

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Taylor Brantley McNeel

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

United States District Judge for the Southern District of Mississippi

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.

Brunini, Grantham, Grower & Hewes, PLLC
160 Porter Avenue
Biloxi, Mississippi 39530

Residence: Pascagoula, Mississippi

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

1983; Louisville, Mississippi

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

2005 – 2008, University of Mississippi School of Law; J.D. (*cum laude*), 2008

2001 – 2005, University of Mississippi; B.B.A. (*cum laude*), 2005

2001, East Central Community College; no degree

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.

2008 – present; Summer 2007; Summer 2006
Brunini, Grantham, Grower & Hewes, PLLC
160 Porter Avenue
Biloxi, Mississippi 39530
Partner / Member (2016 – present)
Associate Attorney (2008 – 2015)
Law Clerk (Summer 2007; Summer 2006)

Summer 2007; Summer 2006
Balch & Bingham
1301 25th Avenue
Gulfport, Mississippi 39501
Law Clerk

Summer 2007
Butler Snow
1300 25th Avenue, Suite 201
Gulfport, Mississippi 39501
Law Clerk

Summer 2005; Summer 2004
Mayo Mallette PLLC
2094 Old Taylor Road
Oxford, Mississippi 38655
Runner

Other affiliations (uncompensated or nominally compensated):

2019 – present
Pascagoula-Gautier School District
1006 Communy Avenue
Pascagoula, Mississippi 39568
Board of Trustees (nominal compensation)

2008 – present
Biloxi Rotary Club
Post Office Box 303
Biloxi, Mississippi 39533
President (2013 – 2014)
Vice-President (2012 – 2013)
Secretary (2011 – 2012)

2010 – 2013
Main Street of Biloxi Association
Post Office Box 253

Biloxi, Mississippi 39533
Board of Directors (2010 – 2013)

2012 – 2014
Mississippi Gulf Coast Chamber of Commerce
Biloxi Chamber of Commerce, Board of Directors (2012 – 2014)
11975 Seaway Road, Suite B120
Gulfport, Mississippi 39503

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

I have not served in the military. I registered for the selective service upon turning 18 in 2001.

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, Martindale-Hubbell (approx. 2015 – present)

Benchmark Litigation, 40 & Under Hot List for the United States (2017 – 2019)

Mid-South Super Lawyers, Rising Stars, Business Litigation (2011 – 2019)

University of Mississippi School of Law (2005 – 2008)
Degree conferred *cum laude*
Mississippi Law Journal, member (2007 – 2008)
Phi Delta Phi
Phelps Dunbar Scholarship (2005 – 2008)
Mitchell, McNutt & Sams Scholarship (2005 – 2008)

University of Mississippi (2001 – 2005)
Degree conferred *cum laude*
Senior Class President (2004 – 2005)
Varsity Football Team (2001 – 2003)
Jones Foundation Scholarship (2001 – 2005)
Academic Excellence Scholarship
Rotary Club Scholarship
Associated Student Body Senator
Associated Student Body Director of Student Services
Elected as a campus favorite
Chancellor's Leadership Class
Mortar Board

Golden Key
Alpha Lambda Delta
Order of Omega

Elected Governor, Mississippi American Legion Boys State (2000)

Eagle Scout (1999)

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 (2009 – present)
Council of Appellate Lawyers (2010 – 2014)
Litigation Section (2009 – present)

Federal Bar Association (2012 – present)
Federal Litigation Section (2012 – present)
Mississippi Chapter (2012 – present)
Young Lawyers Division (2012 – present)

Fifth Circuit Bar Association (2009 – present)

Harrison County Bar Association (2008 – present)
President (2018)
First Vice-President (2017)
Second Vice-President (2016)
Secretary-Treasurer (2015)

Jackson County Bar Association (2015 – present)

Mississippi Bar Association (2008 – present)
Appellate Practice Section, Executive Committee (2016 – 2020)
Chairman, *Pro Bono* Committee (2014)
Chairman, Rules Committee (2015)
Young Lawyers Division of the Mississippi Bar Association
Elected to the Board of Directors (2011 – 2013)
Disaster Legal Assistance Coordinator (2014)

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.

Mississippi, 2008

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.

Supreme Court of the United States, 2012
United States Court of Appeals for the Fifth Circuit, 2008
United States District Court for the Northern District of Mississippi, 2008
United States District Court for the Southern District of Mississippi, 2008
Mississippi Supreme Court, 2008

There have been no lapses in membership.

11. **Memberships:**

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

American Inns of Court, Russell, Blass, Walker Chapter (2009 – present)

Biloxi Chamber of Commerce (2009 – present)
Board of Directors (2012 – 2014)

Biloxi Rotary Club (2008– present)
President (2013 – 2014)
Vice-President (2012 – 2013)
Secretary (2011 – 2012)

Boys & Girls Club of the Gulf Coast, East Harrison County Unit Board Member
(2009 – 2013)

Defense Research Institute (2014 – present)

Federalist Society, Mississippi Gulf Coast Chapter (2020 – present)

Jackson County Chamber of Commerce (2009 – present)
Leadership Jackson County (2010)

Krewe of Zippity (2015 – present)

Main Street of Biloxi Association (2010 – present)
Board of Directors (2010 – 2013)

Mississippi Defense Lawyers Association (2009 – present)

Mississippi Gulf Coast Chamber of Commerce (2009 – present)
Coast Young Professionals, Policy and Government Committee (2009 – 2010)

PGA Champions Tour, Mississippi Gulf Resort Classic, Ambassador (2014 – 2015)

Red Cross, Southeast Mississippi Chapter, Young Professionals Advisory Council (2009 – 2010)

Revelers Carnival Organization (approx. 2009 – 2020)

Singing River Yacht Club (2016 – present)

Treasure Oak Country Club (2012 – 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.

It is my understanding that until 1987, Rotary International, the parent organization for the Rotary Club of Biloxi, did not admit women as members. In 1987, in response to the United States Supreme Court's decision in *Bd. of Dirs. of Rotary Int'l v. Rotary Club of Duarte*, Rotary Clubs in the United States began admitting women as members. At all times that I was a member of the Biloxi Rotary Club, it has accepted women as members.

The Revelers Carnival Organization has a male membership. It is my understanding that Mardi Gras organizations, with a male or female membership, are common where Mardi Gras is celebrated. The purpose of The Revelers Carnival Organization is to provide an Annual Carnival Ball on the Saturday night prior to Mardi Gras day. Men and women are welcome to attend the Annual Carnival Ball. There is a court presented at each Annual Carnival Ball. Men and women are invited to participate in the court. I have not served as an officer or director of The Revelers Carnival Organization. I have not taken any action to change the membership requirements of The Revelers Carnival Organization.

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.

Diversity Jurisdiction Questions. Answered!, Brunini.com Blog, (July 21 and 26, 2014). Copy supplied.

Highway Infrastructure Funding and Environmental Funding under the American Recovery and Reinvestment Act, Brunini.com, (approx. 2009). 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 2015, I served as the Rules Committee Chair for the Appellate Practice Section of the Mississippi Bar Association. In my role as Rules Committee Chair, I prepared a motion to establish a *pro bono* appellate program in Mississippi and to implement the program as Rule 7 of the Mississippi Rules of Appellate Procedure. I also assisted in the development of the proposed Rule 7 of the Mississippi Rules of Appellate Procedure. Copy of the motion and the proposed rule 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.

In March 2019, I was appointed by the Pascagoula City Council to serve a five-year term on the Board of Trustees for the Pascagoula-Gautier School District, which serves Pascagoula and Gautier Mississippi. My children attend schools in the Pascagoula-Gautier School District. Meeting minutes and recordings of the meetings supplied.

I recall being asked by a former law school classmate whether my name could be included on a letter of support from former law students for the then-potential confirmation of Kyle Duncan to a seat on the Fifth Circuit Court of Appeals. I was a law student when Judge Kyle Duncan was a professor at the University of Mississippi School of Law. I recall providing consent to my name being included on the letter and dozens of other former law students agreeing to allow their

names to be included on the letter as well. I did not draft the letter and do not recall its contents. I have not located a copy of the letter and am not certain it was actually sent.

- 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.

March 1, 2020: Speaker, Breakfast Group, the Eastlawn Methodist Church, Pascagoula, Mississippi. The talk was regarding the role of the School Board of the Pascagoula-Gautier School District. I have no notes, transcript, or recording. The address of the Eastlawn Methodist Church is 2502 Ingalls Avenue, Pascagoula, Mississippi 39567.

December 10, 2019: Speaker, "History of the Constitution," Biloxi Rotary Club, Biloxi, Mississippi. Outline supplied.

May 4, 2018: Speaker: "Appellate Practice Tips," David Galyon Memorial CLE, Mississippi Association for Justice, Pass Christian, Mississippi. Notes supplied.

April 21, 2017: Moderator, "Insight into Mississippi's State Court Judicial Appointment Process," Appellate Practice Section, Mississippi Bar Association, Jackson, Mississippi. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

May 7, 2015: Panelist, "Risky Business, Limiting Your Legal Liability," Southern Gaming Summit, Biloxi, Mississippi. Outline supplied.

July 17, 2013: Speaker, "The Litigator's Guide to Technology & Social Media in Civil Lawsuits," Barristers Educational Services, Gulfport, Mississippi. PowerPoint supplied.

- 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.

Anita Lee, *Ken Young's attorney says lawsuit filed by Tim Bennett is "baseless,"* The Sun Herald, May 1, 2017. Copy supplied.

Laurence Hilliard, *Winston's McNeel ignites North to 23-12 victory*, The Clarion-Ledger, Dec. 2, 2000, at 4D. Copy supplied.

Richard Dark, *Winston's McNeel leads North all-stars to win*, The Meridian Star, Dec. 2, 2000. Copy supplied.

Henry Goolsby, *With QB McNeel showing way, Winston takes 4th straight title*, The Clarion-Ledger, Nov. 17, 2000. Copy supplied.

Marty Stamper, *McNeel audible after goaline stand pushes Patriots to win*, The Meridian Star, Nov. 17, 2000. Copy supplied.

Marty Stamper, *Winston rolls to fourth straight*, The Meridian Star, Nov. 17, 2000. Copy supplied.

Robert Wilson, *Winston, McNeel shoot for four-peat*, The Clarion-Ledger, Nov. 16, 2000. Copy supplied.

Bill Spencer, *McNeel guides Winston past Heritage*, The Clarion-Ledger Aug. 19, 2000. Copy supplied.

Andy Kanengiser, *Boys State race 'just like big boys,'* The Clarion-Ledger, May 25, 2000. Copy supplied.

Greg Abadie, *Patriots, Boatner sail past Chiefs to 3rd straight title*, The Clarion-Ledger, Nov. 20, 1999. Copy supplied.

Jarrold McDaniel, *Three-peat for Winston Academy*, The Meridian Star, Nov. 20, 1999. Copy supplied.

Greg Abadie, *McNeel's passing sparks Patriots to 9th straight win*, The Clarion-Ledger Oct. 30, 1999. Copy supplied.

Jarrold McDaniel, *Winston Academy snaps Rebels' streak*, The Meridian Star, Oct. 30, 1999. 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.

In March 2019, I was appointed by the Pascagoula City Council to serve on the Board of Trustees for the Pascagoula-Gautier School District. The Pascagoula-Gautier School District is a public school district that serves Pascagoula, Mississippi, and Gautier, Mississippi. I was appointed to a five-year term.

I have had no unsuccessful candidacies for public 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.

On July 26, 2019, my wife and I hosted a meet and greet in our home for Tate Reeves during his campaign for Governor of Mississippi. The meet and greet was not a fundraiser. I had no formal title.

In 2019, I served on an informal committee that organized a fundraiser for the campaign of Michael Watson for Secretary of State of Mississippi. I also attended a couple of campaign events, and I remained in contact with Michael

Watson during the campaign. I had no formal title.

In 2015, I attended a fundraiser for Mike Hurst for Attorney General of Mississippi. I also obtained a handful of yard signs and distributed those yard signs. I had no formal title.

Jackson County, Mississippi, Republican Executive Committee (2014 – 2015)

In 2003, I passed out campaign materials on a couple of occasions for Haley Barbour for Governor of Mississippi. I had no formal title.

In 2003, I passed out campaign materials on a couple of occasions for Jim Hood for Attorney General of Mississippi. I also assisted with a silent auction fundraiser. I had no formal title.

16. **Legal Career:** Answer each part separately.

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

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

I have not served as a clerk to a judge.

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

I have not practiced alone.

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

Brunini, Grantham, Grower & Hewes, PLLC
160 Porter Avenue
Biloxi, Mississippi 39530
Partner / Member (2016 – present)
Associate Attorney (2008 – 2015)

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 an arbitrator.

b. Describe:

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

My practice has always primarily focused on civil litigation. I was fortunate to be provided opportunities early in my career to take on roles of significant responsibility in litigation. For example, during the first three years of my career, I provided oral argument before the Fifth Circuit Court of Appeals, participated in multiple jury and bench trials (including serving as lead counsel), and argued numerous motions. That trend has continued as I have now participated in ten trials, including one arbitration. As lead counsel, I have tried jury trials in United States District Court, Mississippi Circuit Court, and Mississippi County Court. I have also tried bench trials as lead counsel in Mississippi Circuit Court and Mississippi Chancery Court. I have argued more than one hundred motions at court hearings. Many of these motions have been dispositive motions. I have handled close to twenty appeals, including providing oral argument to appellate courts on three occasions.

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

My clients have typically included individuals, businesses, and governmental entities. I have handled a broad array of civil litigation. For instance, I have handled litigation related to the following subject areas:

Americans with Disability Act, antitrust, banking, breach of contract, construction, derivative litigation, dissolution of corporate entity, energy, First Amendment, fraud, injunctive relief, insurance coverage, intentional torts, non-compete agreements, personal injury, premises liability, product liability, professional liability, shareholder rights, tax, theft of trade secrets, undue influence, wills and estates, wrongful death, and zoning.

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

I frequently appear in court. In addition to the cases I have tried to verdict, I regularly argue motions in court. These motions have included motions seeking injunctive relief, motions to dismiss, motions for summary judgment, motions for judgment as a matter of law, and many other types of motions. I have also handled appeals in the Fifth Circuit Court of Appeals, Mississippi Supreme Court, and Mississippi Court of Appeals. For the vast majority of the appeals I have handled, I took the lead on drafting the appellate briefs. I have provided oral argument to appellate courts on three occasions.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 40% |
| 2. state courts of record: | 58% |
| 3. other courts: | 1% |
| 4. administrative agencies: | 1% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

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 ten cases to verdict, including one arbitration. I was either lead counsel, co-lead counsel, or sole counsel in all of the cases, except for one. I was a member of a trial team in the one case where I did not serve as lead counsel, co-lead counsel, or sole counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 55% |
| 2. non-jury: | 45% |

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 United States Supreme Court.

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

- 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. *Richards, et al. v. Wilson, et al.*, Case No. 2019-CA-00752 (Miss.)

From 2018 to present, I have represented Larry Wilson, Eddy Wilson, and Wilson Brothers Farms. I ultimately served as co-lead counsel for these two farmers during a jury trial in September 2018. Plaintiffs alleged that a large John Deere tractor owned by Wilson Brother Farms hit Plaintiffs while riding a motorcycle and caused serious injuries.

The case was first tried to a jury in August 2017. I did not participate in the first trial. After post-trial motions, the trial court judge ordered a new trial.

I served as co-lead counsel for the Defendants during the second jury trial in September 2018. Plaintiffs asked the jury for close to \$1,000,000 in closing arguments. The jury found in favor of Defendants. The case is currently on appeal to the Mississippi Supreme Court.

Presiding Trial Judge: Hon. Joseph H. Loper, Jr. (Miss. Cir. Ct.)

Co-Counsel:
J. Niles McNeel
369 South Ridge Drive
Starkville, Mississippi 39759
662-803-0720

Opposing Counsel:
James H. Powell, III
Horan & Horan, PLLC
1500 Gateway Street
Grenada, Mississippi 38901
662-226-2185

Bradley D. Daigneault
Horan & Horan, PLLC
1500 Gateway Street
Grenada, Mississippi 38901
662-226-2185

2. *Nolan v. Grand Casinos of Biloxi, LLC*, Case No. 2019-CA-00307 (Miss. Ct. App.)

From 2016 to the present, I have served as lead counsel for Grand Casinos during the trial court proceedings, on appeal, and during oral argument before the Mississippi Court of Appeals. Nolan sought significant damages related to an injury she received at Grand Casinos when she fell down an outdoor set of stairs. The trial court granted summary judgment and dismissed the case. The case was appealed. The Mississippi Court of Appeals affirmed the trial court's decision on June 9, 2020. Plaintiff has filed a motion for rehearing.

Presiding Judges: Hon. Christopher L. Schmidt (Miss. Cir. Ct.) and the Mississippi Court of Appeals

Co-Counsel:

Rodgrick G. Hickman (formerly at Brunini, Grantham, Grower & Hewes)
Hickman Fondren PLLC
2882 Jefferson Street
Macon, Mississippi 39341
601-202-8511

Jacob A. Bradley
Brunini, Grantham, Grower & Hewes
190 East Capitol Street, Suite 100
Jackson, Mississippi 39201
601-960-6851

Opposing Counsel:

Matthew G. Mestayer
Reeves & Mestayer, PLLC
160 Main Street
Biloxi, Mississippi 39533
228-374-5151

Tina Gillich Singletary
177 Lameuse Street
Biloxi, Mississippi 39533
228-374-2004

3. *Gulf Coast Hospice LLC v. LHC Grp. Inc.*, 273 So. 3d 721 (Miss. 2019)

From 2011 to 2019, I represented LHC Group, Inc. and other related Defendants (“LHC”) in litigation connected to an unsuccessful acquisition of a hospice company. I served as lead counsel during the Mississippi Supreme Court appeal and also for the summary judgment proceedings before the trial court.

Plaintiffs filed suit alleging that LHC withdrew from acquiring Gulf Coast Hospice on the eve of the closing date because LHC allegedly caused Gulf Coast Hospice’s key employees to leave for a competitor after the due diligence period had allegedly expired. The trial court granted summary judgment to LHC and dismissed the Plaintiffs’ claims. The Mississippi Supreme Court affirmed summary judgment in favor of LHC.

Presiding Judges: Hon. Christopher L. Schmidt (Miss. Cir. Ct.) and the Mississippi Supreme Court

Co-Counsel:
Stephen J. Carmody
Brunini, Grantham, Grower & Hewes
190 East Capitol Street, Suite 100
Jackson, Mississippi 39201
601-948-3101

L. Kyle Williams
Mississippi Attorney General's Office (formerly at Brunini, Grantham, Grower & Hewes)
550 High Street, Suite 1100
Jackson, Mississippi 39205
601-359-4233

Julie Jarrell Gresham (formerly at Brunini, Grantham, Grower & Hewes)
Huntington Ingalls Industries
1000 Access Road
Pascagoula, Mississippi 39568
228-935-3662

Opposing Counsel:
Michael B. Holleman
Holleman Law Firm, PLLC
2004 24th Avenue
Gulfport, Mississippi 39501
228-868-0064

Patrick Kevin Williams
Williams Law Firm
1025 Howard Avenue
Biloxi, Mississippi 39530
228-207-2990

4. *Cope v. Thrasher Constr., Inc.*, 231 So. 3d 989 (Miss. 2017)

From 2011 to 2018, I represented Plaintiff Thrasher Construction, Inc. I served as sole trial counsel for Thrasher Construction during a jury trial. I also took the lead on an appeal to the Mississippi Court of Appeals and to the Mississippi Supreme Court, including providing oral argument before the Mississippi Court of Appeals.

A jury awarded Thrasher Construction the full amount sought at trial against the owners of a condominium development. The Mississippi Supreme Court affirmed the jury verdict, and the case stands as one of the only cases where a subcontractor has successfully recovered against the owners of a project when the subcontractor did not have a direct contractual relationship with the owners of the project.

Presiding Judges: Hon. Robin A. Midcalf (Miss. Cty. Ct.); Hon. Michael Ward (Special Judge, Retired, Miss. Cir. Ct.); Mississippi Supreme Court

Co-Counsel:

Samuel C. Kelly

Karen E. Howell

Brunini, Grantham, Grower & Hewes

190 East Capitol Street, Suite 100

Jackson, Mississippi 39201

601-948-3101

Opposing Counsel:

Nicolas Wiser

(Deceased)

Defense Counsel:

William J. Little, Jr.

Lentz & Little PA

2505 14th Street, Suite 500

Gulfport, Mississippi 39501

228-867-6050

5. *Hlywiak v. Grand Casinos of Biloxi, LLC*, Case No. 1:16-cv-00352-HSO-JCG (S.D. Miss.)

From 2017 to 2018, I served as lead counsel for Grand Casinos of Biloxi, LLC. I ultimately served as lead trial counsel for Grand Casinos during a federal court jury trial in April 2018. Plaintiffs filed suit against Grand Casinos after Lynda Hlywiak fell on the pool deck after exiting a hot tub. Plaintiffs alleged that the particular location of the pool deck was a dangerous condition. Defendant disputed that contention. The case proceeded to trial. The jury assessed Lynda Hlywiak with 60% of the fault and awarded the Plaintiffs \$189,777.78. Grand Casinos filed a motion for judgment as a matter of law or for new trial. The case settled while the Defendant's post-trial motion was pending.

Presiding Judge: Hon. Sul Ozerden

Co-Counsel:

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Cosmich, Simmons & Brown, PLLC
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228-242-4986

6. *Miss. Dep't of Revenue v. Hotel & Rest. Supply*, 192 So. 3d 942 (Miss. 2016)

From 2014 to 2016, I represented Hotel and Restaurant Supply. The Mississippi Department of Revenue audited Hotel and Restaurant Supply (“Hotel”) and concluded that Hotel owed hundreds of thousands of dollars in underpaid sales tax. The Mississippi Supreme Court unanimously affirmed a trial court’s ruling that Hotel did not owe the tax.

I took the lead on preparing the briefs and the litigation strategy before the Hinds County Chancery Court and before the Mississippi Supreme Court.

Presiding Judges: William H. Singletary (Miss. Ch. Ct.) and the Mississippi Supreme Court

Co-Counsel:
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601-923-7412

Bridgette T. Thomas
Mississippi Department of Revenue
500 Clinton Center Drive
Clinton, Mississippi 39056
601-923-7414

Laura Huddleston Carter

U.S. District Court for the District of South Carolina (formerly at Miss. Dept. of Revenue)
401 West Evans Street
Florence, South Carolina 29503
843-676-3835

7. *Pittman v. Boyd Biloxi, L.L.C.*, 566 F. App'x 344 (5th Cir. 2014)

From 2012 to 2014, I represented Boyd Biloxi in trial court proceedings and before the Fifth Circuit Court of Appeals. Plaintiff filed suit alleging malicious prosecution, false imprisonment, intentional infliction of emotional distress, and other causes of action. The District Court granted summary judgment holding that the security officer's mistake did not meet the elements for the intentional tort claims. The Fifth Circuit Court of Appeals affirmed the trial court's decision.

Presiding Judges: Hon. Sul Ozerden (District Court); Hon. Thomas M. Reavley (Fifth Circuit); Hon. Edith H. Jones (Fifth Circuit); Hon. Edward Prado (Fifth Circuit – Retired; now U.S. Ambassador to the Argentine Republic)

Co-Counsel:

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228-935-3662

Opposing Counsel:

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251-433-7766

Sidney W. Jackson, III
Jackson & Foster, LLC
75 Saint Michael Street
Mobile, Alabama 36602
251-433-6699

8. *Riverboat Corp. of Miss., et al., v. Shipley, et al.*, Case No. A2402-13-28 (Harrison County Circuit Court)

From 2013 to 2015, I represented Plaintiff Riverboat Corporation of Mississippi in litigation involving allegations of theft of trade secrets and breach of employment agreements, including non-compete agreements. The individual Defendants, who were former executives of Plaintiff, allegedly covertly worked for a competitor while

still employed by the Plaintiff, allegedly retaining and downloading numerous confidential documents and proprietary information from their employer.

I took the lead at most hearings and during discovery proceedings. After considerable discovery and pretrial hearings, the parties eventually reached a resolution of the dispute before trial.

Presiding Judge: Hon. Roger T. Clark (Miss. Cir. Ct.)

Special Master:
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Co-Counsel:
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Butler Snow LLP
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228-864-1170

Karl C. Hightower
Jonathan P. Dyal
Balch & Bingham
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9. *Gulf Coast Hotel-Motel Ass'n v. Miss. Gulf Coast Golf Course Ass'n*, 658 F.3d 500 (5th Cir. 2011)

From 2009 to 2012, I represented Defendant SPE Go Holding, Inc., doing business as Great Oaks Golf. I handled oral argument for Defendant SPE Go before the Fifth Circuit Court of Appeals. I also represented Defendant SPE Go in the District Court proceedings.

This was an antitrust case filed by the Gulf Coast Hotel-Motel Association and its successor Mississippi Hotel & Lodging Association against various golf courses – alleging price fixing and conspiracy related to a golf voucher program. After the Plaintiff filed three separate complaints, the District Court dismissed the case for Plaintiff's failure to plead sufficient facts to articulate an impact on interstate commerce. The Fifth Circuit reversed and remanded. The parties resolved the case on remand.

Presiding Judges: Hon. Sul Ozerden (District Court); Hon. Jacques L. Weiner, Jr. (Fifth Circuit), Hon. Edith Brown Clement (Fifth Circuit), Hon. Jennifer Walker Elrod (Fifth Circuit)

Co-Counsel:

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Mississippi Center for Legal Services Corp.
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Gulfport, Mississippi 39507
228-896-9148

10. *Pelfresne, et al. v. Ford, et al.*, Case No. 2008-2406-CB (Jackson County Chancery Court)

From 2009 to 2011, I represented a notary. This case involved RICO, conspiracy, and negligence claims related to allegations that the notary, the manager of a shipping store, was involved in a scheme to deprive individuals of 16 different parcels of property by notarizing allegedly fraudulent deeds. The notary had no knowledge that the deeds were allegedly fraudulent. During the trial, the court found that the notary's actions were not the proximate cause of any fraud, and that the notary should be dismissed.

Presiding Trial Judge: G. Charles Bordis, IV

Opposing Counsel:
Dempsey M. Levi

Levi Law Firm
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228-872-1234

Earl Denham
(Deceased)

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

The vast majority of my career has been devoted to litigation, but I have experience representing clients outside of litigation. I have occasionally counseled clients regarding the preparation of contracts or other non-litigation matters. Also, from 2015 to 2017, one of my clients was the Pascagoula Redevelopment Authority, an urban renewal agency established by the City of Pascagoula to address urban renewal in the city. I decided to discontinue representing the Pascagoula Redevelopment Authority so I could focus more exclusively on litigation.

I have never acted or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution

at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

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

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.

None.

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).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

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

Please 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.

My wife is a law partner with Bryan, Nelson, Schroeder, Castigliola, and Banahan, in Pascagoula, Mississippi. My wife's law firm consists of seven attorneys. My father-in-law and brother-in-law are also partners in the law firm. The law firm handles civil litigation. The law firm does not handle criminal law

in federal court. I will recuse from cases involving my wife's law firm. For a period of time, I will also recuse from cases involving my current firm, Brunini, Grantham, Grower, & Hewes. I will recuse myself from any case that I have personally handled, regardless of the timeframe. I will evaluate any potential conflict, or relationship that could give rise to an appearance of conflict, on a case by case basis with reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any applicable laws, rules, and practices, governing such circumstances.

- 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, the Code of Conduct for United States Judges, and any applicable 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.

I have been an active provider of *pro bono* services. I have tried a jury trial and bench trial on a *pro bono* basis. I defended parties during another jury trial with the expectation that I would only be paid if my clients were successful during the jury trial.

My first *pro bono* trial involved the representation of a notary who had unknowingly notarized approximately sixteen alleged fraudulent deeds as the manager of a shipping store. The case proceeded to a bench trial. During the bench trial, the court found that the notary's actions were not the proximate cause of any fraud, and that the notary should be dismissed.

My second *pro bono* trial involved the representation of a woman who allegedly ran into a man with her car in a grocery store parking lot. My client was older and she had a pristine driving record. The Plaintiff sought personal injury damages. The jury returned a defense verdict in favor of my client.

I prepared a motion to establish a *pro bono* appellate program in Mississippi and to implement the program as Rule 7 of the Mississippi Rules of Appellate Procedure. I also assisted in the development of the proposed Rule 7 of the Mississippi Rules of Appellate Procedure.

I have assisted with the organization of free legal clinics, and I have volunteered for free legal clinics. One of the legal clinics involved free legal assistance for a homeless shelter. Other free legal clinics have involved preparing wills, advance healthcare directives, and powers of attorney for first responders. Other free legal clinics have

involved preparing pleadings for expungement of misdemeanors, pleadings for divorce on the grounds of irreconcilable differences, and pleadings for guardianships. These free legal clinics were often initiated by the Mississippi Volunteer Lawyers Project or by local bar associations. I have been involved with a free legal clinic almost every year I have practiced.

In 2018, I was President of the Harrison County Bar Association. That year, the Harrison County Bar Association received the *Pro Bono* Award from the Mississippi Volunteer Lawyers Project as a result of the *pro bono* activities and *pro bono* support provided by the Harrison County Bar Association.

In 2011 and 2012, I represented a woman on a *pro bono* basis during her divorce proceedings, including with regard to the Judgment on child custody, visitation, child support, and property settlement.

In addition to providing *pro bono* legal services, I have volunteered numerous service hours for various charitable, church, or community organizations.

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 April 15, 2020, I received a phone call from Senator Roger Wicker inquiring about my interest in the position of United States District Judge for the Southern District of Mississippi. I have remained in contact with Senator Wicker and his staff since that phone call. On April 27, 2020, I participated in a telephonic interview with Senator Cindy Hyde-Smith. On April 29, 2020, I was informed by Senator Wicker that Senator Wicker and Senator Hyde-Smith had recommended me to the White House. On May 5, 2020, I participated in a telephonic interview with representatives from the White House Counsel's office and with the Department of Justice's Office of Legal Policy. On May 8, 2020, the White House Counsel's office called to inform me that I was being considered for the position as a possible nominee.

- 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.