

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert William (Trey) Schroeder III

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

United States District Judge for the Eastern 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.

Patton, Tidwell, Schroeder & Culbertson, L.L.P.
Post Office Box 5398
2800 Texas Boulevard
Texarkana, Texas 75503

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

1966; Texarkana, 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.

1993 – 1994, Washington College of Law, American University; J.D., 1994
1990 – 1992, University of Arkansas at Little Rock School of Law; no degree received
1987 – 1989, University of Arkansas at Little Rock; B.A., 1989
1984 – 1986, Westminster College; no degree received

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1999 – Present
Patton, Tidwell, Schroeder & Culbertson, L.L.P.

(formerly Patton, Tidwell & Schroeder, L.L.P. (2003 – 2014); Patton & Tidwell, L.L.P. (2000 – 2002); and Patton, Tidwell & Sandefur, L.L.P. (1999 – 2000))
2800 Texas Boulevard
Texarkana, Texas 75503
Partner (2003 – Present)
Associate (1999 – 2002)

1997 – 1999
The Honorable Richard S. Arnold
Chief Judge
U.S. Court of Appeals for the Eighth Circuit
600 West Capitol Avenue
Little Rock, Arkansas 72201
Law Clerk

1993 – 1997
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500
Associate Counsel to the President (May – August 1997)
Assistant Counsel to the President (1995 – 1996)
Special Assistant to the Counsel to the President
(approximately September – October 1995)
Director of the President's Personal Correspondence (1993 – 1995)

August – November 1992
Clinton/Gore Presidential Campaign
Little Rock, Arkansas 72201
Arkansas Press Secretary

1986 – 1992
Office of the Governor
State of Arkansas
State Capitol Building, Room 250
Little Rock, Arkansas 72201
Press Assistant

Other affiliations (uncompensated unless otherwise indicated):

2010 – Present
Arkansas State Board of Law Examiners
2100 Riverfront Drive, Suite 110
Little Rock, Arkansas 72202
Law Examiner
(per diem and expense reimbursement)

2008 – Present
St. James Day School
5501 North State Line Avenue
Texarkana, Texas 75503
Member, Board of Trustees (2008 – Present)
President (2011 – 2013)
Treasurer (2010 – 2011)

2011 – Present
State Bar of Texas District 1 Grievance Committee
14651 Dallas Parkway, Suite 925
Dallas, Texas 75254
Committee Member

2008 – 2011
Texarkana Bar Association
Texarkana, Texas
President (2010 – 2011)
Vice President (2009 – 2010)
Secretary (2008 – 2009)

2008 – 2010
St. James Episcopal Church
417 Olive Street
Texarkana, Texas 75503
Vestry Member (2008 – 2010)
Senior Warden (2009 – 2010)

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 never served in the military. I did timely register for selective service.

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

AV Preeminent Rating by Martindale-Hubbell (2010 – Present)

Appreciation Award, Texarkana Bar Association (2011)

University of Arkansas at Little Rock Law Journal (now University of Arkansas at Little Rock Law Review), Member (1992 – 1993)

Jeff Ledbetter Memorial Award for Excellence in Scholarship and Public Policy (now Jeffrey C. Ledbetter Endowed Scholarship), University of Arkansas at Little Rock, Little Rock, Arkansas (1989)

Chancellor's List, University of Arkansas at Little Rock (1989)

Eagle Scout, Caddo Area Council, Texarkana, Texas (1984)

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

American Bar Association
Arkansas Bar Association
Arkansas State Board of Law Examiners
Arkansas Trial Lawyers Association
Association of Trial Lawyers of America
Bar Association of the Fifth Federal Circuit
Bar Association of the Eighth Federal Circuit
District 1 Grievance Committee of the State Bar of Texas
Eastern District of Texas Bar Association
Harrison County Bar Association
State Bar of Texas
Southwest Arkansas Bar Association
Texarkana Bar Association
 President (2010 – 2011)
 Vice President (2009 – 2010)
 Secretary (2008 – 2009)
U.S. Magistrate Judge Merit Selection Panel, Marshall, Texas
U.S. Magistrate Judge Merit Selection Panel, Texarkana, 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.

Arkansas, 1995
District of Columbia, 1996
Texas, 2001

There have been no lapses in my memberships.

- 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.

U.S. Court of Appeals for the Eighth Circuit, 1998
U.S. District Court for the Eastern District of Texas, 1999
U.S. District Court for the Eastern District of Arkansas, 1999
U.S. District Court for the Western District of Arkansas, 1999
U.S. Court of Appeals for the Fifth Circuit, 2001

There have been no lapses in my memberships.

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.

St. James Day School (2008 – Present)

Member, Board of Trustees (2008 – Present)

President (2011 – 2013)

Treasurer (2010 – 2011)

Head of School Search Committee (2013 – 2014)

Strategic Planning Committee (2011 – 2012)

St. James Episcopal Church (1999 – Present)

Vestry Member (2008 – 2010)

Senior Warden (2009 – 2010)

Texarkana Country Club (2002 – 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.

The Texarkana Country Club was formed in 1914, and I believe it may have been exclusionary at some point in its history. My family joined in 2002, and the club has not had a policy or practice of discrimination in the years we have been members. To the best of my knowledge, the other organizations listed do not, and have not, 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.

Public Law – Freedom of Information Act – “Working Papers” Exemption Applies Not Only to Officeholder Personally but to Staff Members and Private Consultants as Well, 16 U. Ark. Little Rock L.J. 313 (1994). 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.

In *In re Volkswagen AG and Volkswagen of America, Inc.*, an amicus curiae brief was filed on behalf of the Ad Hoc Committee of Intellectual Property Trial Lawyers in the Eastern District of Texas. Along with the other attorneys in my firm, I was listed as a member of the committee on the brief. Although I did not draft or review the brief, I am including it out of an abundance of caution. 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.

January 13, 2012: Speaker, “Charge to the Eagle Scout Class of 2011,” Eagle Scout Recognition Banquet, Caddo Area Council, Texarkana, Arkansas. Outline supplied.

June 19, 2002: Speaker, "My Work at the White House," Kiwanis Club of Texarkana, Texarkana, Texas. I discussed my years working in the White House. I have no notes, transcript or recording. The address of the Kiwanis Club of Texarkana is Post Office Box 3074, Texarkana, Texas 75504.

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

I made numerous statements to news organizations regarding various issues during my work as a press assistant in the Arkansas Governor's Office between 1987 and 1992 and in my capacity as Arkansas Press Secretary during the Clinton/Gore presidential campaign in 1992. An exhaustive search of my personal records and various electronic databases revealed the following articles, although it is possible that I may have missed some.

Williamson, Jim, *City of Lockesburg, Railroad Company*, Texarkana Gazette (Mar. 3, 2009). Copy supplied.

Williamson, Jim, *County to Pay to Settle Suit*, Texarkana Gazette (Dec. 17, 2008). Copy supplied.

LaRowe, Lynn, *Lawsuit Alleging 'Inmate Dumping' May Soon be Settled*, Texarkana Gazette (Nov. 30, 2008). Copy supplied.

Associated Press, *Arkansas Disaster Trip Very Painful for Clinton*, Times-News, Twin Falls, Idaho (Mar. 4, 1997) (similar article in multiple sources). Copy supplied.

Fournier, Ron, *Clinton Headed for Sad Homecoming*, AP Online (Mar. 4, 1997) (similar article in multiple sources). Copy supplied.

First It Was Billy Beer; Now It's Clinton Cola, Washington Times (Sept. 29, 1996). Copy supplied.

Bush After Bass; Unintended Snub Put Aright, Girl to Get Letter From Clinton, Long Beach Press-Telegram (Mar. 6, 1993) (similar article in multiple sources). Copy supplied.

Seper, Jerry, *Arkansas Faces Budget Crisis*, Washington Times (Apr. 7, 1992). Copy supplied.

Ark. Protest, Tenn. Suit Seek Medicaid Remedies, The Commercial Appeal, Memphis, Tennessee (Dec. 31, 1991). Copy supplied.

Fournier, Ron, *Disabled Demonstrators Chain Wheelchairs Together in Governor's Office*, AP Online (Dec. 31, 1991). Copy supplied.

Associated Press, *Shortage of Lawyers Delays Ark. Car-Tax Case*, The Commercial Appeal, Memphis, Tennessee (Oct. 16, 1991). Copy supplied.

Associated Press, *Fairchild Gets Hearing Today Petition Seeks Execution Stay*, The Commercial Appeal, Memphis, Tennessee (Aug. 28, 1990). Copy supplied.

Pego, Dave, *North Texas Struggles Against Worst Flooding Since 1922*, AP Online (May 4, 1990). Copy supplied.

Rain-Swollen Streams Cover Areas of Northwest Arkansas, Tulsa World (May 4, 1990). 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 any 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 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.

I was appointed by the Supreme Court of Arkansas to the State Board of Law Examiners in December 2010. My term expires September 30, 2016.

- 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.

From August 1992 to November 1992, I was the Arkansas Press Secretary during President Bill Clinton's first presidential campaign. My responsibilities included coordinating media inquiries and working as a liaison between state media organizations and the national campaign staff and between national media organizations and state officials.

From September 1986 to November 1986, I served as a travel aide for the Clinton for Governor campaign.

From June 1985 to August 1985, I was a staff aide for the Jim Chapman for Congress campaign and assisted with general campaign tasks, including organizing volunteers, stuffing envelopes, staffing phonebanks, and canvassing.

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 1999, I served as a law clerk for Chief Judge Richard S. Arnold, U.S. Court of Appeals for the Eighth Circuit.

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

I have never 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.

1995 – 1997
The White House
1600 Pennsylvania Avenue, N.W.

Washington, D.C. 20500
Special Assistant to the Counsel to the President
(approximately September – October 1995)
Assistant Counsel to the President (1995 – 1996)
Associate Counsel to the President (May – August 1997)

1999 – Present
Patton, Tidwell, Schroeder & Culbertson, L.L.P.
(formerly Patton, Tidwell & Schroeder, L.L.P. (2003 – 2014); Patton &
Tidwell, L.L.P. (2000 – 2002); and Patton, Tidwell & Sandefur, L.L.P.
(1999 – 2000))
2800 Texas Boulevard
Texarkana, Texas 75503
Associate (1999 – 2002)
Partner (2003 – Present)

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

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

b. Describe:

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

I served as a lawyer in the White House Counsel's Office from 1995 to 1997. In this position, I analyzed various legal issues and worked on a wide range of matters and miscellaneous projects. By way of example, I worked on executive clemency matters, coordination of the release of documents from the Presidential Libraries and a limited number of litigation matters. I had primary responsibility for handling issues related to the commercialization and use of the President's image and likeness, use of the Presidential Seal, Freedom of Information Act matters, the Presidential Records Act and the John F. Kennedy Assassination Records Review Board. I also assisted on a periodic basis with nominee/appointee vetting and review and gift acceptance review.

After clerking for Judge Richard S. Arnold between 1997 and 1999, I joined Patton, Tidwell, Schroeder & Culbertson, L.L.P. My work has been primarily litigation, representing individuals and corporations in the federal and state courts of Texas and Arkansas. I began as an associate in 1999 and became a partner in 2003. I have represented clients in cases involving trade secrets, antitrust, product liability, patent infringement,

negligence, breach of contract and employment discrimination. While the majority of my practice has been focused on litigation, I also routinely provide counsel to and assist individuals, families and small business owners in discrete transactional matters.

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

During my service in the White House Counsel's Office, my clients were the President of the United States, in his official capacity, and staff members of the Executive Office of the President, in their official capacities.

My clients in private practice have been broad-based and diverse. I have represented individuals and corporations, as plaintiffs and defendants, throughout my practice. My primary focus has been civil litigation. I have also assisted individuals, families and small business owners in discrete transactional matters.

- 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.

The majority of my private practice, well over 90 percent, has been in litigation. I have appeared in court frequently, on average two to three times a month, throughout the years of my practice. While serving as a lawyer in the White House Counsel's Office, I had shared responsibility for a limited number of litigation matters but did not appear in court.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 75%
- 2. state courts of record: 25%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 90%
- 2. criminal proceedings: 10%

- 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 nine cases to verdict, judgment or final decision, including an arbitration proceeding. Six of these were jury trials. I was sole counsel in one trial, co-counsel in five trials and associate counsel in three trials.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 67% |
| 2. non-jury: | 33% |

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:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Lambert Fenchurch U.S. Holdings, Inc. v. Kerr*, Cause No. 50-T-168-00206-01, an arbitration proceeding before the American Arbitration Association, 2000 – 2003, Fletcher Yarbrough, chair of the arbitration panel.

This matter involved multiple claims between the U.S. subsidiary of an international insurance brokerage firm and its former chief executive officer and other officers. Legal and factual disputes included the value of the officers' ownership shares in the subsidiary, calculation of the chief executive officer's bonuses over several years and whether the chief executive officer had breached contractual and fiduciary obligations to the subsidiary. The issue concerning the value of the officers' shares involved contract interpretation, choice of law and the differences in treatment of goodwill by U.S. and U.K. generally accepted accounting principles. I represented the respondent Kerr and handled all aspects of discovery, briefing and preparing the case for presentation, along with my senior partner, to a panel of three arbitrators. Fletcher Yarbrough of Carrington, Coleman, Sloman & Blumenthal, L.L.P. served as chair.

After a three-day hearing and post-hearing briefing, the panel awarded Kerr the full amount of his requested bonuses and dismissed all other claims between the parties.

Opposing Counsel:

Edward S. Koppman (retired)
(formerly with Akin, Gump, Stauss, Hauer & Feld LLP)

Chair of Arbitration Panel:

Fletcher L. Yarbrough
Carrington, Coleman, Sloman & Blumenthal, L.L.P.
901 Main Street, Suite 5500
Dallas, TX 75202
(214) 855-3025

2. *United States of America v. Adcock*, Case No. 5:02-CR-00001-DF-CMC-1, United States District Court for the Eastern District of Texas, 2002, The Honorable David Folsom.

In this criminal matter, I represented the former chief financial officer of a nonprofit organization who was indicted on one count of bank fraud under 18 U.S.C. § 1344 related to her embezzlement of almost \$700,000. The defendant fully cooperated with investigators and went to extraordinary lengths to pay back the nonprofit organization, including liquidating almost all of her and her husband's personal assets. She pleaded guilty and was sentenced to 18 months' incarceration and five years' supervised release.

Opposing Counsel:

The Honorable D. Thomas Ferraro
(formerly Assistant United States Attorney)
United States District Court
Evo A. DeConcini U.S. Courthouse
405 West Congress Street, Suite 6660
Tucson, AZ 85701
(520) 205-4590

Counsel for Opportunities, Inc.:

Winford L. Dunn, Jr.
Dunn, Nutter & Morgan, LLP
3601 Richmond Road
Texarkana, TX 75503
(903) 793-5651

3. *Stewart v. Gunter, Hot Springs Medical Group, P.A. and Saint Joseph's Regional Health Center, Inc.*, Case No. 2000-586-1, Circuit Court of Garland County, Arkansas, 2000 – 2002, The Honorable John Homer Wright.

My firm represented Mr. and Mrs. Stewart as guardians and next friends of their daughter, who was born in 1998, in this medical negligence case. Plaintiffs alleged that their daughter suffered severe perinatal asphyxia during childbirth, resulting in profound and permanent injuries, and that defendants failed to properly monitor Mrs. Stewart during labor and failed to recognize and respond appropriately to evidence of fetal distress. Shortly after the complaint was filed in 2000, the senior partner in my firm asked me to assume responsibility for development of the case. More than 40 depositions were taken during discovery, approximately half of which were of expert witnesses. The case, which was tried to a jury between October 28 and November 12, 2002, resulted in a defense verdict. As sole counsel at trial, I was responsible for voir dire, opening and closing argument, direct examination of more than 15 fact and expert witnesses and cross-examination of approximately 20 fact and expert witnesses.

Opposing Counsel:

Edwin L. Lowther, Jr.
Justin T. Allen
Wright, Lindsey & Jennings LLP
200 West Capitol Avenue, Suite 2300
Little Rock, AR 72201
(501) 371-0808
Counsel for Saint Joseph's Regional Health Center, Inc.

Clifford W. Plunkett
Friday Eldredge & Clark LLP
3425 North Futrall Drive, Suite 103
Fayetteville, AR 72703-6252
(479) 695-2011
Counsel for Dr. Gunter and Hot Springs Medical Group, P.A.

J. Phillip Malcom
(formerly with Friday Eldredge & Clark LLP)
Malcom Law Firm
2226 Cottdale Lane, Suite 100
Little Rock, AR 72202
(501) 319-7669
Counsel for Dr. Gunter and Hot Springs Medical Group, P.A.

4. *Z-Tel Communications v. SBC Communications, et al*, Case No. 5:03-CV-00229-DF-CMC, United States District Court for the Eastern District of Texas, 2003 – 2005, The Honorable David Folsom.

This matter involved alleged violations of Section 2 of the Sherman Act, the Lanham Act and certain provisions of the Telecommunications Act of 1996. Z-Tel's complaint asserted that SBC had illegally interfered with Z-Tel's ability to compete in the telecommunications industry in contravention of these laws by denying access to essential facilities necessary to provide basic and enhanced telephone services, barring certain customers from switching to Z-Tel and misrepresenting the products and services Z-Tel offered, harming competition and consumers as well. Following extensive discovery and motion practice, the case was resolved by settlement on the eve of trial. Along with co-counsel, I represented Z-Tel, assisting in discovery and participating in hearings before the court.

Lead Counsel:

Layne Kruse
David Van Susteren (deceased)
Darryl Anderson
Fulbright & Jaworski LLP
Fulbright Tower
1301 McKinney, Suite 5100
Houston, TX 77010-3095
(713) 651-5151

Opposing Counsel:

Michael K. Kellogg
Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 326-7902

5. *Pearson v. Moyno, Inc., EnDeCo Engineers, Inc., Cadence Environmental Energy, Inc., Equipment Pro, Inc., Haigh Engineering Company, Ltd. and Ford, Bacon & Davis, LLC*, Case No. CV-2004-27, Circuit Court of Little River County, Arkansas, 2004 – 2006, The Honorable Ted C. Capeheart.

This case involved the death of a 27-year-old father of three who died as a result of injuries he sustained in a liquid waste fuel explosion at a cement plant. I served as counsel for Mr. Pearson's widow in a lawsuit brought on behalf of his estate. Plaintiff alleged that the waste fuel system was designed in a manner that permitted high pressure to generate without an appropriate relief system. As the case progressed, the original defendants added other defendants. Eventually, more than 30 fact and expert witness depositions were taken, and the parties engaged in extensive motion practice and numerous hearings. I handled all aspects of the case. After two formal mediations and multiple settlement negotiations with individual parties over several months, the matter was successfully resolved by settlement.

Opposing Counsel:

Thom J. Diaz
(formerly with Watts, Donovan & Tilley, P.A.)
Rainwater Holt & Sexton, PA
6315 Ranch Drive
Little Rock, AR 72223
(800) 434-4800
Counsel for EnDeCo Engineers Company, Ltd.

Lansford O. Ireson, Jr.
Ireson & Weizel, PLLC
9720 Cypresswood Drive, Suite 238
Houston, TX 77008
(713) 228-1160
Counsel for Cadence Environmental Energy, Inc.

Robert W. Weber
(formerly with Atchley, Russell, Waldrop & Hlavinka, L.L.P.)
Smith Weber, LLP
5505 Plaza Drive
Texarkana, TX 75503
(903) 223-5656
Counsel for Moyno, Inc.

Jeffrey H. Moore
(formerly with Friday, Eldredge & Clark, LLP)
Jeffrey H. Moore, P.A.
96 Villas Circle
Little Rock, AR 72223
(501) 414-6894
Counsel for Ford, Bacon & Davis, LLC

Shane Strabala
Munson, Rowlett, Moore & Boone, P.A.
400 West Capitol Avenue, Suite 1900
Little Rock, AR 72201
(501) 374-6535
Counsel for Equipment Pro, Inc.

C. Vernon Hartline, Jr.
Hartline Dacus Barger Dreyer LLP
6688 North Central Expressway, Suite 100
Dallas, TX 75206
(214) 346-3700

Counsel for Haigh Engineering Company, Ltd.

David M. Powell
Williams & Anderson, PLC
111 Center Street, 22nd Floor
Little Rock, AR 72201
(501) 396-8806
Counsel for Burns & McDowell Engineering Co., Inc.

6. *United States of America ex rel. Wright v. AGIP Petroleum Co. et al.*, Case No. 5:10-CV-00155-DF, United States District Court for the Eastern District of Texas, 2004 – 2010, The Honorable David Folsom.

In this False Claims Act case, plaintiff-relator sought to recover damages and civil penalties from certain oil and gas companies for underpayments to the federal government of royalties on oil, gas and natural gas liquids produced from leases on federal and Indian lands. The case had a complicated procedural history. Originally filed in 1996, the case was consolidated with another previously-filed case in a different division, transferred to a Multi-District Litigation Panel in the U.S. District Court for the District of Wyoming, appealed to the U.S. Court of Appeals for the Tenth Circuit and eventually remanded to the Eastern District of Texas. Following remand in 2004, I represented, as co-counsel, Dominion Exploration and Production, Inc. (formerly known as CNG Producing Company) and participated in extensive motion practice, numerous hearings before the court, preparing the case for trial and settlement discussions. The parties were able to resolve the claims against Dominion through settlement.

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7. *Hollis v. Brookshire Grocery Company*, Case No. 5:06-CV-00123-DF-CMC, United States District Court for the Eastern District of Texas, 2006 – 2007, The Honorable David Folsom.

This lawsuit, which was filed by a former grocery store manager, alleged violation of the Age Discrimination in Employment Act. The plaintiff alleged that he was forced to resign because of his age. I represented the plaintiff and handled all aspects of the case, including discovery, briefing and preparation for trial. The court granted defendant's motion for summary judgment, finding that plaintiff could not establish a prima facie case of age discrimination and that defendant had articulated a legitimate, non-discriminatory reason for its actions that plaintiff could not show was pretextual.

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8. *Zenith Electronics LLC v. Westinghouse Digital Electronics LLC, et al*, Case No. 5:06-CV-00246-DF, United States District Court for the Eastern District of Texas, 2006 – 2010, The Honorable David Folsom.

I represented defendants Westinghouse Digital Electronics and Polaroid Corporation in this patent infringement matter. Zenith alleged the defendants willfully infringed six patents related to digital broadcast television technology. Prior to the court issuing its order construing the claims of the patents, Polaroid filed bankruptcy. Following severance, Zenith proceeded against Westinghouse. Shortly before trial, Westinghouse sold its assets to a credit management association, a bankruptcy-like procedure under California law. The association discharged Westinghouse's attorneys and ceased its defense of the case. The court granted Zenith's motion for summary judgment on infringement, willfulness and damages and entered judgment against Westinghouse. My involvement in the case included assisting in discovery and extensive motion practice.

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9. *LML Patent Corp. v. J.P. Morgan Chase & Co., et al.*, Case No. 2-08-CV-448-DF, United States District Court for the Eastern District of Texas, 2008 – 2012, The Honorable David Folsom.

In this multi-phase patent case, plaintiff alleged that defendants' products and services infringed plaintiff's patent involving a point-of-sale check-writing system. Defendants included PayPal, Inc. and major regional and national banks. I represented PayPal in the first phase and Deutsche Bank Trust Company Americas in a later phase. I participated, as co-counsel, in all aspects of the case, including discovery and arguing motions. Both parties I represented settled on the eve of trial. Prior to PayPal settling, I was preparing to conduct voir dire and the direct and cross-examination of several fact witnesses. In the Deutsche Bank trial, I was preparing to assist in voir dire and in the damages part of the case.

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10. *St. Jude Medical, Inc. v. Access Closure, Inc.*, 729 F.3d 1369 (Fed. Cir. Sept. 11, 2013); Case No. 4:08-CV-04101-SOH, United States District Court for the Western District of Arkansas, 2008 – Present, The Honorable Harry F. Barnes and the Honorable Susan O. Hickey.

This patent infringement case involves multiple patents related to vascular closure devices, which are used by physicians to close punctures in the femoral artery after diagnostic and interventional cardiovascular procedures. St. Jude alleged that defendant infringed its patents. The case was tried over two weeks in late 2010. The jury found willful infringement of two patents and awarded St. Jude lost profits and reasonable royalty damages. Thereafter, in 2011, Judge Harry Barnes conducted a bench trial regarding whether a legal exception to one of Access Closure, Inc.'s defenses applied. The court entered judgment in 2012 and later issued a permanent injunction, staying relief while the case was on appeal to the Federal Circuit. In September 2013, the Federal Circuit affirmed in part and reversed in part the judgment. I represent St. Jude and participated in multiple discovery matters and all dispositive-motion and pre-trial hearings before the district court.

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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.)

While in private practice, my focus has been litigation. I also have served on several boards and committees related to the law and legal profession.

In December 2010, I was appointed by the Arkansas Supreme Court to the State Board of Law Examiners. The board, charged with grading bar examinations and certifying the results, meets twice annually, in March and August. Each of these grading sessions lasts approximately one week. The board also meets periodically throughout the year as the need arises, most often related to admission panel hearings. My term will expire September 30, 2016.

I also am a member of the State Bar of Texas District 1 Grievance Committee. Grievance committees play an important role in Texas's attorney disciplinary system by performing two functions. First, the committee reviews complaints presented by the Chief Disciplinary Counsel of the Commission for Lawyer Discipline and determines whether a case should proceed to prosecution or be dismissed. Second, the committee, sitting as an administrative tribunal, determines whether professional misconduct has occurred and, if so, assesses an appropriate sanction. The committee meets monthly. I was appointed in July 2011 and reappointed to a second term in May 2014. My current term will expire June 30, 2017.

The United States District Court for the Eastern District of Texas has also appointed me to two merit selection panels that have advised the court concerning the selection of magistrate judges. The first panel reviewed 55 applications for an open position, interviewed 11 candidates and recommended that the court consider six applicants for the appointment. The court ultimately selected one of the candidates recommended by the panel. The second panel evaluated the performance of a sitting magistrate judge and recommended her for reappointment.

I have been actively involved in the Texarkana Bar Association throughout the years of my practice. I served as secretary from 2008 to 2009, vice president from 2009 to 2010 and president from 2010 to 2011. The Texarkana Bar and its affiliate organization, the Texarkana Young Lawyers Association, make significant contributions to the community through outreach and educational initiatives about our system of justice. The bar also offers periodic continuing legal education programs to its members and financially supports other organizations within our community.

I have performed no lobbying activities on behalf of any client or organization.

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

I have not taught any courses.

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

Upon retirement and age qualification, I will be entitled to receive benefits from a retirement plan established by my firm and to which I have contributed. Should I be confirmed, my partners and I will develop a plan to address any pending litigation in which I am involved and any potential payments due to me. Otherwise, I have no deferred income or future benefits arrangements from any previous relationships.

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 plans, commitments or agreements to pursue outside employment if confirmed.

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 carefully review and address any real or potential conflicts in accordance with the Code of Conduct for United States Judges, as well as applicable policies and procedures of the United States Courts and other relevant canons and statutory provisions. I will recuse myself from any case in which I have previously participated as an attorney and in any case in which my firm was involved while I was a member of the firm. I am unaware of any individuals, whether relatives or otherwise, who would be likely to present a conflict of interest.

- 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 comply with the Code of Conduct for United States Judges, all applicable policies and procedures of the United States Courts, and other relevant canons and statutory provisions. I will review, on a case-by-case basis, the existence of a potential conflict of interest arising from any personal or former client relationships or financial interests, and will apply generally applicable principles and rules concerning ethics and conflicts of interests in conducting such an inquiry and assessing whether a recusal is warranted.

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.

I have provided pro bono services throughout my practice. While I have not maintained specific records of time spent, I estimate that I have spent in excess of 150 hours a year

providing pro bono services. I have assisted individuals and families in matters such as adoption, ad litem, divorce, probate, guardianship, criminal, real estate, contract disputes and small claims litigation. Listed below are a few examples of the types of pro bono cases I have handled.

Between 2006 and 2009, I represented the City of Lockesburg, Arkansas in connection with a dispute between it and the DeQueen & Eastern Railroad Company concerning the destruction of an overpass bridge in Lockesburg that occurred when a 75-car train owned and operated by the railroad derailed in 2005. After considerable legal and historical research, time and effort, I filed, on behalf of the City of Lockesburg, a formal administrative complaint with the Arkansas State Highway Commission, a jurisdictional prerequisite to filing a lawsuit. While the matter was pending before the Highway Commission, the parties were able to enter into a settlement agreement that successfully resolved the dispute.

In 2008, I handled an adoption for a longtime personal friend who, through her church, became acquainted with a young boy from a troubled home. The child was eventually removed from the home by social services officials. My friend wanted to adopt him, and I represented her throughout the adoption proceedings in the County Court at Law of Bowie County, Texas. I also have regularly provided legal assistance to guardianship clients of a local nonprofit organization that provides services to developmentally disabled children and adults.

In 2006, I defended the Texarkana Animal League in an employment discrimination case brought by a former employee. *Jerry Edwards v. Roy Stanley, Director, Texarkana Animal League*, Case No. 4:06-CV-04034, U.S. District Court for the Western District of Arkansas. The plaintiff alleged that he was terminated in violation of Title VII of the Civil Rights Act of 1964. I filed an answer on behalf of the Texarkana Animal League, interviewed multiple witnesses, reviewed documents and ultimately filed a motion to dismiss. The case was dismissed in December 2006 for failure to prosecute and failure to comply with orders of the court.

In 2011 and 2012, I assisted with fundraising for the Arkansas Access to Justice Commission and its nonprofit organization, the Arkansas Access to Justice Foundation. The goal of the foundation is to increase the financial and pro bono resources available to Arkansas's two legal aid providers, the Center for Arkansas Legal Services and Legal Aid of Arkansas.

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 August 9, 2013, I submitted an application to the Federal Judicial Evaluation Committee established by Senators John Cornyn and Ted Cruz. On December 13, 2013, I was interviewed by the Committee in Houston, Texas. On February 18, 2014, I was invited to interview with Senators Cornyn and Cruz. Since February 26, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 13, 2014, I was interviewed by Senators Cornyn and Cruz in Washington, D.C. On April 7, 2014, I was interviewed by attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On June 26, 2014, 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.

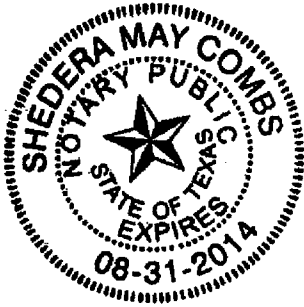
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AFFIDAVIT

I, Robert William Schroeder III, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

June 26, 2014
(DATE)

Robert W Schroeder III
(NAME)



Shedera May Combs
(NOTARY)