

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

William Stewart Thompson

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

United States Attorney, Southern District of West Virginia

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.

200 State Street
Madison, WV 25130

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

1969; Charleston, West Virginia

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.

West Virginia University College of Law, 1992-1995
J.D. – May 1995

West Virginia University College of Engineering, 1988-1992
B.S. – May 1992

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.

February 2007-Present
Circuit Judge, 25th Judicial Circuit of West Virginia
West Virginia Supreme Court
200 State Street

Madison, WV 25130
Paid

September 2002-February 2007
Mental Hygiene Commissioner
West Virginia Supreme Court
200 State Street
Madison, WV 25130
Paid

September 1997-February 2007
Board President
Madison Healthcare, Inc.
915 Main Street
Madison, WV 25130
Unpaid

May 1994-February 2007
Lawyer
Cook & Cook
62 Avenue C
Madison, WV 25130
Paid

May 1994-February 2007
Vice President
Danville Lumber Company
Park Avenue
Danville, WV 25053
Paid

May 1992-August 1992
Engineer
American Electric Power Company
1 Riverside Plaza
Columbus, OH 43215
Paid

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 U.S. Military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or

professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Innovation Now Award from the Addiction Policy Forum, 2019
Criminal Scholarship Award from the West Virginia Public Defenders, 2019
Chairman of the Judicial Board, West Virginia University, 1994-1995
West Virginia University College of Law Marlyn T. Lugar Scholarship, 1992
West Virginia University Presidential Scholarship, 1988

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.

West Virginia Judicial Association, 2007-present.

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.

West Virginia, October 1995

There have been no lapses in membership.

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

United States Court of Appeals for the 4th Circuit (April 1999)

United States District Court for the Southern District of West Virginia (October 1995)

All state courts in West Virginia (October 1995)

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.

Advisory member of the West Virginia Criminal Justice Reform Initiative Stakeholder Group for the Chan Zuckerberg Initiative (2019-Present)

White Foundation Scholarship Advisory Board (2008-Present)

Advisory member of the Southwestern Regional Day Report Center (2007-Present)
Madison Little League Board (2014-2019)
Member of the 2016 Governor's transition team for substance abuse (2016-2017)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published materials, including a review of my personal files and searches of publicly available databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:

Why WV Should Care that their Supreme Court is in Crisis, Charleston Gazette, September 28, 2018. Copy supplied.

Tennessee Judge Deserves Praise for Anti-Addiction Effort, Charleston Gazette November 21, 2017. 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.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have not located any responsive items. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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.

I have done my best to identify 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. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:

Testimony before the West Virginia House Committee on Prevention and Treatment of Substance Abuse on March 3, 2021. I testified before this committee about the effectiveness of family treatment courts in West Virginia and made suggestions to improve the law that created them. I spoke with out notes, and pursuant to a conversation with the House Clerk's office, since this is a minor committee, no recording or transcript is made of the proceeding.

Testimony to the President's Commission on Law Enforcement and the Administration of Justice concerning substance abuse treatment in the criminal justice realm in 2020. Copy supplied.

Testimony before the West Virginia House Committee on Prevention and Treatment of Substance Abuse on February 6, 2020. I testified before this committee about the implementation of family treatment courts in West Virginia. I spoke with out notes, and pursuant to a conversation with the House Clerk's office, since this is a minor committee, no recording or transcript is made of the proceeding.

Testimony before the West Virginia House Committee on Prevention and Treatment of Substance Abuse on January 24, 2019. I testified before this committee about creating family treatment courts in West Virginia. I spoke with out notes, and pursuant to a conversation with the House Clerk's office, since this is a minor committee, no recording or transcript is made of the proceeding.

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

I have done my best to identify all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:

The West Virginia State Bar
2000 Deitrick Boulevard
Charleston, West Virginia 25311
May 6, 2021

I spoke at a CLE virtual event called “The Pathway to Lawyer Well-Being”. I spoke in a panel format and discussed the various traps that lawyers and judges can fall into during their jobs and how to best handle them so they don’t negatively affect your well-being. The CLE was put on by the West Virginia State Bar. I spoke without notes and there was no press coverage or transcript of the panel discussion of which I am aware.

West Virginia Center for Children’s Justice
725 Jefferson Road
South Charleston, West Virginia 25309
September 23, 2020

I spoke at the “Handle With Care” event in a discussion about how substance abuse is effecting our children. This event was sponsored by the West Virginia State Police. I spoke without notes and there was no press coverage or transcript of the panel discussion of which I am aware.

National Business Institute
P.O. Box 3067
Eau Claire, WI 54703
May 15, 2020

I spoke virtually at a CLE training called “The Judges Speak: Civil Court Litigation Do’s and Don’ts in May 15, 2020. I spoke in a panel format with several other judges and discussed effective strategies for civil litigation. The training was put on by the National Business Institute. I spoke without notes and there was no press coverage or transcript of the panel discussion of which I am aware.

The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500
January 31, 2020

I spoke in a panel discussion about the launch Office of National Drug Control Policy’s Launch of the Rural Community Action Guide. I spoke without notes and enclosed a news report from that event.

West Virginia School of Osteopathic Medicine
400 Lee Street
Lewisburg, WV 24901
January 22, 2020

I spoke at the Opioid Educational Series before a group of medical students about my experiences with people that suffer from addiction and how they could better treat and recognize addiction. I spoke without notes and there was no press coverage or transcript of the panel discussion of which I am aware.

West Virginia Center for Children's Justice
725 Jefferson Road
South Charleston, West Virginia 25309
October 18, 2019

I spoke at the West Virginia Children's Justice "Handle With Care" Conference at the Charleston Civic Center. I spoke about Family Treatment Courts in West Virginia. I spoke without notes and there was no press coverage or transcript of which I am aware.

The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500
September 26, 2018

I spoke in a panel discussion about the work of drug courts at an event to announce additional federal funding for drug courts. I spoke without notes and enclosed a news report from that event.

The University of Charleston
2300 MacCorkle Avenue
Charleston, WV 25304
October 29, 2018

I spoke at a panelist about foster care, juvenile justice and addiction, and how childhood trauma has a lasting effect on children. I spoke without notes and there was no press coverage or transcript of the panel discussion of which I am aware.

West Virginia Center for Children's Justice
725 Jefferson Road
South Charleston, West Virginia 25309
October 19, 2018

I spoke at the West Virginia Children's Justice "Handle With Care" Conference. I spoke about Family Treatment Courts in West Virginia. I spoke without notes and there was no press coverage or transcript of which I am aware.

West Virginia School of Osteopathic Medicine
400 Lee Street
Lewisburg, WV 24901
September 20, 2018

I spoke at a panel discussion called the Opioid Community Forum: Judiciary and Medical Partnerships in Lewisburg, West Virginia about how there should be better communication and utilization of resources between the criminal justice system and the medical community. I spoke without notes and there was no press coverage or transcript of the panel discussion of which I am aware.

West Virginia Center for Children's Justice
725 Jefferson Road
South Charleston, West Virginia 25309
September 28, 2017

I spoke at the West Virginia Children's Justice "Handle With Care" Conference. I discussed how children are being affected by the opioid epidemic. I spoke without notes and enclosed a news report from that event.

West Virginia School of Osteopathic Medicine
400 Lee Street
Lewisburg, WV 24901
September 26, 2017

I spoke in a panel discussion sponsored by the West Virginia School of Osteopathic Medicine concerning the opioid epidemic, harm reduction and the possibility of obtaining grants at the Raleigh County Health Department. I spoke without notes and there was no press coverage or transcript of the panel discussion of which I am aware.

West Virginia University School of Medicine
1 Medical Center Drive
Morgantown, WV 26505
June 30, 2017

I spoke at an event sponsored by the West Virginia University School of Medicine at the Chief Logan State Park about the opioid epidemic and possible solutions. I spoke without notes and there was no press coverage or transcript of the event of which I am aware.

West Virginia University School of Medicine
1 Medical Center Drive
Morgantown, WV 26505
January 23, 2017

I spoke to a group of medical students about the opioid epidemic and how they could better treat and recognize addiction. I do not have a copy of my remarks and I did not use notes. I have enclosed a news article from the event.

West Virginia Division of Juvenile Services
1200 Quarrier Street #2
Charleston, WV 25301
July 1, 2016

I gave a commencement address for a graduating class of West Virginia Correctional Officers for juvenile facilities in Madison, West Virginia. I spoke without notes and there was no press coverage or transcript of the event of which I am aware.

The University of Charleston
2300 MacCorkle Avenue, Charleston, WV
May 3, 2016

I spoke as a panelist with Secretary of State Hillary Clinton and Senator Joe Manchin, along with others about addiction and the positive effects of drug courts. I spoke without notes and enclosed a news report from that event.

National Business Institute
P.O. Box 3067
Eau Claire, WI 54703
May 9, 2014

I spoke in a panel format with several other judges and discussed effective strategies for civil litigation for a CLE training called "As the Judges See it: Top Mistakes in Civil Litigation". The training was put on by the National Business Institute. I spoke without notes and there was no press coverage or transcript of the event of which I am aware.

West Virginia Association of Justice
1614 Kanawha Blvd. East
Charleston, WV 25311
June 2013

I spoke in a panel format with several other judges and discussed effective strategies for civil litigation for a CLE training called "Do's and Don'ts of Effective Litigation: The View from the Bench". The training was put on by the West Virginia Trial Lawyers. I spoke without notes and there was no press coverage or transcript of the event of which I am aware.

West Virginia University School of Medicine
1 Medical Center Drive
Morgantown, WV 26505

I have spoken several times in at a camp called "Tomorrow is Mine" that is put on by the West Virginia University School of Medicine and is located in Beckley, West Virginia. This is a camp for middle school aged disadvantaged youth and the format is generally a brief introduction, followed by a long question and answer session. I spoke without notes and there was no press coverage or transcript of the event of which I am aware.

Sherman High School
10008 Coal River Road

I gave a commencement address to Sherman High School in Seth, West Virginia. I discussed the hard work they had put in, as well as the hard work that was to

follow. I do not recall the year of the speech. I spoke without notes and there was no press coverage or transcript of the event of which I am aware.

In addition to the above listed speeches and talks, I spoke many times at various community groups and functions about the dangers of substance abuse and what can be done to solve it. I did not keep a record of when or where these speaking engagements occurred. They have been done throughout southern West Virginia, but mainly in Boone and Lincoln Counties. Each time, I spoke without notes and there was no press coverage or transcript of the events of which I am aware.

In addition to the above listed speeches and talks, I have spoken at every drug court graduation in Boone and Lincoln Counties. I typically thank people for coming, recognize the hard work of the graduates and the people who work in the drug courts and we sometimes recognize community members for their help. I spoke without notes and have enclosed any news coverage of these graduations of which I am aware.

In addition to the above listed speeches and talks, I have spoken several times at a Children's Flag Day Memorial, which recognizes children who have been abused and neglected. I generally emcee the event, recognize the hard work of the social workers and will often recognize community members who have helped with this crisis. I spoke without notes and there was no press coverage or transcript of the event of which I am aware.

In addition to the above listed speeches and talks, I have spoken at many "meet your candidate" style events for the four elections I have ran in. I generally stated why I was running and why I would be the best person for the job. Most of these events have occurred in Boone and Lincoln Counties, although when I ran for the West Virginia Supreme Court, I participated in events across West Virginia. I did not keep any type of record or log of where I spoke, nor do I have a copy of my remarks and I did not use notes. On several occasions, there was press coverage and I have enclosed copies of the same.

- 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 have done my best to identify all interviews I have given to newspapers, magazines or other publications, or radio or television stations. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:

March 10, 2021

Coal Valley News

W.Va. House Committee Originates Bill to Take Family Drug Courts Statewide

Copy supplied

February 24, 2021

WCHS-TV

Overcoming the Odds: Women Give Birth to Drug-free Babies While Recovering From Addiction

Interview found at: <https://wchstv.com/news/local/overcoming-the-odds-women-give-birth-to-drug-free-babies-while-recovering-from-addiction>.

August 19, 2020

Coal Valley News

Boone Co. Family Treatment Court Celebrates Inaugural Graduation Ceremony

Copy supplied

August 12, 2020

West Virginia Public Broadcasting

First Parents Graduate from Boone County Family Treatment Court

Interview found at: <https://www.wvpublic.org/news/2020-08-12/first-parents-graduate-from-boone-county-family-treatment-court>.

February 6, 2020

West Virginia Public Broadcasting

Lawmakers Get Five Month Update on Boone County Family Treatment Court

Copy supplied

February 5, 2020

Thompson Speaks at ONDCP Event in Washington, D.C.

Coal Valley News

Copy supplied.

December 30, 2019

Washington Post

'We are just destroying these kids': The Foster Children Growing Up Inside Detention Centers

Copy supplied

October 7, 2019

Charleston Gazette-Mail

Boone Officials Hope Family Treatment Courts Will Reconnect Children, Parents

Copy supplied

October 7, 2019

West Virginia MetroNews

First Family Treatment Courts Opening in West Virginia

Copy supplied

October 18, 2019
Washington Post
Inside West Virginia's Opioid Battle: 'They looked at us like an easy target'
Copy supplied

August 30, 2019
West Virginia Public Broadcasting
W.Va. Counties Implement 'Family Treatment Court' Hoping to Reunify More Families
Interview found at: [https://www.wvpublic.org/news/2019-08-30/w-va-counties-
implement-family-treatment-court-hoping-to-reunify-more-families](https://www.wvpublic.org/news/2019-08-30/w-va-counties-implement-family-treatment-court-hoping-to-reunify-more-families).

October 24, 2018
Charleston Gazette-Mail
Gazette Endorsement William Thompson for WV Supreme Court-Division 2
Copy supplied

September 26, 2018
WSAZ
Boone County Drug Court Judge Recognized in Washington
Copy supplied

September 3, 2018
NBC Nightly News
West Virginia Drug Court Judge Determined to Rebuild Community One Life at a Time
Interview found at [https://www.nbcnews.com/nightly-news/video/west-virginia-
drug-court-judge-determined-to-rebuild-community-one-life-at-a-time-
1312158275521](https://www.nbcnews.com/nightly-news/video/west-virginia-drug-court-judge-determined-to-rebuild-community-one-life-at-a-time-1312158275521). There is a longer version found at <https://www.youtube.com/watch?v=s-psuowFTkk>.

May 16, 2018
Charleston Gazette-Mail
Harvard Students Meet Boone County Drug Court Participants
Copy supplied

January 31, 2018
Charleston Gazette-Mail
Ten Years Clean and Sober, Drug Counselor Gets Clean Record
Copy supplied

December 21, 2017
WSAZ
The Words of a Third Grader
Interview found at: [https://www.wsaz.com/content/news/Third-grade-writing-
assignment-turns-into-heartfelt-thank-you-465789973.html](https://www.wsaz.com/content/news/Third-grade-writing-assignment-turns-into-heartfelt-thank-you-465789973.html).

September 29, 2017
Beckley Register-Herald
Boone County Circuit Judge Discusses Drug Epidemic's Impact on Families
Copy supplied

13. **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 ran unsuccessfully in the 2000 Democratic primary for the West Virginia House of Delegates.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I am a member of the Democratic Party but have never held any positions within the party structure.

14. **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 clerked for 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.

May 1994-February 2007
Lawyer

Cook & Cook
62 Avenue C
Madison, WV 25130

September 2002-February 2007
Mental Hygiene Commissioner
West Virginia Supreme Court
200 State Street
Madison, WV 25130

February 2007-Present
Circuit Judge, 25th Judicial Circuit of West Virginia
West Virginia Supreme Court
200 State Street
Madison, WV 25130

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

I have never served as a mediator or arbitrator in an alternative dispute resolution proceedings. I have presided over numerous settlement conferences as a judge.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.
- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

In 1995, I became a lawyer at Cook and Cook. My work included a wide range of legal activities, mostly involving litigation. I performed a lot of criminal defense, both retained and court appointed. I also handled a lot of civil litigation, primarily in personal injury and industrial accident cases. I represented claimants in Social Security Disability claims and handled cases before the Workers' Compensation Division. My civil practice also included some property work, such as writing deeds and wills, as well as advising and representing small businesses. My typical clients were people who were charged with a crime, or injured in an accident, or who were not able to work due to a disability. I also represented some small, sole proprietorship businesses.

In 2007, I became a judge in the 25th Judicial Circuit. I handled the duties consistent with a general jurisdiction judge. I did not have any clients.

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

1. federal courts	3%
2. state courts of record	75%
3. other courts	2%
4. administrative agencies	20%
 - ii. Indicate the percentage of your practice in:

1. civil proceedings	50%
2. criminal proceedings.	50%
- 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 approximately ten trials in courts of record and approximately 100 cases before an administrative law judge. I was sole counsel or chief counsel on almost all trials and cases before administrative law judges.

- i. What percentage of these trials were:

1. Jury	10%
2. non-jury	90%
- 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 argued any cases before the United States Supreme Court.

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

- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. Snodgrass vs. Logs One Land, Inc., et al, Boone County

Civil Action No. 2002-C-102
25th Judicial Circuit of West Virginia
The Honorable Jay M. Hoke
June 2002 until December 2006

Opposing Counsel:

H. Dill Battle III
300 Kanawha Boulevard East
Charleston, WV 25301
(304) 340-3823

F. Alfred Sines
1516 Viewmont Drive
Charleston, WV 25301
(304) 343-3211

William W. Booker
707 Virginia Street, East
Charleston, WV 25301
(304) 345-8900

This case was about a large piece of property that was improperly sold at a foreclosure auction and almost immediately timbered. The action was filed against the bank that conducted the foreclosure, the trustee and the purchaser of the land. I represented the landowner, Stephen Snodgrass, and I was the sole counsel for the plaintiff. Our allegations were that the sale price was so low as to shock the conscience and that improper notice was given to the plaintiffs prior to the sale. I successfully defended a summary judgment motion, as well as several other motions. The final disposition was a significant confidential monetary settlement and the return of the property after approximately five years of litigation.

2. Bragg, et. al v. Garrestson, et al., Boone County

Civil Action No. 2002-C-64
25th Judicial Circuit of West Virginia
The Honorable E. Lee Schlaegel, Jr.
March 2002 until May 2005

Opposing Counsel:

Rudolph L. DiTrapano

604 Virginia Street East
Charleston, WV 25301
(877) 416-8518

I represented the beneficiary of a holographic will against an action filed by the decedent's alleged off-spring. I had initially successfully argued before the Boone County Commission that the will was valid, to which the alleged offspring filed this action in court challenging the finding. The litigation lasted for approximately four years, and involved considerable motion and discovery practice. The case was ultimately settled during jury selection and my client received a very favorable result.

3. State of West Virginia v. Jesse Swims, Boone County
Civil Action No. 2000-F-55, 569 S.E. 564 (W.Va 2002)
25th Judicial Circuit of West Virginia
The Honorable E. Lee Schlaegel, Jr.
November 1999 until April 2003

Opposing Counsel:

C.E. Hall, Former Boone County Prosecutor
447 Hungards Creek Road
Alderson, WV 24910
(304) 688-8993

I represented the defendant who was charged with the armed robbery of a convenience store. The defendant had a significant criminal history and was also a suspect in a murder in the State of Georgia. There was some significant work done prior to trial, including discussion with the FBI about my client's involvement with a murder on federal land in Georgia and filing several pre-trial motions. There was approximately a week-long jury trial, in which the defendant was ultimately convicted and sentenced to 120 years. I appealed the conviction to the West Virginia Supreme Court, where the conviction was overturned, and the case returned for a new trial. After lengthy negotiations with the local prosecutors, and due to the fact that my client was almost parole eligible if the minimum term of a robbery sentence was imposed, my client agreed to enter into a plea agreement, wherein he was sentenced to minimum term of ten years. I was the sole counsel for my client.

4. White & Cook vs. Eastern Associated Coal Corp, Boone County
Civil Action No. 2002-C-116
25th Judicial Circuit of West Virginia
The Honorable E. Lee Schlaegel, Jr.
June 2002 until July 2005

Opposing Counsel:

David K. Schwirian
P.O. Box 2786
Charleston, WV 25530
(304) 342-6000

I represented two coal miners who were seriously injured in similar, but separate incidents in the mining industry. They were both injured in a bath house where a metal basket had fallen from overhead, and struck them, causing significant spinal injuries. The case was litigated for approximately three years and required extensive discovery about the extent of the plaintiffs' injuries and subsequent disabilities. I also successfully defended a motion for summary judgment filed by the defendant. Both claims ultimately settled in separate mediations. I also successfully obtained social security disability benefits and workers' compensation for both of them. I represented them by myself.

5. Woods, et al, vs. Ulbrich, Boone County
Civil Action No. 2004-C-115
25th Judicial Circuit of West Virginia
The Honorable E. Lee Schlaegel, Jr.
April 2004 until February 2007

Opposing Counsel:

Benard L. Spaulding
P.O. Box 1661
Logan, WV 25601
(304) 601-2462

I represented five siblings against a sixth sibling in a case involving annuities that belonged to their mother worth approximately \$80,000. We alleged fraud and undue influence on behalf of the defendant in having the annuities transferred to the defendant upon the mother's death. We were able to prove that the defendant took her mother to a financial advisor just so that she could change the beneficiary for her sole benefit. I represented my clients at a jury trial and obtained very favorable testimony from the defendant and her spouse when I cross-examined them in front of the jury. The jury awarded my clients a verdict of \$76, 578, which was more than we asked for in settlement discussions. I represented the clients by myself until the post-trial motions, when I was appointed judge. Members of my firm took over representation after that.

6. Snodgrass v. Christy, Boone County
Civil Action No. 1996-C-98
25th Judicial Circuit of West Virginia
The Honorable E. Lee Schlaegel, Jr.
July 2001 until March 2002

Opposing Counsel:

W. Randolph Fife
P.O. Box 1588
Charleston, WV 25326
(304)353-8155

I represented my client in an automobile accident case. I took over the case after it had languished in litigation for over five years and was in danger of being dismissed because of discovery violations. I promptly responded to all of the outstanding discovery requests and conducted evidentiary depositions to prepare for trial in less than a year. Settlements discussions had broken off prior to trial, but in the middle of jury selection, the defense offered considerably more money than they had previously offered. We settled for a confidential amount of money.

7. Spurlock v. Titan Mining, Inc., Logan County

Civil Action No. 2004-C-93
7th Judicial Circuit of West Virginia
The Honorable Roger Perry
June 2003 until June 2006

Opposing Counsel:

Christopher Pence
P.O. Box 2548
Charleston, WV 25329
(304)720-4214

I represented a coal miner who was seriously injured when the roof of a mine fell in on him, causing him serious permanently disabling injuries. I had initially represented my client at a social security disability hearing that I was covering for another lawyer in my office and realized that the client had a significant personal injury claim against the coal mine because of the nature of the ownership of the coal mine, which made the case much more simple to prove than the typical coal mine injury case. I was able to litigate it under a premise liability theory of law. There was pre-trial discovery, which mainly focused on who owned the mine and the extent of my client's injuries. Litigation lasted for approximately two years and was ultimately settled at mediation for a very significant confidential sum of money.

8. State of West Virginia v. Pelphrey, Boone County

Civil Action No. 2006-F-31
25th Judicial Circuit of West Virginia
The Honorable E. Lee Schlaegel, Jr.
November 2006 until February 2007

Co-Counsel:

Matthew Hatfield
221 State Street
Madison, WV 25130
(304) 369-1162

Opposing Counsel:

C.E. Hall, Former Boone County Prosecutor
447 Hungards Creek Road
Alderson, WV 24910
(304) 688-8993

The Court appointed me shortly before trial in this matter due to the serious nature of the charges to assist his original appointed counsel. My client was charged with kidnapping and robbery, plus the State could have brought a lifetime recidivist charge against him if he was convicted of these charges. The allegations involved a gallon of milk that the State alleged that my client had robbed and kidnapped the victim as the victim gave him a ride. I helped with the pre-trial litigation and split the trial responsibilities with my co-counsel. The trial lasted approximately one week and resulted in a mistrial because the jury was not able to reach a verdict. Shortly after the mistrial, I had to withdraw from the case because I was appointed to the bench. My client ultimately pled with the assistance of my co-counsel to a significantly reduced charge.

8. Mitchell vs. Federal Kemper Insurance Company, Mingo County
514 S.E. 2d 393 (W.Va. 1998)
30th Judicial Circuit of West Virginia
Honorable Elliott Maynard and the West Virginia Supreme Court
May 1996 until December 2008

Co-Counsel:

Jerry W. Cook
62 Avenue C
Madison, WV 25130
(304) 369-0110

Opposing Counsel:

Mary Sanders
518 E. Taylor Street
Savannah, GA 31401
(304) 539-6893

This case involved a serious automobile accident where the at fault driver did not have enough insurance to cover the damages. We sought to “stack” my client’s uninsured and underinsured coverages. This was a developing area of West Virginia insurance law at this time. I was responsible for preparing the motion on this issue in circuit court, and when that motion was denied, I was solely responsible for drafting and perfecting the appeal. I also presented the oral argument before the West Virginia Supreme Court. We were ultimately unsuccessful in expanding this area of law.

10. Snodgrass vs. Boone County Ambulance Authority, Boone County
Civil Action No. 1995-C-32
25th Judicial Circuit of West Virginia
The Honorable E. Lee Schlaegel, Jr.
October 1995 until July 1997

Co-Counsel:

Jerry W. Cook
62 Avenue C
Madison, WV 25130
(304) 369-0110

Opposing Counsel:

Bryan R. Cokeley
P.O. Box 1588
Charleston, WV 25326
(304) 353-8116

This case was an employment case in which my client was fired from his position as director of the defendant due to age. My client was a former elected magistrate and there were some serious undertones that this was a political firing as well. I was responsible for drafting the original complaint, preparing the rest of the pleadings and conducting the discovery. My partner felt very confident with me handling most of the day to day operations of the case, including conducting the discovery depositions of the party defendants, which were almost all political figures in the county, even though I was just recently admitted to the bar. The case was ultimately settled for a confidential amount.

16. **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.)

I have championed the use of drug courts as an effective model for dealing with addiction and criminal justice system. While not necessarily lobbying, I have testified several times before the West Virginia Legislature about the use of drug courts and especially about the creation of a Family Treatment Court in West Virginia to deal with addicted parents of abused and neglected children.

17. **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.

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

I have no arrangements in the future to be compensated for any financial or business interest. I have paid in the West Virginia Judicial Retirement System since 2007, and plan on leaving any money there until I decide to retire.

19. **Outside Commitments During 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.

20. **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).

Please see my SF-278 as provided by the Office of Government Ethics.

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

See attached.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify and potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with Department's designated agency ethics official. If confirmed, I will continue to consult with Department of Justice's ethic office and will recuse myself from any matter in which recusal is required.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Prior to taking the bench, I took several cases from the West Virginia Legal Aid Office. Most of these cases consisted of advising clients of their particular rights with respect to child custody matters and contractual rights. Since becoming judge, I am not ethically allowed to give legal advice or represent parties. However, I have volunteered my time as a coach and league official in youth sports. I have also operated several drug courts, which I consider to be volunteer work, as judges are not required to do so in West Virginia.