa Ethics Advisory Commission (2015 – present)

Appointed by Mayor Dewey Bartlett

Reappointed by Mayor G.T. Bynum (2018)

Oklahoma Adoption Law Reform Committee (1995 – 1998)

Appointed by the Oklahoma State Legislature

City of Tulsa Human Rights Conciliator (1985 – 1988)

Appointed by City of Tulsa

Oklahoma Dispute Resolution Advisory Board (1984 – 1986)

Appointed by Tom J. McDaniel, Administrative Director, Oklahoma Courts

- 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.

Oklahoma State Delegate, Republican Convention, 2015 and 2016

Bynum for Mayor Steering Committee (2016)

I have hosted fundraisers for the following campaigns:

Kevin Hern for United States Congress, First District of Oklahoma (2017)

Matt Pinnell for Lieutenant Governor for Oklahoma (2017)

Glen Mulready for Oklahoma Insurance Commissioner (2017)

Michael Hunter for Oklahoma Attorney General (2017)

John Doak for Oklahoma Insurance Commissioner (2011 and 2014)

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 have not served as a clerk to a judge.

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.

1981 – 1983
Rosenstein, Fist & Ringold
525 South Main Street
Tulsa, Oklahoma 74103
Associate Attorney

1983 – 2018
Newton, O'Connor, Turner & Ketchum, P.C.
15 West 6th Street, Suite 2700
Tulsa, Oklahoma 74119
President and Board Chair (1985 – 1996, 1999 – 2005)
Board Chair (2006 – 2017)
Board Chair Emeritus (2018)

2018 – present
Hall Estill
320 South Boston Avenue, Suite 200
Tulsa, Oklahoma 74103
Shareholder

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 served as one of three arbitrators in a commercial real estate dispute in the late 1990s.

I served on the Tulsa County Bar Association Fee Arbitration Committee. This Committee regularly arbitrated disputes between TCBA members and their respective former clients.

b. Describe:

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

My practice has focused on civil litigation, including complex commercial and general civil litigation, insurance insolvency litigation, insurance company liquidations, directors and officers' fiduciary duty litigation, and auditor and actuary professional negligence litigation. My representation of business entities and executives grew over the years to involve corporate governance issues, commercial transactions, business entity formation and business succession planning. In the last ten years or so, I have also served as outside general counsel for a number of businesses.

Over the years, my practice has moved toward complex commercial litigation and transactions, usually with substantial dollar amounts at risk.

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

My caseload has consistently been 75% commercial disputes. These disputes are generally resolved by negotiation, mediation, arbitration or trial. My typical clients have ranged from start-ups to significant local, regional and national companies in wide-ranging industries. My specialties are commercial law, corporate governance, and ownership disputes. I have developed specialized experience in civil trials, commercial disputes, personal injury defense, divorce, contested adoptions, Indian Child Welfare Act disputes, corporate ownership conflicts, complex litigation between insurance companies, zoning and real estate issues, business entity formation, and large commercial transactions.

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

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 20% |
| 2. state courts of record: | 80% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 99% |
| 2. criminal proceedings: | 1% |

- 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.

Between twenty-five and thirty-five.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 20% |
| 2. non-jury: | 80% |

- 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.

1. *Tulsa Inspection Res., Inc. v. Fitch*, No. CJ-2006-1501 (Okla. Dist. Ct. Tulsa Cty.)

Dates of Representation: 2005 – 2006

Judge: Honorable Ronald L. Shaffer (deceased)

I served as outside counsel for a pipeline-inspection company that successfully sought injunctive relief to remove its CEO and Director from office. I also negotiated the terms of the buyout of the CEO's majority ownership position in the company. Following settlement, the lawsuit was dismissed.

Opposing Counsel

Lewis N. Carter
Doerner, Saunders, Daniel & Anderson LLP
Two West Second Street, Suite 700
Tulsa, Oklahoma 74103
(918) 591-5253

2. *Oklahoma ex rel. Doak v. AmCare Health Plans of Oklahoma, Inc.*, No. CJ-2003-5311 (Okla. Dist. Ct. Okla. Cty.)

Dates of Representation: 2011 – present

Judge: Honorable Aletia Haynes Timmons

I serve as outside general counsel to the Oklahoma Insurance Commissioner, who serves as the court-appointed receiver for AmCare Health Plans of Oklahoma, an Oklahoma health insurance company. AmCare was a large health insurance company that failed as a result of the fraud and mismanagement of certain of its officers, directors, and shareholders. AmCare had thousands of policyholders and creditors when it was declared insolvent. I lead the litigation of several adversarial proceedings within the liquidation estate between the receiver and creditors, including a proceeding in which I successfully argued on behalf of the receiver that a specific claimant (Allen Wheat) receive no compensation at all. I have also provided counsel in respect to the payment of thousands of creditors' claims in the estate. The liquidation is pending.

Opposing Counsel

Michael Burrage (former United States District Judge for the W.D. Okla.)
Whitten Burrage
1215 Classen Drive
Oklahoma City, Oklahoma 73103
(405) 516-7800
(counsel for claimant Allen Wheat)

3. *Oklahoma ex rel. Doak v. Park Ave. Prop. and Cas. Ins. Co.*, No. CJ-2009-11178 (Okla. Dist. Ct. Okla. Cty.)

Dates of Representation: 2011 – present

Judge: Honorable Roger Stuart

I serve as outside general counsel to the Oklahoma Insurance Commissioner, who serves as the court-appointed receiver for Park Avenue Property and Casualty, an insurance company that failed as a result of the fraud and mismanagement of certain of its officers, directors, and shareholders. I supervised multiple lawsuits

which have resulted in significant recoveries from Park Avenue's auditors, actuaries, and former officers and directors. I also filed actions against policyholders to collect unpaid premiums. I advise the receiver in all matters related to the liquidation. The liquidation is pending.

Opposing Counsel

Leif E. Swedlow
Andrews Davis, P.C.
100 North Broadway, Suite 3300
Oklahoma City, Oklahoma 73102
(405) 272-9241
(Counsel for claimants Breckenridge Enterprises)

Stephen L. Jones
Jones, Otjen & Davis
114 East Broadway, Suite 1100
Post Office Box 472
Enid, Oklahoma 73702
(580) 242-5500
(Counsel for defendants Jerry Lancaster, Falcon Holdings, LLC, and Providence Holdings)

Warren F. Bickford
Fellers, Snider, Blankenship, Bailey & Tippens
100 North Broadway, Suite 1700
Oklahoma City, Oklahoma 73102
(405) 232-0621
(Counsel for defendants Derek Lancaster, Jan Schindler, and Aaron Lancaster)

Michael Gray
Ramsey and Gray, P.C.
119 North Robinson Avenue, Suite 410
Oklahoma City, Oklahoma 73102
(405) 239-2393
(Counsel for defendant Daron Lancaster)

4. *Oklahoma ex rel. Doak v. Imperial Cas. and Indem. Co.*, No. CJ-2010-2340 (Okla. Dist. Ct. Okla. Cty.)

Dates of Representation: 2011 – present

Judge: Honorable Thomas Prince

I serve as outside general counsel to the Oklahoma Insurance Commissioner, who serves as the court-appointed receiver for Imperial Casualty and Indemnity

Company, an insurance company in liquidation. I have supervised multiple lawsuits leading to significant recoveries from Imperial's auditors (which failed to detect misstatements in the insurer's financial statements), its actuaries (which negligently failed to accurately underwrite the business, resulting in inadequate pricing of the policies), and its former officers and directors (who either participated in wrongful conduct or negligently supervised the operations of the insurer). I have also filed actions against policyholders to collect unpaid premiums, and I served as lead counsel in an arbitration proceeding to facilitate recovery on a multi-million dollar ISPL (errors and omissions) insurance coverage, seeking to recover for negligently rendered insurance services. I advise the receiver in all matters related to the liquidation. The liquidation is pending.

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5. *Oklahoma ex rel. Doak v. Pegasus Ins. Co.*, No. CJ-2010-5131 (Okla. Dist. Ct. Okla. Cty.)

Dates of Representation: 2011 – present

Judge: Honorable Don Andrews

I serve as outside general counsel to the Oklahoma Insurance Commissioner, who serves as the court-appointed receiver for Pegasus, an insurance company that failed because of fraud and mismanagement by certain of its officers and directors. I supervised separate actions against the auditor for negligence, against the statutory accountant for negligence, against the former officers and directors for negligence, and against Pegasus' bank for failure to perform its duties under an investment-advisor agreement and failure to note the manipulation of the account. I also served as the lead negotiator in the multi-million dollar commutation of an insurance policy. I advise the receiver in all matters related to the liquidation. The liquidation is pending, although litigation has concluded.

Opposing Counsel

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6. *Oklahoma ex rel. Doak v. Providence Holdings*, No. CJ-2010-8533 (Okla. Dist. Ct. Okla. Cty.)

Dates of Representation: 2011 – present

Judge: Honorable Don Andrews

I supervise this litigation against the former officers and directors of Park Avenue Property and Casualty Insurance Company, which is in receivership. I led the settlement negotiations for our client, which led to settlements with several of the defendants for substantial recoveries. The litigation is pending.

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7. *Oklahoma ex rel. Doak v. Providence Holdings*, No. CJ-2012-1768 (Okla. Dist. Ct. Okla. Cty.)

Dates of Representation: 2011 – present

Judges: Honorable Richard Ogden (formerly the Honorable Bill Graves and the Honorable Barbara Swinton)

I supervise the prosecution of this negligence litigation against the former officers and directors of Imperial Casualty and Indemnity Company, an insurance company that is in receivership. The receiver seeks damages caused by the attempted transfer of liabilities from one insurer to another on a book of business (insurance policies) without compliance with Oklahoma law. Substantial discovery has been exchanged. The litigation is pending.

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8. *Energy Alloys, LLC v. Belle Verde Props., Ltd.*, No. CJ-2017-2186 (Okla. Dist. Ct. Tulsa Cty.)

Dates of Representation: 2015 – present

Judges: Honorable Rebecca Brett Nightingale

I serve as lead counsel in an action I filed on behalf of a Houston-based energy company, Energy Alloys, for declaratory relief and damages against its landlord over a commercial-lease dispute involving Oklahoma property. The litigation is pending. I have served as the lead counsel in recent attempts to settle the claims and counterclaims.

Opposing Counsel

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9. *Murphy Res., Inc. v. Glanz*, No. CJ-1996-0424 (Okla. Dist. Ct. Tulsa Cty.)

Judges: Honorable James A. Hogue, Sr. and Honorable Thomas Gillert

Dates of Representation: 1995 – 1997

I served as lead counsel representing a builder in a suit for damages against a property owner relating to a breach of a contract in the construction of a residence. I tried the case before a jury for two weeks. The jury returned a verdict in favor of my client on its claims and against the property owners' counterclaims. I then successfully tried the claim for substantial attorneys' fees and costs from the property owners.

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10. *Kirk of the Hills Corp. v. Presbyterian Church USA*, No. CJ-2006-5063 (Okla. Dist. Ct. Tulsa Cty.)

Dates of Representation: 2005 – 2008

Judge: Honorable Jefferson D. Sellers

I served as lead counsel in this proceeding by a local church to retain its multi-million dollar property upon severing its ties with its denomination. The case was resolved by settlement after extensive briefing.

Co-Counsel

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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.)

Over the past 25 years, I have served as the Board Chair and (for most of those years) CEO and President of my law firm. On April 1, 2018, we merged a large number of those lawyers into the Hall Estill firm, where I presently practice. During the years I served as Chair, my duties included supervision of the firm's administration alongside our firm's operations manager, long-range planning, professional development of the firm's lawyers and overall supervision of our attorneys.

I have not served as a lobbyist.

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

None.

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 am a passive investor in a handful of closely-held companies. I hold a number of options in Coretec Industries, LLC. I have a compensation plan with my former law firm, Newton, O'Connor, Turner & Ketchum, P.C., and am also a shareholder of my current law firm, Hall Estill; I may receive compensation over a period of time for work previously performed at these firms.

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.

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

See attached.

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.

The parties likely to present potential conflicts-of-interest during my initial service as a District Court Judge would include my law firm Hall Estill and attorneys practicing with that firm as well as individuals and entities with whom I have a financial, familial, and/or personal relationship.

To identify parties which present an actual or potential conflict-of-interest and to address any conflict were it to arise, I would consult with the Code of Conduct for United States Judges, 28 U.S.C. § 455, and the relevant rules, practices, procedures, and personnel of the District Court, the Tenth Circuit, the Administrative Office of the United States Courts, and the Judicial Conference.

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

In the event a potential conflict arises, I would rely upon the Code of Conduct for United States Judges and other applicable canons and statutory provisions, including 28 U.S.C. § 455 and Canon 3(c), to determine whether an actual or potential conflict exists. Where necessary, I would disclose, recuse, or seek reassignment of the case to another judge.

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.

Throughout my legal career I have served in leadership roles in a number of non-profit and community service organizations.

For approximately the last 30 years, I have served in various roles with the Tulsa Ronald McDonald House. I helped form and lead the nonprofit corporation that oversaw the construction and operation of the House. I have served two terms as President and Board Chair of that entity and I have served numerous terms on the Advisory Board.

I presently serve as a member of the Board of Directors of Oklahoma State University – Tulsa. I was appointed to the Board in 2015.

I also presently serve as Chairman of the Board of Directors of Tulsa's Leadership Vision, Inc. TLV is a not for profit 501(c)(3) corporation which brings together private sector business leaders to advocate for nonpartisan, non-political solutions to challenges facing local government leaders. I have been chairman since 2016 and a member of the board since TLV's formation in 2014.

From 2008 to 2017, I served as a trustee for the Saint Francis of Assisi Tuition Assistance Trust.

From 1992 until 2003, I served on the board of Dillon International, Inc., an inter-country adoption agency.

In addition to these leadership roles, I have organized and served as the co-chair of fundraising events for various charities and philanthropic ventures in the Tulsa area including the Tulsa Ronald McDonald House, American Red Cross – Tulsa, Catholic Charities – Tulsa, the Saint Francis of Assisi Tuition Assistance Trust, and the Gilcrease Museum.

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 September 7, 2017, I sent a letter to Senator James Inhofe and Senator James Lankford, communicating my interest in serving as a United States District Judge for the Northern and Eastern Districts of Oklahoma. On October 5, 2017, I sent a follow up letter to Senator James Inhofe and Senator James Lankford providing my resume for consideration. On October 13, 2017, the Oklahoma Judicial Advisory Panel interviewed me. On November 20, 2017, I was interviewed by Senator James Lankford. On December 4, 2017, members of Senator Inhofe's staff interview me. On December 18, 2017, I met with officials from the White House Counsel's Office and (by telephone) from the Department of Justice in Washington, D.C. The President submitted my nomination to the Senate on April 12, 2018.

I have communicated regularly with the Department of Justice Office of Legal Policy in the preparation of my answers to this questionnaire and the completion of other related materials.

- 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.