

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Fernando Rodriguez, Jr.

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

United States District Judge for the Southern District of Texas

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

Office: International Justice Mission, Dominican Republic
Avenida Sarasota 20, Oficina 1103
Santo Domingo, Dominican Republic

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

1969; Harlingen, 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.

1994 – 1997, University of Texas School of Law; J.D. (with honors) 1997
1992, University of Houston; no degree
1987 – 1991, Yale University; B.A., 1991

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.

2010 – present
International Justice Mission
1235 South Clark Street, Suite 1400
Arlington, Virginia 22202
Field Office Director, IJM-Dominican Republic (2013 – present)

Field Office Director, IJM-Bolivia (2010 – 2013)

1996, 1998 – 2009
Baker Botts LLP
2001 Ross Avenue, Suite 600
Dallas, Texas 75201
Partner (2006 – 2009)
Associate (1998 – 2005)
Summer Associate (1996)

1997 – 1998
Chief Justice Nathan L. Hecht
The Supreme Court of Texas
Supreme Court Building
201 West 14th Street, Room 104
Austin, Texas 78701
Briefing Attorney

1996
Fulbright & Jaworski LLP
Now Norton Rose Fulbright US LLP
98 San Jacinto Boulevard, Suite 1100
Austin, Texas 78701
Legal Clerk (Fall 1996)
Summer Associate (July – August 1996)

Summer 1995
Howrey & Simon
Summer Associate
Howrey & Simon has dissolved.

1991 – 1994
Houston Independent School District
Scarborough Elementary
3021 Little York Road
Houston, Texas 77093
Teacher (Teach for America)

Other Affiliations (uncompensated):

2012-2013

Red Departamental de Protección de NNA's Libres de Violencia Sexual

La Paz, Bolivia

Vice President

Red Departamental de Protección de NNA's Libres de Violencia Sexual has no physical address.

2008 – 2009

Bea's Kids

1517 Metrocrest Drive, Suite 127

Carrollton, Texas 75006

Board Member

2003 – 2009

Trinity Church International, Inc.

4300 Cole Avenue

Dallas, Texas 75202

Board Member (2006 (approximate) – 2009)

Secretary (2003 (approximate) – 2009)

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

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

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

Texas Rising Star, Texas Monthly and Law & Politics (2004 – 2008)

Judge Ben H. Powell Award, University of Texas School of Law (1995 – 1996)

Bob Gibbons Endowed Presidential Scholarship in Law, University of Texas School of Law (1994 – 1995)

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.

Dallas Bar Association

Dallas Hispanic Bar Association

National Hispanic Bar Association

State Bar of Texas

10. Bar and Court Admission:

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

Texas, 1997

There have been no lapses in membership.

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

United States District Court for the Eastern District of Texas, 1999

United States District Court for the Northern District of Texas, 1999

United States District Court for the Southern District of Texas, 2007

United States District Court for the Western District of Texas, 2009

Supreme Court of Texas, 1997

My admission to the Southern District of Texas lapsed through non-use after I left the country to work for International Justice Mission.

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.

Bea's Kids (2008 – 2009)

Board Member

Comunidad Cristiana Príncipe de Paz (2015 – present)

Hope Chapel (1997 – 1998)

Iglesia Bíblica de Mallasilla (2010 – 2013)

I9 Sports – Youth Sports League, Dallas (2009)
Volunteer Flag Football Coach

Mesa de Investigación Judicial del Gran Santo Domingo sobre Explotación Sexual Comercial y Trata de Niños, Niñas y Adolescentes (2014 – 2015)

Red Departamental de Protección de NNA's Libres de Violencia Sexual (2012 – 2013)
Vice President

Richardson Homeschool Co-Op (2006 – 2009 (approximate))

Trinity Church Dallas (1998 – 2010)

United Way of Metropolitan Dallas (2009)
Grant Evaluation Panelist

Vida Abundante (2014 – 2015)

- 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 the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Letter to the Editor, *Abortion Terms*, AUSTIN-AM. STATESMAN, Aug. 14, 1990.
Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you

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

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Summary* (March 10, 2017). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (October 27, 2016). Copy supplied.

International Justice Mission, *Common Performance Indicators* (October 27, 2016). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (July 31, 2016). Copy supplied.

International Justice Mission, *Common Performance Indicators* (July 31, 2016). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (April 29, 2016). Copy supplied.

International Justice Mission, *Common Performance Indicators* (April 29, 2016). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (February 1, 2016). Copy supplied.

International Justice Mission, *Common Performance Indicators* (January 2016). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (October 30, 2015). Copy supplied.

International Justice Mission, *Common Performance Indicators* (October 30, 2015). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (July 31, 2015). Copy supplied.

International Justice Mission, *Common Performance Indicators* (July 31, 2015). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (April 30, 2015). Copy supplied.

International Justice Mission, *Common Performance Indicators* (April 30, 2015). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (January 31, 2015). Copy supplied.

International Justice Mission, *Common Performance Indicators* (January 31, 2015). Copy supplied.

International Justice Mission, *Commercial Sexual Exploitation of Children in the Dominican Republic* (2015). Copy supplied.

International Justice Mission, *Common Performance Indicators* (October 31, 2014). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (October 31, 2014). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (July 2014). Copy supplied.

International Justice Mission, *Combating Sexual Exploitation in the Dominican Republic: Program Update* (April 30, 2014). Copy supplied.

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

None.

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

June 9, 2017: Speaker, Signing of Memorandum of Understanding between Compassion International and International Justice Mission, Santo Domingo,

Dominican Republic. I provided brief remarks regarding the desire to educate the churches affiliated with Compassion International to combat sex trafficking in the country. I have no notes, transcript, or recording, but a press report of the event is supplied.

March 4, 2017: Speaker, International Justice Mission Global Prayer Gathering 2017, Washington, D.C. Text supplied.

February 22, 2017: Speaker, Signing of Memorandum of Understanding between the Office of the Vice President and International Justice Mission, Santo Domingo, Dominican Republic. I provided brief remarks regarding the desire to work together to provide improved services to sex trafficking survivors. I have no notes, transcript, or recording, but a press report of the event is supplied.

May 5, 2016: Speaker, Carol Morgan School, Santo Domingo, Dominican Republic. I spoke to a group of high school students regarding the problem of violence and the work of International Justice Mission against human trafficking. I have no notes, transcript, or recording. The address for Carol Morgan School is Avenida Sarasota, APDO 1169, Santo Domingo, Dominican Republic.

April 23, 2016: Speaker, International Justice Mission Global Prayer Gathering 2016, Washington, D.C. Text supplied. Video available at https://www.youtube.com/watch?v=KZhCN_9xcpY.

April 22, 2016: Speaker, International Justice Mission Global Prayer Gathering 2016, Washington, D.C. Text supplied.

March 17, 2016: Speaker, Signing of Memorandum of Understanding between Consejo Nacional de la Niñez y Adolescencia and International Justice Mission, Santo Domingo, Dominican Republic. I provided brief remarks regarding the desire to work together to provide improved services to sex trafficking survivors. I have no notes, transcript, or recording, but a press report of the event is supplied.

June 23, 2015: Speaker, Dallas Justice Luncheon, Dallas, Texas. I spoke regarding the work of International Justice Mission in the Dominican Republic. Dallas Justice has no official address. I have no notes, transcript, or recording. The current organizer of this luncheon is Russ Brown, Brown Fox PLLC, 750 North St. Paul Street, Suite 1320, Dallas, Texas, 75201.

June 17, 2015: Speaker, Escuela Nacional de la Judicatura, Distrito Nacional, Dominican Republic. I spoke regarding International Justice Mission's work related to human trafficking to about 25 court personnel. I have no notes, transcript, or recording. The address of Escuela Nacional de la Judicatura is Calle César Nicolás Penson 59 Casi Esquina Rosa Duarte, Sector Gazcue, Distrito Nacional, Dominican Republic.

May 1, 2015: Speaker, Colegio Mi-El, Santo Domingo, Dominican Republic. I spoke to a group of high school students regarding the problem of violence and the work of International Justice Mission against human trafficking. I have no notes, transcript, or recording. The address of Colegio Mi-El is Avenida Privada 40, Santo Domingo, Dominican Republic.

May 1, 2015: Speaker, Carol Morgan School, Santo Domingo, Dominican Republic. I spoke to a group of high school students regarding the problem of violence and the work of International Justice Mission against human trafficking. I have no notes, transcript, or recording. The address of Carol Morgan School is Avenida Sarasota, Esq. Nuñez de Caceres, Santo Domingo, Dominican Republic.

April 29 – 30, 2015: Speaker, Santiago Christian School, Santiago De Los Caballeros, Dominican Republic. I spoke to different classes of high school students regarding the problem of violence and the work of International Justice Mission against human trafficking. I have no notes, transcript, or recording. The address of Santiago Christian School is Autopista Duarte Kilometro 15 1/2, Santiago De Los Caballeros, Dominican Republic.

April 17, 2015: Speaker, International Justice Mission Global Prayer Gathering 2015, Washington, D.C. Text supplied.

February 15, 2015: Speaker, International Justice Mission – Dominican Republic event to disseminate results of study on prevalence of commercial sexual exploitation in the country, Santo Domingo, Dominican Republic. I provided brief remarks regarding the importance of working collaboratively to combat sex trafficking in the country. I have no notes, transcript, or recording, but a press report of the event is supplied.

November 5, 2014: Speaker, Signing of Memorandum of Understanding between Procuraduría General de la República Dominicana and International Justice Mission, Santo Domingo, Dominican Republic. I provided brief remarks regarding the desire to work together to effectively prosecute cases of sex trafficking. I have no notes, transcript, or recording, but a press report of the event is supplied.

April 4, 2014: Speaker, International Justice Mission Global Prayer Gathering 2014, Washington, D.C. Presentation supplied.

August 19, 2013: Comments, “Bolivia: Why the Poor Can’t Afford Justice”, International Justice Mission, Arlington, Virginia. Video available at: <https://www.youtube.com/watch?v=xcbnNeyirnA>.

August 2013: Speaker, Community Fair, Red Departamental de Protección de NNA’s Libres de Violencia Sexual, La Paz, Bolivia. I spoke about sexual violence against children to raise awareness in the community. I have no notes,

transcript, or recording. The sponsoring network does not have a physical address.

June 2013: Speaker, Launch of Red Departamental de Protección de NNA's Libres de Violencia Sexual, La Paz, Bolivia. I spoke about the need for the community to work together to combat sexual violence against children. I have no notes, transcript, or recording. The sponsoring network does not have a physical address.

March 2013: Speaker, International Justice Mission Global Prayer Gathering 2013, Washington, D.C. Draft remarks supplied.

January 18, 2013: Speaker, "La Violencia Sexual Comercial", La Paz, Bolivia. Presentation supplied.

November 2012: Speaker, Event of Red Departamental de Protección de NNA's Libres de Violencia Sexual, La Paz, Bolivia. I spoke on issues related to sexual violence against children. I have no notes, transcript, or recording. The sponsoring network does not have a physical address.

October 10, 2012: Speaker, "Nuevas Leyes de Prevención y Protección de Violencia hacia la Niñez y Adolescencia", La Paz, Bolivia. Presentation supplied.

August 23, 2012: Speaker, "Marco Normativo Nacional e Internacional sobre Abuso Sexual a la Niñez y Adolescencia", La Paz, Bolivia. Presentation supplied.

May 2012: Speaker, "Luz en las Tinieblas", La Paz, Bolivia. Presentation supplied.

April 2012: Speaker, International Justice Mission: Los Angeles Benefit Dinner, Los Angeles, California. Draft remarks supplied.

April 2012: Speaker, International Justice Mission Global Prayer Gathering 2012, Washington, D.C. Remarks supplied.

January 2012: Speaker, "Light in the Darkness", La Paz Community Church, La Paz, Bolivia. Presentation supplied.

August 2010: Speaker, "Misión Internacional de Justicia: Bolivia", Department of Health, La Paz, Bolivia. Presentation supplied.

April 10, 2010: Speaker, International Justice Mission Global Prayer Gathering 2010, Washington, D.C. Presentation supplied.

October 2008: Panelist, Panel on 2008 Presidential Election, Dallas, Texas. I provided comments related to the presidential election. The Dallas Hispanic Bar

Association sponsored the event, to the best of my recollection. I have no notes, transcript, or recording.

2008: Speaker, Meeting of Southern Methodist University Dedman School of Law's Hispanic Law Student Association, Dallas, Texas. I spoke about practicing law at a large firm. I have no notes, transcript, or recording. The address of Southern Methodist University Dedman School of Law is 3315 Daniel Avenue, Dallas, Texas 75205.

Since 2010, I have occasionally presented to churches, organizations, community leaders, and at conferences, as a representative of International Justice Mission. I have no record of the specific dates of these events, except as otherwise listed above, and I do not have any notes, transcripts, or recordings.

- 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.

Santiago Benjamin de la Cruz, *5 Medidas para Combatir la Trata y Tráfico de Menores*, LISTIN DIARIO, May 13, 2017. Copy supplied (reprinted in multiple outlets).

Santiago Benjamin de la Cruz, *Las Acogidas: CONANI Recibió 118 Niños y Niñas que fueron Abusados en los Últimos Dos Años*, LISTIN DIARIO, May 12, 2017. Copy supplied.

Andy Olsen, *The Long Road Home*, International Justice Mission (September 1, 2016). Copy supplied.

Mujer para la Gloria de Dios Radio Program, Interview of Fernando Rodriguez, Jr., Radio Eternidad, May 9, 2016. Audio supplied.

Misión Internacional de Justicia Valora como Positivo Aumento de Condenas por Trata de Personas, LA INFORMACIÓN DIGITAL (Apr. 5, 2016). Copy supplied.

Fundación Global Democracia y Desarrollo, *Entrevista OJD Fernando Rodriguez*, Mar. 2, 2016. Video available at <https://www.youtube.com/watch?v=qytIJy5b10Y>.

Maximum Sentence Sends Strong Message to Traffickers to Stop Abuse in the DR, International Justice Mission (Dec. 10, 2015). Copy supplied.

Pura Vida Radio Program, Interview of Fernando Rodriguez, Jr. and Johnny Bidó of International Justice Mission, Pura Vida 92.9 FM, Dec. 3, 2015. I spoke regarding sex trafficking in the Dominican Republic and the concept of Biblical

Justice.

Epistle to the Bonitians: An Interview with Fernando Rodriguez, First Presbyterian Church – Bonita Springs, August 2015. Copy supplied.

Juan Carlos Enriquez, *Para que Niños no Sufran más Violaciones Sexuales*, RED PIO XII (Aug. 26, 2015). Copy supplied.

IJM's First Conviction in the Dominican Republic, International Justice Mission (Aug. 12, 2015). Copy supplied.

Thomas Stackpole, *The New Abolitionists*, FOREIGN POLICY, July 22, 2015. Copy supplied.

Undercover Rescue Operation Frees 18 in the Dominican Republic, International Justice Mission (Apr. 21, 2015). Copy supplied.

New Study in the Dominican Republic: 1 in 10 Victims of Commercial Sexual Exploitation are Children, International Justice Mission (Apr. 7, 2015). Copy supplied.

IJM Dominican Republic Update with Field Office Director Fernando Rodriguez, Webcast (Feb. 5, 2015), <https://plus.google.com/events/c0n3iad6t5m7egr51nfalm3hhik>.

Wilma Perez, *En Bolivia se Registran por Día 16 Agresiones Sexuales a Menores*, LA RAZÓN (Aug. 10, 2013). Copy supplied.

Jeff Erskine, *IJM Bolivia-Escaping a Nightmare-A Mother Seeks Justice for her Daughter*, Traveling Boarders Blog (July 21, 2013). Copy supplied.

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

I have not held judicial office.

- 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 held judicial office.

- 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.

I have not held public office. I have not had any 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.

Volunteer, Committee to Re-Elect Judge Catharina Haynes (2006).

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;

From 1997 to 1998, I served as a clerk for then Justice Nathan L. Hecht of the Supreme Court of Texas. At that time, the Supreme Court referred to its clerks as briefing attorneys.

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

I have never practiced law 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.

2010 – present

International Justice Mission

1235 South Clark Street, Suite 1400

Arlington, Virginia 22202

Field Office Director, IJM-Dominican Republic (2013 – present)

Field Office Director, IJM-Bolivia (2010 – 2013)

1998 – 2009

Baker Botts LLP

2001 Ross Avenue, Suite 600

Dallas, Texas 75201

Partner (2006 – 2009)

Associate (1998 – 2005)

- 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 never served as a mediator or arbitrator.

b. Describe:

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

At Baker Botts, I maintained a diverse practice in commercial litigation, representing a wide variety of clients in Texas state and federal courts and in arbitrations. As an associate through 2005, I concentrated on matters involving contractual disputes, the misappropriation of trade secrets, deceptive trade practices, and professional responsibility. As a partner between 2006 and 2009, I continued to represent clients in similar matters, as well as in cases involving fraudulent conveyance actions and patent infringement claims.

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

I primarily represented corporate clients from a wide array of industries including, but not limited to, telecommunication companies, professional service providers (legal and accounting), manufacturers of oil industry products, licensors of images and software, and financial institutions. From 2005 through 2009, I devoted a considerable percentage of my professional services to technology companies involved in patent

infringement lawsuits, and a copper producer in matters arising out of its bankruptcy.

- 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.

While at Baker Botts, I devoted 100% of my practice to litigation. I appeared in court occasionally.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-------------------------------|
| 1. federal courts: | 40% |
| 2. state courts of record: | 50% |
| 3. other courts: | 10% (arbitration proceedings) |
| 4. administrative agencies: | __% |

- ii. Indicate the percentage of your practice in:

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

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

I have tried four cases to verdict, judgment or final decision. I was sole counsel in one case, and associate counsel in the remaining three cases.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 25% |
| 2. non-jury: | 75% |

- 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 never appeared 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. *In re ASARCO LLC*, Case Nos. 09-CV-177, 05-21207 (Bankr. S.D. Tex. Aug. 31, 2009) (initial report and recommendations), *aff'd* 420 B.R. 314 (S.D. Tex. 2009).

2008 – 2009

Baker Botts represented Debtor-in-Possession ASARCO LLC, a copper producer, and related subsidiaries, in its bankruptcy proceeding before Judge Richard S. Schmidt of the Bankruptcy Court in the Southern District of Texas. In August 2008, Judge Schmidt held a two week-long confirmation hearing to consider the competing reorganization plans submitted by ASARCO and the parent organization, Grupo Mexico. During the hearing, the parties amended their proposed plans with the effect of improving the benefits to ASARCO's creditors, and Judge Schmidt ultimately recommended the adoption of Grupo Mexico's full-payment plan.

I provided general assistance in the discovery and motion practice leading up to the confirmation hearing. At the hearing, I presented an expert witness in support of ASARCO's proposed Plan of Reorganization.

Lead Counsel for ASARCO Incorporated and Americas Mining Corporation:
Charles A. Beckham, Jr.
Haynes and Boone LLP
1221 McKinney, Suite 2100
Houston, Texas 77010
(713) 547-2000

Lead Counsel for the Official Committee of Unsecured Creditors:
Paul M. Singer
Reed Smith LLP
225 Fifth Avenue
Pittsburgh, Pennsylvania 15222
(412) 288-3114

Lead Counsel for Future Claims Representative Robert C. Pate:
John H. Tate, II
Strasburger & Price, LLP 2301 Broadway Street
San Antonio, Texas 78215

(210) 250-6166

Formerly with Oppenheimer, Blend, Harrison

Lead Counsel to Official Committee of Asbestos Claimants:

Sander L. Esserman

Stutzman, Bromberg, Esserman, & Plifka, P.C.

2323 Bryan Street, Suite 2200

Dallas, Texas 75201

(214) 969-4900

Lead Counsel to Official Committee of Unsecured Creditors of Debtor

Subsidiaries Capco and LAQ, et al.:

Raymond W. Battaglia

Law Offices of Ray Battaglia, PLLC

66 Granburg Circle

San Antonio, Texas 78218

(210) 601-9405

Formerly with Strasburger & Price

2. *Ternium Int'l USA Corp. v. Consol. Sys., Inc.*, No. 3:08-cv-00816-G, 2009 WL 464953 (N.D. Tex. Feb. 24, 2009).

2008 – 2009

My firm represented a steel supplier in a breach of contract action against a defendant, for failure to pay in full for delivered steel. The defendant filed counter-claims under South Carolina law, alleging that the delivered steel failed to meet the contractually-required characteristics. The parties settled after my client successfully moved to dismiss defendant's counterclaims. I served as lead counsel in the matter, handling all aspects of the representation, including initial pleadings, motion practice, written discovery, depositions, and settlement negotiations. Senior Judge A. Joe Fish presided over the case.

Lead Counsel for CSI:

Boyd A. Mouse

Kane Russell Coleman & Logan

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Dallas, Texas 75201

(214) 777-4286

3. *ASARCO LLC v. Americas Mining Corp.*, No. 1:07-cv-00018, 382 B.R. 49 (S.D. Tex. 2007).

2006 – 2008

My client filed an adversary action within a larger bankruptcy proceeding, in which it asserted a fraudulent conveyance claim to recover certain stock valued at

approximately \$9 billion. Prior to serving as a member of the trial team during a four-week bench trial, I led our team's efforts regarding discovery, including the production of discovery, the review of opposing and third-party discovery materials, the defense of numerous employees who sat for depositions, the taking of numerous depositions, and related motion practice. The court (Judge Andrew Hanen) ultimately ruled in my client's favor. Although the decision was appealed, the Fifth Circuit did not reach the merits based on ongoing proceedings in the Bankruptcy Court.

Lead Counsel for AMC:
Brian F. Antweil
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Houston, Texas 77010
(713) 270-3423
Formerly with Haynes and Boones LLP

4. *Int'l Hosp. Corp., et al. v. Grupo Promotor Hosp. San Jose, S.A., et al.*, No. 3:06-cv-00266-N (N.D. Tex. 2007).

2006 – 2007

I represented several partners in a Costa Rican partnership that utilized funds from an organization to open a hospital in Costa Rica. A dispute arose among the parties regarding the Costa Rican hospital, and an arbitration ensued in Costa Rica. The funding organization filed an action in the Northern District of Texas against the Costa Rican partners, alleging breach of contract and business tort claims. I served as lead counsel for the defendants in the Texas action. The court ultimately dismissed the action due to a lack of personal jurisdiction and *forum non conveniens*. Judge David C. Godbey presided over the matter.

Lead Counsel for IHC:
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JAMS
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(214) 744-5267
Formerly with Greenberg Traurig

5. *Datatresury Corp., Wells Fargo & Co., et al.*, No. 2:06-cv-00072-DF-CE, 490 F. Supp.2d 749 (E.D. Tex. 2006). *See also Datatresury Corp. v. Wells Fargo & Co., et al.*, 490 F.Supp.2d 756 (E.D. Tex. 2007).

2006 – 2007

I represented certain banks against claims that they had infringed patents for technologies concerning the reception, transmission, and storage of images of

checks and other financial instruments. I assisted with written discovery, motion practice regarding discovery and jurisdictional issues, the defending and taking of depositions, and claim construction briefing. Our clients subsequently settled with the plaintiff. Judge David Folsom presided over the case.

Lead Counsel for Datatreasury:

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Nix Patterson & Roach LLP
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(903) 645-7333

Lead Counsel for Wells Fargo Co-Defendants:

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Fish & Richardson P.C.
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Lead Counsel for Bank of America Co-Defendants:

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Ericsson Broadcast and Media
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Lead Counsel for U.S. Bank Co-Defendants, National City Bank Co-Defendants, and Zions Co-Defendants:

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Formerly with Andrews Kurth LLP

Lead Counsel for Suntrust Bank Co-Defendants and Keybank Co-Defendants:

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McKool Smith PC

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Lead Counsel for Harris Bancorp Co-Defendants:
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McKool Smith PC
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First Horizon Co-Defendant, and First Tennessee Bank Co-Defendant:
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(214) 780-1310

Lead Counsel for Electronic Data Systems Co-Defendant:
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Lead Counsel for UBS Americas Co-Defendant:
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Lead Counsel for Frost National Bank Co-Defendants:
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Pierce Sauer PLLC
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Formerly with Martinec Winn & Vickers

Lead Counsel for HSBC Co-Defendants:
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Lead Counsel for Bank of New York Co-Defendants and Union Bank of
California Co-Defendants:
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Lead Counsel for Bank of Tokyo-Mitsubishi Co-Defendant:
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Lead Counsel for Citizens Financial Co-Defendants:
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Orrick Herrington & Sutcliffe LLP
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Lead Counsel for City National Co-Defendants:
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Lead Counsel for Deutsche Bank & Trust Co-Defendant:
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Lead Counsel for PNC Bank Co-Defendants:
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Lead Counsel for The Clearing House Payments Company Co-Defendant:

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Lead Counsel for Magtek Co-Defendant:

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Formerly with Christie Parker & Hale

Lead Counsel for Viewpointe Archive Services Co-Defendant:

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(214) 651-5000

Lead Counsel City National Co-Defendants:

David I. Gindler
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067
(310) 277-1010

6. *Robert Riggs v. Jenkins & Gilchrist, P.C., et al.*, No. 05-02-00183-CV, 87 S.W.3d 198 (Tex. App. 2002).

2002 – 2003

My firm represented a law firm and two of its attorneys that had advised a local news station in connection with the disclosure of certain information obtained by

wiretap. An official affected by the disclosure sued the news station and one of its reporters under state and federal wiretap acts. After that matter settled, the reporter brought a case against the law firm and the two attorneys that had advised the news station. I served on a small team of attorneys and handled all written discovery and motion practice, including dispositive motions and an interlocutory appeal. The parties ultimately settled the lawsuit before trial. The case was originally assigned Judge Anne Ashby, and was subsequently transferred to Judge Joseph Cox.

Lead Counsel for Mr. Riggs:
Stephen F. Malouf
Malouf & Nockels
3811 Turtle Creek Boulevard, Suite 1600
Dallas, Texas 75219
(214) 969-7373

7. *Lyrick Studios Inc. v. Big Idea Prods.*, No. 3:02-cv-00034-M, 2003 WL 22061617 (N.D. Tex. 2003).

2002 – 2003

My firm represented a film producer, sued for the breach of an alleged multi-year distribution contract. Our client argued that no such contract existed, and that, if such contract existed, plaintiff had failed to pay requisite royalties. This case proceeded to trial before a jury, which found in favor of the plaintiff. I served as second chair in the trial and throughout the litigation, with responsibilities including oral and written discovery (relating to both fact and expert witnesses), trial preparations, jury selection, the cross examination of a trial witness, and related trial procedures. The jury ultimately found in favor of the plaintiff, although the judgment was set aside on appeal. My firm was not involved before the Fifth Circuit.

Lead Counsel for Lyrick:
Thomas J Williams
Haynes & Boone LLP
301 Commerce Street, Suite 2600
Fort Worth, Texas 76102
(817) 347-6625

8. *Dr. Pepper/Seven Up v. Lake Country*, No. 4:00-cv-00094-PNB (E.D. Tex. 2001).

2000 – 2001

My firm represented a soft-drink producer in an action against a company producing a canned soft drink without authorization. Although the case proceeded to a jury trial, the parties entered into a settlement agreement during trial. During the case, I assisted with written discovery, motion practice, trial

preparations, jury selection, and trial-related procedures. Judge Paul N. Brown presided.

Lead Counsel for Lake Country:

Jeffrey G. Hamilton
Jackson Walker, L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202
(214) 953-6146

9. *Alcatel USA, Inc., et al., v. Chiaro Networks, Ltd.*, No. 599-CV-265 (E.D. Tex. 2000).

1999 – 2000

My firm represented a former employer of software engineers who brought an action for misappropriation of trade secrets against the engineers' subsequent employer. During this representation, I assisted with written discovery, motion practice, and trial preparations. I also worked directly on a successful summary judgment motion related to the construction of Intellectual Property clauses in relevant employment contracts. The matter settled on the eve of trial. Judge David Folsom presided.

Lead Counsel for Chiaro:

William J. Albright
Albright & Albright LLP
14916 Crosscreek Drive
Austin, Texas 78737
(512) 716-8400

10. *Hollywood Theaters, Inc. v. J.C. Mitchell*, No. 98-11171-A (County Court at Law No. 1, Dallas County, Tex. 1999).

1998 – 1999

I served as sole counsel in a breach of contract claim, based on the failure to pay certain taxes following a property sale. After handling all matters related to discovery, I tried the bench trial before Judge David Gibson and won judgment in my client's favor.

Lead Counsel for J.C. Mitchell:

Jay Brandt
Deceased

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.)

As Field Office Director for International Justice Mission in Bolivia (2010-2013), I led a multi-disciplinary team working collaboratively with government actors to combat the sexual abuse of children. During my tenure, the team helped the public justice system provide victim relief to more than 40 children, arrest 36 suspects, and secure convictions of 26 criminals. We intervened as a private party in the criminal proceedings, working alongside public prosecutors to advance cases, to identify weaknesses within the public justice system, and to advocate for reforms to improve the system's effectiveness. I led the office's efforts to enable three Bolivian judges, including the then-President of the Bolivian Magistrates Council, to receive pedagogical training at the National Judicial Institute of Canada, to empower them to improve the education of judges in Bolivia. I also worked with other non-profit organizations that focused on helping victims of child sexual assault, to help establish the *Red Departamental de Protección de NNA's Libres de Violencia Sexual*, a network that continues to educate the community regarding sexual violence against children, and advocates for a strengthened public justice system. I served as this network's first Vice President.

In 2013, I relocated to the Dominican Republic to lead the establishment of an IJM office in the country, with a focus on combatting the sex trafficking of children. Since 2014, the multi-disciplinary team has worked with public justice system actors to rescue 110 sex trafficking victims, arrest 40 suspects, and obtain convictions against 23 criminals. We have trained hundreds of police officers regarding human trafficking, and have begun to build the capacity of law enforcement to effectively investigate such cases. The office also is working with the country's Child Protective Services (Consejo Nacional para la Niñez y la Adolescencia) to create a national network of case managers and service providers that can work together to help restore survivors.

Through my work in Bolivia and the Dominican Republic, I have enjoyed the opportunity to speak on numerous occasions regarding the laws related to sexual violence against children and sex trafficking. These speaking engagements have helped educate community leaders and public justice system actors, to raise their awareness and their ability to protect the poor from violence in their country.

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 since graduation from law school.

Between 2001 and 2004, I taught kindergarten through second grade students at Scarborough Elementary School in the Houston Independent School District, through the

Teach for America program. I taught in the bilingual program, conducting all instruction in Spanish, with the exception of English as a Second Language.

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.

I have no such plans, commitments, or agreements.

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.

If confirmed, I will recuse in any litigation where I have ever played a role. It is my understanding that in the bankruptcy proceeding, *In re ASARCO LLC*, matters remain pending in the Southern District of Texas, including in the District Court in the Brownsville Division. As I represented ASARCO in *In re ASARCO LLC*, I would recuse myself from matters related to this litigation.

I will also evaluate recusal in cases involving Baker Botts LLP and any clients that I represented while at Baker Botts LLP. I would also recuse myself in

matters involving my family, close friends, and even my own financial interests. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As an attorney at Baker Botts LLP, I provided pro bono legal representation to individuals and non-profit organizations. Among other things, I helped arrange for the sole managing conservatorship of grandchildren, modify joint managing conservatorship of a child, and with an adoption of a grandchild. During my practice with Baker Botts LLP, I recorded about 150 hours relating to pro bono matters.

In addition, I volunteered on the Julius Dorsey Elementary (Adopt-a-School) Coordinating Committee, which programmed activities at a local elementary school in a disadvantaged community. I estimate that I devoted 20-25 hours to these efforts.

26. **Selection Process:**

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

On February 18, 2017, I submitted my application to the offices of Senator Cornyn and Senator Cruz, expressing my interest in vacancies in the federal district courts of Texas, including the vacancy in the Southern District of Texas. On or about April 20, 2017, I interviewed with the Federal Judicial Evaluation

Committee in Austin, Texas, as a candidate for the judicial vacancy in the Southern District of Texas.

On May 4, 2017, I interviewed with Senator Cornyn and Senator Cruz in Senator Cornyn's office. On May 30, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy of the Department of Justice in Washington, D.C. Since that time I have been in contact with officials from the White House and the Office of Legal Policy. On September 7, 2017, 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.