UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert Porter Chamberlin Bobby Chamberlin

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

United States District Judge for the Northern 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.

Office:

Gartin Justice Building

450 High Street

Jackson, Mississippi 39201

Residence:

Hernando, Mississippi

4. <u>Birthplace</u>: State year and place of birth.

1965; Memphis, Tennessee

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.

1987 – 1990, University of Mississippi Law Center; J.D., 1990

1985 – 1987, University of Mississippi; B.A., 1987

1983 – 1985, Northwest Mississippi Junior College; no degree

6. <u>Employment Record</u>: 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.

2017 – present Mississippi Supreme Court Carroll Gartin Justice Center 450 High Street Jackson, Mississippi 39201 Associate Justice

2004 – 2017 Mississippi Seventeenth Judicial District DeSoto County Courthouse 2535 Highway 51 South Hernando, Mississippi 38632 Circuit Court Judge

2000 – 2004 Mississippi State Capital Building 400 High Street Jackson, Mississippi 39201 State Senator for District One

2001 – 2004 Chamberlin & Nowak P.C. 170 West Center Street Hernando, Mississippi 38632 Law Partner

2001 – 2004 DeSoto County Board of Supervisors DeSoto County Courthouse 2535 Highway 51 South Hernando, Mississippi 38632 Board Counsel

Mid 1990s State of Mississippi Chancery Court, Mississippi Third District 2535 Highway 51 South Hernando, Mississippi 38632 Special Master

1992 City of Horn Lake 3101 Goodman Road West Horn Lake, Mississippi 38637 Municipal Prosecutor 1991 – 1999 City of Hernando 475 West Commerce Street Hernando, Mississippi 38632 Municipal Judge

1990 – 2001 Austin Law Firm (briefly known as Tollison, Austin, and Twiford) 6928 Cobblestone Boulevard, Suite 100 Southaven, Mississippi 38672 Law Partner (1994 – 2001) Law Associate (1990 – 1994)

7. <u>Military Service and Draft Status</u>: 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 after turning 18.

8. <u>Honors and Awards</u>: 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.

Northwest Mississippi Community College Foundation Alumni Professional Achievement Award (2025)

Fellow, Mississippi Bar Foundation (2024)

Champion of Open Government Award, Mississippi Center for Freedom of Information (2004)

DeSoto's Best Attorney, DeSoto Times (2004)

Good Government Award, Common Cause Mississippi (2004)

Mississippi Law Enforcement Officers' Association Legislator of the Year (2003)

Attendee by Invitation, Forty-Seventh Annual National Security Seminar at the United States Army War College (2001)

Steen Reynolds Dalehite and Currie Moot Court Award, University of Mississippi (1990)

James O. Eastland Law Scholarship (1987 – 1990)

9. <u>Bar Associations</u>: 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 (1990 – present)

Mississippi Bar Association (1990 – present)
Presiding Judge, Complaints Tribunal (2013 – 2017)

State Intervention Court Advisory Committee (2023 – present) Member (2013 – 2017) Chairman (2021 – 2023, 2024 – present)

Mississippi Judicial College Board of Governors Member (2017 – present)

Mississippi Conference of Circuit Court Judges Secretary (2010 – 2011) Vice-Chairman (2011 – 2012) Chairman (2012 – 2013)

Study Commission on the Mississippi Judicial System (2001)

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 (1990)

Tennessee (1991)

In 2005, I surrendered my membership in the Tennessee Bar after my appointment as a Mississippi Circuit Court Judge.

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 Fifth Circuit (1990)
United States Court of Appeals for the Sixth Circuit (2001)
United States District Court for the Northern District of Mississippi (1990)
United States District Court for the Southern District of Mississippi (1990)
Mississippi Supreme Court (1990)
Tennessee Supreme Court (1991)

There have been no lapses in Membership other than my membership in Tennessee which I allowed to lapse in 2005 after I became a Mississippi Circuit Court Judge.

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.

DeSoto County Rebel Club Member (1997 – 2001) President (2001)

Optimist Club of Hernando, Mississippi Member (2018 – present)

University of Mississippi Alumni Association Member (1990 – present)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, no organization listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Campaign finance legislation headed back to House, DeSoto Times Today, April 20, 2004. Copy supplied.

With debt looming, state health insurance needs work, DeSoto Times Today, February 10, 2004. Copy supplied.

Important goals reached during final weeks of session, DeSoto Times Today, April 9, 2003. Copy supplied.

Legislature on verge of passing education funding bill, Clarion Ledger, January 1, 2003. Copy supplied.

Medicaid bailout plans – to support or not to support, DeSoto Times Today, March 5, 2002. Copy supplied.

Medicaid problem will require some tough decisions, DeSoto Times Today, January 29, 2002. Copy supplied.

Working with tight budget will be a challenge in 2002, DeSoto Times Today, January 15, 2002. Copy supplied.

Last week of session, hectic and productive, DeSoto Times Today, May 9, 2000. Copy supplied.

Conference committee action slows down Senate, DeSoto Times Today, April 25, 2000. Copy supplied.

Pay raise plan passed is not perfect, DeSoto Times, April 18, 2000. Copy supplied.

Teacher pay raise issue is not dead, yet, DeSoto Times, April 11, 2000. Copy supplied.

Biggest news of the week is Snowden Grove, DeSoto Times Today, April 4, 2000. Copy supplied.

Senate must determine where to trim fat, DeSoto Times, March 28, 2000. Copy supplied.

Legislative Weekend enjoyed by all, DeSoto Times, March 8, 2000. Copy supplied.

Compulsory insurance needed for state, DeSoto Times, February 9, 2000. Copy supplied.

Insurance tops Capitol conversation, DeSoto Times, January 25, 2000. Copy supplied.

Committee assignments offer chance to service DeSoto needs, DeSoto Times, January 18, 2000. Copy supplied.

With Claude Purvis, <u>DUI: Prosecution and Defense in Mississippi</u> (1994). Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization

that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply 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.

During my tenure in the Mississippi Senate, I introduced many pieces of legislation. A list of the bill titles for legislation I introduced and co-sponsored is supplied, and the text of each is available at: https://www.legislature.ms.gov/legislation/previous-sessions/.

During my time in the Senate, I presented a number of bills on the floor of the Senate. The Mississippi Legislature does not preserve legislative history. The Mississippi College School of Law has preserved an archive of proceedings from 2012 going forward (which does not cover my time in the Senate), which are searchable at: https://law.mc.edu/legislature/. I presented some of the bills I authored, as well as others assigned to me by committee chairs.

To the best of my recollection, I have not otherwise provided any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, nor have I issued or provided or had others present on my behalf such to public bodies or public officials.

d. Supply 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 14, 2025: Panelist, "Dicta, huh, yeah...what is it good for? Or Dicta, a rose by any other name," the Corbin Appellate Symposium, in Little Rock, Arkansas. I spoke regarding the definitions of and proper usage of dicta. PowerPoint supplied.

May 1, 2024: Keynote Speaker, "An Evening Honoring the Judiciary," Jackson Young Lawyer's Association in Jackson, Mississippi. I addressed various legal topics. I have no notes, transcripts, or recording. The address of the Jackson Young Lawyer's Association is P.O. Box 22842, Jackson, Mississippi 39225.

December 29, 2023: Administering the Oath of Office for DeSoto County Sheriff Thomas Tuggle, at the DeSoto County Courthouse, Hernando, Mississippi. I have no

notes, transcripts, or recording. The address of the DeSoto County Sheriff's Office is 3091 Industrial Drive West, Hernando, Mississippi 38632.

December 6, 2023: Panelist, "Mississippi Rules of Evidence," Mississippi Justice Court Judges Training Course, Mississippi Judicial College. I spoke regarding an overview of evidence for justice court judges in Biloxi, Mississippi. PowerPoint supplied.

December 7, 2022: Panelist, "Evidence," New Trial and Appellate Judges Orientation, Mississippi Judicial College. I spoke regarding an overview of evidence for incoming judges in Oxford, Mississippi. PowerPoint supplied.

September 30, 2022: Senatobia Rotary Club, in Senatobia Mississippi. I spoke regarding the state of the judiciary. I have no notes, transcripts, or recording. The address of the Senatobia Rotary Club is 4975 Highway 51 North, Northwest Mississippi Community College, Haraway Center, Senatobia, Mississippi, United States, Mississippi 38668.

May 6, 2022: DeSoto County Fallen Heroes Memorial Service, at the DeSoto County Courthouse, Hernando, Mississippi. I spoke regarding the contributions of the deceased law enforcement officers being honored. I have no notes, transcripts, or recording. The address of the sponsor of the event, the DeSoto County Board of Supervisors, is DeSoto County Courthouse, 2535 Highway 51 South, Suite 200, Hernando, Mississippi 38632.

October 6, 2021: Panelist, "Judicial Ethics Across the Nation", Mississippi Justice Court Judges Fall Hybrid Seminar, Mississippi Judicial College. I spoke regarding ethical concerns regarding the judiciary across the country. The event was held in Biloxi, Mississippi. PowerPoint supplied.

June 10, 2021: Panelist, "Judicial Ethics Across the Nation," Mississippi Municipal Court Judges Hybrid Seminar, Mississippi Judicial College. I spoke regarding ethical concerns affecting the judiciary across the country. The event was held in Biloxi, Mississippi. PowerPoint supplied.

April 28, 2021: Panelist, "Judicial Ethics Across the Nation," Mississippi Trial and Appellate Judges Spring Conference, Mississippi Judicial College. I spoke regarding ethical concerns regarding the judiciary across the country. The event was held in Biloxi, Mississippi. PowerPoint supplied.

October 24, 2019: Panelist, "Mississippi Rules of Evidence, Discussion of Article I", Mississippi Trial and Appellate Judges Fall Conference, Mississippi Judicial College. I spoke regarding the Mississippi Rules of evidence in Article I. The event took place in Jackson, Mississippi. PowerPoint supplied.

November 1, 2018 (approx.): 90th annual Mississippi Bar memorial service, Mississippi Supreme Court Building, response on behalf of the Court. I spoke regarding the contributions of the deceased attorneys being honored. I have no notes, transcripts, or

recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

October 25, 2018: Panelist, "Enlargements of Time: Defining 'Cause' In Light of Fulgham and Other Civil Procedure Lagniappe," Mississippi Trial and Appellate Judges Fall Conference, Mississippi Judicial College. I spoke regarding recent civil cases. The event was held in Jackson, Mississippi. PowerPoint supplied.

August 30, 2018: keynote speaker, 20th Annual James O. Dukes Professionalism Program, Mississippi Bar Association. I spoke regarding the need for civility and professionalism in the legal profession. The event was held in Oxford, Mississippi. I have no notes, transcripts, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

July 10, 2018: Panelist, "Enlargements of Time: Defining 'Cause' In Light of Fulgham and Other Civil Procedure Lagniappe," Mississippi Bar Summer School for Lawyers. I spoke regarding recent civil cases. The event was held in Miramar Beach, Florida. PowerPoint supplied.

April 20, 2018: Panelist, "New Criminal Rules," Mississippi Court Administrators Spring Conference, Mississippi Judicial College. I spoke regarding the criminal rules that had just gone into effect at the time. I have no notes, transcripts, or recording. The address of the Mississippi Judicial College is University of Mississippi, Kinard Hall, Wing E, Room 358, University, Mississippi 38677.

July 3, 2017: Administering the Oath of Office for City of Hernando officials. I have no notes, transcripts, or recording. The event took place at City Hall for the City of Hernando is 475 West Commerce Street, Hernando, Mississippi 38632.

2016: On frequent occasions during my 2016 campaign for Supreme Court Judge, I offered extemporaneous remarks departing from my standard speech. I have no record of the specific dates of those events, and I do not have any notes, transcripts, or recordings.

January 1, 2011: Administering the Oath of Office for Circuit Court Judge Gerald Chatham, DeSoto County Courthouse, Hernando, Mississippi. I have no notes, transcripts, or recording. The address of the DeSoto County Circuit Court is 2535 Highway 51 South, Suite 200, Hernando, Mississippi 38632.

2003: On frequent occasions during my 2003 campaign for my second term in the Mississippi State Senate, I offered extemporaneous remarks departing from my standard speech. I have no record of the specific dates of those events, and I do not have any notes, transcripts, or recordings.

1999: On frequent occasions during my 1999 campaign for Mississippi State Senate, I offered extemporaneous remarks departing from my standard speech. I have no record of the specific dates of those events, and I do not have any notes, transcripts, or recordings.

I performed the welcome and opening remarks for the annual Seventeenth District Drug Court Graduation in October from 2006 to 2016. I do not recall the contents of these introductory remarks. I have no notes, calendar, transcript or recording.

I have often performed the administration of Oath of Office for elected officials. I do not have a record of all of these but have listed those that I do recall.

I have spoken on occasion to high school and college students. I do not have a record of these. I do not recall the contents of these remarks. I have no notes, calendar, transcript or recording.

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 copies of the clips or transcripts of these interviews where they are available to you.

Northwest Community College Foundation Awards, March 29, 2025. Acceptance speech available at https://youtu.be/d1pPdMOjtAc?si=XWZJ4lq5tfRA6cA2.

NWCC to honor Justice Chamberlin at Soiree, Tate Record, January 29, 2025. Copy supplied.

Justice Robert P. "Bobby" Chamberlin Awarded Northwest Alumni Professional Achievement Award, Northwest Mississippi Community College Foundation, January 22, 2025. Copy supplied.

Blake Smith, Meet Newly Elected Mississippi Supreme Court Justice Robert P. Chamberlin, Capital Area Bar Association, March 2017. Copy supplied.

"A living, working reality," Winona Times, January 12, 2017. Copy supplied.

Justice Chamberlin praised for fairness, intellect, integrity at investiture ceremony, State of Mississippi Judiciary, January 9, 2017. Copy supplied.

Four Supreme Court justices sworn in January 3, State of Mississippi Judiciary, January 3, 2017. Copy supplied.

Robert Lee Long, *Desoto County's Chamberlin wins election to Supreme Court*, The DeSoto Times, November 30, 2016. Copy supplied.

Robert Lee Long, *Supreme Challenge*, DeSoto Times, November 25, 2016. Copy supplied.

Robert Lee Long, *Drug Court pays off for participants, county*, DeSoto Times, July 27, 2016. Copy supplied.

Robert Lee Long, Among the living and the dead, DeSoto Times, October 25, 2012. Copy supplied.

Robert Lee Long, *Drug Court changing lives*, DeSoto Times, October 22, 2011. Copy supplied.

Robert Lee Long, Second Circuit Judge would ease caseload, DeSoto Times, December 18, 2007. Copy supplied.

DeSoto County Drug Court program begins operation, State of Mississippi Judiciary, October 13, 2006. Copy supplied.

Wayne Risher, Off Bench, DeSoto Appeal, March 9, 2006. Copy supplied.

Robert Lee Long, *Medicaid changeover eased by extension*, DeSoto Times Today, June 29, 2004. Copy supplied.

Staff and Wire reports, *House Oks Senate Tort Reform bill*, DeSoto Times Today, June 4, 2004. Copy Supplied

Sheila Hardwell Byrd, Lawmakers considering bill to allow convicts to more easily regain rights, Vicksburg Post, June 1, 2004. Copy supplied.

Julie Goodman, Grueling session puts lawmakers to the test, Clarion Ledger, May 29, 2004. Copy supplied.

Oliver Staley, Compromise on voter ID bill fails, Commercial Appeal, May 27, 2004. Copy supplied.

Civil Justice bill clears Mississippi Senate, Delta Democrat-Times, May 20, 2004. Copy supplied.

Shelia Hardwell Byrd, Barbour says voter ID law shouldn't have exemptions, Grenada Daily Star, May 17, 2004. Copy supplied.

Oliver Staley, Special session called on tort suits, voter ID, Commercial Appeal, May 14, 2004. Copy supplied.

Robert Lee Long, Barbour recalls lawmakers to special session, DeSoto Times Today, May 14, 2004. Copy supplied.

Opinion – Mary Messer, *Voter ID about fraud, not past policies, Clarion Ledger, May* 13, 2004. Copy supplied.

Robert Lee Long, Governor to sign bill providing \$44 million less for schools, DeSoto

Times Today, May 11, 2004. Copy supplied.

Oliver Staley, Miss. passes campaign bill, Commercial Appeal, May 8, 2004. Copy supplied.

Shelia Hardwell Byrd, House, Senate give campaign finance bill stamp of approval, Daily Journal, May 8, 2004. Copy supplied.

AP wire, Voter ID talks hit roadblock, Meridian Star, May 6, 2004. Copy supplied.

Andy Kanengiser, Negotiators unable to reach compromise on voter ID bill, Clarion Ledger, May 6, 2004. Copy supplied.

Campaign finance appears dead after Senate sends back to conference, Daily Corinthian, May 5, 2004. Copy supplied.

Shelia Hardwell Byrd, Conferees reach campaign finance deal, Daily Journal, May 4, 2004. Copy supplied.

Voter ID OK'd by Senate, Delta Democrat-Times, April 29, 2004. Copy supplied.

Bobby Harrison, Campaign finance bill headed to conference, Daily Journal, April 28, 2004. Copy supplied.

Senate: No gay marriage, Deer Creek Pilot, March 18, 2004. Copy supplied.

Julie Goodman, *Voter fraud issue revived*, Clarion Ledger, February 18, 2004. Copy supplied.

William C. Bayne, *Chamberlin ready for election issues*, DeSoto Appeal, January 20, 2004. Copy supplied.

Robert Lee Long, Chamberlin, Flowers bullish on committee assignments, DeSoto Times, January 17, 2004. Copy supplied.

Toni Lepeska, Hernando lawyer seeks re-election to state Senate, DeSoto Appeal, December 27, 2003. Copy supplied.

Staff and Wire Reports, Registration begins for list to block sales calls, DeSoto Times, June 28, 2003. Copy supplied.

Robert Lee Long, *Musgrove signs bill to create equity funding pool for growing schools*, DeSoto Times Today, April 23, 2003. Copy supplied.

Robert Lee Long, Lawmakers: Courage, prudence needed to shore up treasury, DeSoto Times Today, April 9, 2003. Copy supplied.

Robert Lee Long, School equity funding gets OK with one-year repealer, DeSoto Times Today, April 1, 2003. Copy supplied.

Robert Lee Long, Support for school equity funding bill promising, legislators say, DeSoto Times Today, March 28, 2003. Copy supplied.

Jim Brock, *Educators honor Chamberlin*, DeSoto County Tribune, March 26, 2003. Copy supplied.

Robert Lee Long, *Health clinic bill headed for conference committee*, DeSoto Times Today, March 12, 2003. Copy supplied.

Robert Lee Long, Legislature sends governor education bills, DeSoto Times Today, February 1, 2003. Copy supplied.

Stacey Wiedower, Miss. law could rid homes of pesky calls, Memphis Daily News, January 30, 2003. Copy supplied.

Robert Lee Long, "Do not call" bill designed to end disruption from telemarketing, DeSoto Times Today, January 15, 2003. Copy supplied.

Robert Lee Long, Lawmakers set to return to Jackson, face budget woes, DeSoto Times Today, January 4, 2003. Copy supplied.

Robert Lee Long, *Tort reform efforts draw praise from area officials*, DeSoto Times Today, November 27, 2002. Copy supplied.

Robert Lee Long, Officials say tort reform on minds of new business prospects, DeSoto Times Today, October 12, 2002. Copy supplied.

Rino Dolbi, *The evidence is clear...*, DeSoto Times Today, June 25, 2002. Copy supplied.

Emily Wagner Pettis, Auditor says state needs clearer laws on who is eligible for pauper burial, Vicksburg Press, June 24, 2002, Copy supplied.

Robert Lee Long, Redistricting of House, Senate on tap this week, DeSoto Times Today, March 19, 2002. Copy supplied.

Robert Lee Long, Legislature facing final showdown on budget talks, DeSoto Times Today, March 13, 2002. Copy supplied.

Federal judges to take over redistricting process, DeSoto Times Today, January 16, 2002. Copy supplied.

Robert Lee Long, *Tort reform to be a major issue in 2002 Legislature*, DeSoto Times Today, January 3, 2002. Copy supplied.

Robert Lee Long, Judicial redistricting put off until Congressional lines can be settled, DeSoto Times Today, January 2, 2002. Copy supplied.

Robert Lee Long, Legislature to grapple with rising prison cost in 2002, DeSoto Times Today, December 29, 2001. Copy supplied.

Robert Lee Long, *DeSoto Central High School Construction funds not in danger*, DeSoto Times Today, December 28, 2001. Copy supplied.

Rino Dolbi, Study commission recommends sweeping changes for Mississippi judicial system, DeSoto Times Today, December 26, 2001. Copy supplied.

Rino Dolbi, Chamberlin appointed to committee to study state's judicial system, DeSoto Times Today, June 22, 2001. Copy supplied.

Rino Dolbi, Chamberlin to represent state at War College, DeSoto Times Today, April 26, 2001. Copy supplied.

Reed Branson, Musgrove's local sales tax option reaches lawmakers, Commercial Appeal, August 23, 2000. Copy supplied.

Rino Dolbi, Expansion needed for DeSoto campuses, DeSoto Times Today, August 10, 2000. Copy supplied.

Rino Dolbi, Local legislators want to repeal bill on retirement perks, DeSoto Times, June 22, 2000. Copy supplied.

Belinda Eldred, Legislators: session rough, but productive, DeSoto Times Today, May 9, 2000. Copy supplied.

Rino Dolbi, Freshman senator has two month learning experience, DeSoto Times Today, March 4 - 6, 2000. Copy supplied.

13. <u>Judicial Office</u>: 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.

Associate Justice, Mississippi Supreme Court, District 3, Place 1 November 29, 2016 (Elected) November 5, 2024 (Elected unopposed)

The Mississippi Supreme Court is the highest appellate court in the state of Mississippi.

Judge, Mississippi Seventeenth Judicial District

November 24, 2004 (Appointed)

November 7, 2006 (Elected unopposed)

November 2, 2010 (Elected unopposed)

November 4, 2014 (Elected unopposed)

This court is considered a trial level court, hearing all civil matters as well as felony criminal matters and various appeals from inferior tribunals.

Special Master, Chancery Court, Mississippi Third District One year, mid – 1990s (Appointed)

This position had jurisdiction to assist the chancery court in non-dispositive matters.

Municipal Judge, City of Hernando 1991 – 1999 (Appointed)

This position had jurisdiction over misdemeanor criminal matters as well as preliminary hearings on felony cases.

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

60-70

i. Of these cases, approximately what percent were:

jury trials:

95%

bench trials:

5%

ii. Of these cases, approximately what percent were:

civil proceedings:

15%

criminal proceedings:

85%

b. Provide citations for all opinions you have written, including concurrences and dissents.

Crabtree v. Allstate Property and Casualty Insurance Company, --- So.3d ----, 2025 WL 1409047 (Miss. 2025)

Chamberlin v. State, No. 2022-DR-00546-SCT, 2025 WL 1411239 (Miss. May 13, 2025)

Foreman v. DHP1, LLC, 406 So.3d 763 (Miss. 2025)

Radco Fishing and Rental Tools, Inc. v. Commercial Resources, Inc., 407 So.3d 167

(Miss. 2025)

Knight v. State, 407 So.3d 137 (Miss. 2025)

Middleton v. State, 407 So.3d 1023 (Miss. 2025)

Broome v. State, 402 So.3d 152 (Miss. 2025)

Smith v. State, --- So.3d ----, 2025 WL 432936 (Miss. 2025)

Weaver v. State, --- So.3d ----, 2025 WL 343113 (Miss. 2025)

Greenwood Leflore Hospital v. Boykin, 400 So.3d 445 (Miss. 2025)

X.G.C. v. Jackson County Department of Child Protection Services by Davenport, 400 So.3d 451 (Miss. 2025)

Carr v. State, --- So.3d ----, 2025 WL 275680 (Miss. 2025)

Mississippi Commission on Judicial Performance v. Moore, 400 So.3d 410 (Miss. 2025)

McGraw v. State, --- So.3d ----, 2024 WL 4987378 (Miss. 2024)

Ratcliff v. State, 396 So.3d 1101 (Miss. 2024)

In re Validation of Up to \$27,600,000 Trust Certificates Evidencing Proportional Interests in a Lease by Simpson County School District, 400 So.3d 381 (Miss. 2024)

Scarborough v. Logan, 395 So.3d 381 (Miss. 2024)

ACE American Insurance Company v. Hetsco, Inc., 393 So.3d 1015 (Miss. 2024)

Fluker v. State, --- So.3d ----, 2024 WL 4163031 (Miss. 2024)

Hutto v. State, 391 So.3d 1192 (Miss. 2024)

Landrum v. Livingston Holdings, LLC, 396 So.3d 1026 (Miss. 2024)

Cassell v. Cassell, 389 So.3d 305 (Miss. 2024)

St. Dominic-Jackson Memorial Hospital v. Martin, 386 So.3d 359 (Miss. 2024)

Midsouth Association of Independent Schools v. Parents for Public Schools, 384 So.3d 1226 (Miss. 2024)

Archie v. State, 387 So.3d 963 (Miss. 2024)

Godbolt v. State, 407 So.3d 86 (Miss. 2024)

Harris v. State, 384 So.3d 493 (Miss. 2024)

In re Hassin, 396 So.3d 480 (Miss. 2024)

Smith v. Minier, 380 So.3d 889 (Miss. 2024)

Matter of Last Will and Testament of Bray, 404 So.3d 1146 (Miss. 2024)

Hardaway v. Howard Industries, Inc., 378 So.3d 946 (Miss. 2024)

Davis v. State, 379 So.3d 312 (Miss. 2024)

Shoemaker v. State, No. 2019-M-00832, 2024 WL 2160231 (Miss. 2024)

Fox v. State, No. 2022-KA-00988-SCT, 2024 WL 2168058 (Miss. 2024)

Cochran v. State, --- So.3d ----, 2024 WL 2160240 (Miss. 2024)

Gunn v. State, 374 So.3d 1206 (Miss. 2023)

K&C Logistics, LLC v. Old Dominion Freight Line, Inc., 374 So.3d 515 (Miss. 2023)

Godbolt v. Mississippi, No. 2020-DP-00440-SCT, 2023 WL 11647738 (Miss. 2023)

Rhea v. Career General Agency, Inc., 371 So.3d 1273 (Miss. 2023)

Priceline.com, LLC v. Fitch, 376 So.3d 1185 (Miss. 2023)

Young v. State, 368 So.3d 299 (Miss. 2023)

Stewart v. State, 367 So.3d 985 (Miss. 2023)

Mississippi State Democratic Party v. Hickingbottom, 361 So.3d 667 (Miss. 2023)

Anderson v. State, 361 So.3d 609 (Miss. 2023)

Henley, Lotterhos & Henley, PLLC v. Bryant, 361 So.3d 621 (Miss. 2023)

Mississippi Baptist Health Systems, Inc. v. Johnson, 360 So.3d 949 (Miss. 2023)

City of Ocean Springs v. Illanne, 360 So.3d 221 (Miss. 2023)

Luxe Homes, LLC v. Brewer, 359 So.3d 626 (Miss. 2023)

Mississippi Farm Bureau Casualty Insurance Company v. Peteet, 359 So.3d 191 (Miss. 2023)

White v. Targa Downstream, LLC, 358 So.3d 627 (Miss. 2023)

City of Jackson v. City of Pearl, 358 So.3d 621 (Miss. 2023)

City of Canton v. Slaughter, 358 So.3d 637 (Miss. 2023)

Pettis v. Simrall, 354 So.3d 295 (Miss. 2023)

Greenville Public School District v. Thomas, 352 So.3d 190 (Miss. 2022)

Carr v. Mississippi Lottery Corporation, 350 So.3d 1068 (Miss. 2022)

Haymon v. State, 346 So.3d 875 (Miss. 2022)

State by and Through Watson v. Long Beach Harbor Resort, LLC, 346 So.3d 406 (Miss. 2022)

Humphrey v. Holts, 364 So.3d 613 (Miss. 2022)

Manning v. State, 371 So.3d 117 (Miss. 2022)

Catholic Diocese of Jackson v. De Lange, 341 So.3d 887 (Miss. 2022)

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In re Contest of November 5, 2019 General Election for Chancery Clerk of Quitman, 329 So.3d 434 (Miss. 2021)

Kelly v. Ocwen Loan Servicing LLC, 329 So.3d 439 (Miss. 2021)

Spiers v. Oak Grove Credit, LLC, 328 So.3d 645 (Miss. 2021)

Singing River MOB, LLC v. Jackson County, 342 So.3d 140 (Miss. 2021)

Ficklin v. State, 327 So.3d 98 (Miss. 2021)

Lockhart v. Lockhart, 324 So.3d 777 (Miss. 2021)

Cascio v. Cascio Investments, LLC, 327 So.3d 59 (Miss. 2021)

Board of Supervisors of Hancock County v. Razz Halili Trust, 320 So.3d 490 (Miss. 2021)

Turner v. State, 319 So.3d 1066 (Miss. 2021)

Liberty Mutual Insurance Company v. Mississippi Transportation Commission, 317 So.3d 937 (Miss. 2021)

Taylor v. State, 330 So.3d 758 (Miss. 2021)

Mount v. Mississippi Bar, 326 So.3d 426 (Miss. 2021)

Thoden v. Hallford, 310 So.3d 1156 (Miss. 2021)

Clark v. State, 315 So.3d 987 (Miss. 2021)

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Mississippi Department of Revenue v. SBC Telecom, Inc., 306 So.3d 648 (Miss. 2020)

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Pitts v. State, 291 So.3d 751 (Miss. 2020)

Dickerson v. State, 291 So.3d 344 (Miss. 2020)

Brent v. State, 296 So.3d 42 (Miss. 2020)

Ross v. State, 288 So.3d 317 (Miss. 2020)

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Dancy v. State, 287 So.3d 931 (Miss. 2020)

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Jones v. State, 283 So.3d 64 (Miss. 2019)

Araujo v. Bryant, 283 So.3d 73 (Miss. 2019)

Nelson v. State, 284 So.3d 711 (Miss. 2019)

Mississippi Department of Human Services v. D.C. By and Through Morin, 289 So.3d 712 (Miss. 2019)

McAlister v. State, 289 So.3d 698 (Miss. 2019)

Mississippi Commission on Judicial Performance v. Sutton, 275 So.3d 1062 (Miss. 2019)

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Carr v. State, 283 So.3d 18 (Miss. 2019)

Moore v. State, 287 So.3d 905 (Miss. 2019)

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Randle v. Ivy, 268 So.3d 530 (Miss. 2019)

Forkner v. State, 277 So.3d 946 (Miss. 2019)

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Newsome v. Peoples Bancshares, 269 So.3d 19 (Miss. 2018)

Clark v. Bryant, 253 So.3d 297 (Miss. 2018)

Maness v. K & A Enterprises of Mississippi, LLC, 250 So.3d 402 (Miss. 2018)

E.K. v. Mississippi Department of Child Protection Services, 249 So.3d 377 (Miss. 2018)

McGinty v. Grand Casinos of Mississippi, Inc.-Biloxi, 245 So.3d 444 (Miss. 2018)

Thomas v. State, 249 So.3d 331 (Miss. 2018)

Hammons v. Navarre, 252 So.3d 9 (Miss. 2018)

Haynes v. State, 250 So.3d 1241 (Miss. 2018)

Mississippi Department of Public Safety v. Smith, 243 So.3d 172 (Miss. 2018)

Mississippi Sand Solutions, LLC v. Otis, 248 So.3d 813 (Miss. 2018)

Rankin County Board of Supervisors v. Lakeland Income Properties, LLC, 241 So.3d 1279 (Miss. 2018)

Forrest General Hospital v. Upton, 240 So.3d 410 (Miss. 2018)

Gaines v. Mississippi Bar, 268 So.3d 484 (Miss. 2018)

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Watson Laboratories, Inc. v. State, 241 So.3d 573 (Miss. 2018)

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L.B.C. v. Forrest County Youth Court, 339 So.3d 111 (Miss. 2017)

Amos v. State, 363 So.3d 601 (Miss. 2017)

Williams v. State, 234 So.3d 1278 (Miss. 2017)

Mayor and City Council and City of Columbus v. Commercial Dispatch, 234 So.3d 1236

(Miss. 2017)

Dennis v. Dennis, 234 So.3d 371 (Miss. 2017)

Lane v. Lampkin, 234 So.3d 338 (Miss. 2017)

Fulgham v. Jackson, 234 So.3d 279 (Miss. 2017)

Daniels v. Crocker, 235 So.3d 1 (Miss. 2017)

Lewis v. Pagel, 233 So.3d 740 (Miss. 2017)

Perry v. State, 233 So.3d 750 (Miss. 2017)

Smith v. Webster, 233 So.3d 242 (Miss. 2017)

Hutto v. State, 227 So.3d 963 (Miss. 2017)

Shelton v. State, 214 So.3d 250 (Miss. 2017)

Roberts Company, Inc. v. Moore, 214 So.3d 202 (Miss. 2017)

Lenoir v. State, 224 So.3d 85 (Miss. 2017)

Mississippi Department of Corrections v. Bland, 212 So.3d 56 (Miss. 2017)

Mississippi Department of Corrections v. Boyd, 212 So.3d 50 (Miss. 2017)

In re Initiative Measure No. 65: Mayor Butler v. Watson, 338 So.3d 599 (Miss. 2021) (Chamberlin, dissenting)

Edmonds v. State, 234 So.3d 286 (Miss. 2017) (Chamberlin, dissenting)

Barham v. Miss. Power Co., 266 So.3d 994 (Miss. 2019) (Chamberlin, dissenting)

Logan v. RedMed, LLC, 377 So.3d 956 (Miss. 2024) (Chamberlin, dissenting)

Olshan Found. Repair Co. of Jackson, LLC v Moore, 251 So.3d 725 (Miss. 2018) (Chamberlin, dissenting)

Whitney Bank v. Triangle Constr. Co., Inc., 240 So.3d 1034 (Miss. 2017) (Chamberlin, dissenting)

Longo v. City of Waveland, 353 So.3d 437 (Miss. 2022) (Chamberlin, dissenting)

Ward v. Colom, 253 So.3d 265 (Miss. 2018) (Chamberlin, specially concurring)

In re Jex, 2025 WL 1133804 (April 17, 2025) (Chamberlin, specially concurring)

Davis v. Davis, 360 So.3d 196 (Miss. 2023) (Chamberlin, specially concurring)

City of Jackson v. Allen, 242 So.3d 8 (Miss. 2018) (Chamberlin, specially concurring)

Ashwell v. State, 226 So.3d 69 (Miss. 2017) (Chamberlin, concurring in result only)

Hatfield v. Deer Haven Homeowners Assoc., Inc., 234 So.3d 1269 (Miss. 2017) (Chamberlin, concurring in part and dissenting in part)

In re Estate of Eubanks v. Huber, 251 So.3d 734 (Miss. 2018) (Chamberlin, concurring in part and result)

In re Adoption of A.M., 323 So.3d 509 (Miss. 2021) (Chamberlin, concurring in part and result)

Wheelan v. City of Gautier, 332 So.3d 851 (Miss. 2022) (Chamberlin, concurring in result only)

Woods v. State, 242 So.3d 47 (Miss. 2018) (Chamberlin, concurring in part and dissenting in part)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- 1. Thompson v. Rizzo Farms, Inc., Bolivar County Circuit Court 2nd District, Civil Action No. 2003-0094

Bolivar County Sheriff's Deputy Thompson filed suit against Rizzo Farms, Inc. as a result of personal injuries that Deputy Thompson sustained in a car wreck with Rizzo's employee, Brown. Deputy Thompson, while responding to a call, attempted to pass a heavy-duty truck when Brown, acting within the course and scope of his employment, began a left turn into his driveway resulting in a collision with Thompson's car. There was a witness dispute as to whether Thompson had activated his lights and siren. I presided over the trial. The jury found in favor of Rizzo. The jury verdict, and my judicial decisions, were affirmed by the Court of Appeals in *Thompson v. Rizzo Farms, Inc.*, 27 So.3d 452 (Miss.App. 2009).

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2. Mersino Dewatering v. Roberts Contracting, Inc., Desoto County Circuit Court, Civil Action No. CV2011-0003 RCD

Mersino (MDI) sued Roberts (RCI) in a complex construction-contract dispute involving dewatering services, a necessary component of the project, MDI contracted to provide to RCI as a part of the Walls-Lagoon Project for improvement and expansion of a portion of Desoto County's regional sewer system. RCI paid MDI \$612,448. MDI claimed it was owed an additional \$117,690.30. This was a bench trial. I ruled in favor of MDI and awarded damages of \$67,579. On appeal, the Court of Appeals determined that I had interpreted and enforced the contract correctly, properly denied RCI's motion in limine regarding MCI's business records and awarded damages based on substantial credible evidence. The Court of Appeals affirmed my bench verdict in *Roberts Contracting Inc.* v. Mersino Dewatering Inc., 270 So.3d 994 (Miss. Ct. App. 2018).

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3. State v. Ragland, Desoto County Circuit Court, Criminal Cause No. CR2015-449

Shortly after 3:00 am on November 17, 2014, Manning, an employee of the Krystal restaurant in Olive Branch, was cleaning the restaurant when she turned around and saw a gun in her face. She could describe the assailant as a black male wearing a blue hoodie, surgical mask, gloves and shiny black shoes, and brandishing a black revolver. He demanded money. The Olive Branch Police Department subsequently pulled over a vehicle containing two suspects. Inside the vehicle, evidence was found, including a Krystal envelope, a Colt .38 revolver, ammunition, blue latex gloves, and surgical masks. Latex gloves were also found on Ragland's person. Ragland was convicted of armed robbery and conspiracy to commit armed robbery. The verdict, as well as my judicial decisions including the giving of an accomplice instruction, were affirmed by the Mississippi Supreme Court on appeal in *Ragland v. State*, 235 So.2d 1387 (Miss. 2017).

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4. State v. Newberry, Desoto County Circuit Court, Criminal Cause No. CR2006-703

On December 10, 2005, an undercover agent for the Desoto County Metropolitan Narcotics Unit, Wilkey, entered a residence on Labauve Street in Hernando. Agent Wilkey was with a confidential informant. Both men entered the kitchen and saw three white males and one black male. Agent Wilkey followed the black male into the living room and conducted a buy. The black male and two of the white males were never identified. Another black male, identified as Newberry, entered the room and sold agent Wilkey a bag of powder cocaine for \$100. Newberry was convicted at trial and sentenced to sixty years due to his status as an habitual offender and a statutory enhancement as a repeat drug dealer. The Court of Appeals affirmed the conviction, as well as my judicial decisions including denial of Newberry's *Batson* challenge, in *Newberry v. State*, 19 So.3d 752 (Miss. Ct. App. 2008).

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Counsel for the Defendant: Merrida P. Coxwell, Jr. Coxwell and Associates, PLLC 500 North State Street Jackson, Mississippi 39201 (601) 948-7097

5. State v. Richardson, Desoto County Circuit Court, Criminal Cause No. CR2006-00902-RC-1

Defendant Richardson was charged with fondling. On August 18, 2006, S.W., a tenyear-old child, was awoken early in the morning by a strange sound. S.W. then felt touching and poking in her "personal area." She jumped up and saw someone run out of the room into the bathroom. S.W. went to her mother's room and told her what had occurred. Her mother confirmed this. Richardson was the mother's boyfriend and the only other person at the home at the time. As trial judge, I granted the State's motion to clear the courtroom of nonessential personnel during the then 11-year old's testimony. Richardson was convicted. His conviction was affirmed by The Court of Appeals in *Richardson v. State*, 990 So.2d 247 (Miss.App. 2008)

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Counsel for the Defendant: David L. Walker P.O. Box 719 Batesville, Mississippi 38668 (662) 563-2514

6. Rhoda v. Weathers, Desoto County Circuit Court, Civil Cause No. CV2009-0136CD

On April 11, 2004, Weathers was traveling south on W.E. Ross Parkway near its intersection with Church Road. Rhoda was travelling west on Church Road. What happened next was disputed with each claiming the other to be at fault. The jury returned a verdict for Weathers. The significance of this case involved my declining to assess sanctions for Weathers failing to admit the genuineness and admissibility of Rhoda's medical records. Weathers did not object to their admission at trial. The Mississippi Supreme Court upheld my determination in *Rhoda v. Weathers*, 87 So.3d 1036 Miss. 2012).

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7. Ghane v. Mid-South Institute of Self Defense Shooting, Inc., Desoto County Circuit Court, Civil Cause No. CV2009-00240CD

This wrongful death action was brought against a private military contractor by the family of Ghane, a member of SEAL Team Five. Ghane was killed while involved in a live-fire, close-quarters combat training exercise in a shoot house at Mid-South Institute of Self-Defense when a bullet allegedly penetrated a ballistic wall, striking Ghane above his protective vest and killing him. After the incident, both the Navy Criminal Investigative Services (NCIS) and Naval Special Warfare Group One (NSWG-1) conducted an investigation. I denied defendant's first motion for summary judgment, finding issues of fact remained as to whether Ghane had fully released the defendants in his release and hold harmless. I granted the defendant's second motion for summary judgment, finding the claims raised a nonjusticiable political question because adjudication of the claim would require the trial court to question military training decisions and strategies. The Mississippi Supreme Court affirmed in part and reversed in part in Ghane v. Mid-South Institute of Self-Defense Shooting, Inc., 137 So.3d 212 (Miss. 2014)

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Robert Q. Whitwell Chancery Court Judge for Mississippi District 18 300 North Lamar Blvd Oxford, Mississippi 38655 (662) 236-0233 8. Truddle v. Baptist Memorial Hospital-Desoto, Inc., Desoto County Circuit Court, Civil Cause No. CV2010-0213CD

The wrongful death beneficiary of Carmichael sued Baptist Memorial Hospital-Desoto, Inc. and Dr. Malhotra after Carmichael committed suicide after being discharged from Baptist. Carmichael was admitted for chest pain and was diagnosed with gastrointestinal issues. Before discharge, Carmichael became agitated and aggressive but, over the beneficiary's objection was discharged. Carmichael returned for a scheduled follow up appointment and complained his medications were "making him crazy". Malhotra told Carmichael not to take additional pain medication and released him. Six days after release, and two days after his last appointment, Carmichael committed suicide. I granted summary judgment holding that, once a patient has been released from a defendant's custody, a suicide is only actionable when a defendant's intentional wrongful act proximately caused an irresistible impulse resulting in the suicide. The Mississippi Supreme Court affirmed in the oft-cited *Truddle v. Baptist Memorial Hospital-Desoto*, *Inc.*, 150 So.3d 692 (Miss. 2014)

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9. Slater-Moore v. Goeldner, Desoto County Circuit Court, Civil Cause No. CV2011-250

Slater-Moore hired the Goeldner Law Firm and its attorneys to represent her in what ultimately was an unsuccessful lawsuit and appeal. Slater-Moore and Goeldner entered into two separate contracts during the litigation with each containing almost identical provisions requiring any attorney-fee dispute be submitted to arbitration. Slater-Moore sued Goeldner claiming, among other things, that she was overbilled. Goeldner moved the court to compel arbitration which the court granted, finding that there was a valid arbitration agreement between the parties and that the fee dispute fell within the scope of that agreement. In an oft-cited opinion, the Mississippi Supreme Court affirmed this decision in *Slater-Moore v. Goeldner*, 113 So.3d 521 (Miss. 2013).

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10. State v. Taggart, Desoto County Circuit Court Criminal Cause No. CR2005-1011CD

Leon Taggart was charged in a multi-count indictment for house burglary, rape, kidnapping, and armed robbery. On September 5, 2005, Taggart appeared in the victim's bedroom in the early morning hours, bound her with duct tape and forcibly raped her. He used a knife to cut off the victim's pajamas and cut her in doing so. Taggart forced the victim to drive him, in her car, to an ATM where she was forced at knifepoint to withdraw money. Inexplicably, he then forced her to go through the drive thru at the Hernando McDonalds where she dove out of the car to safety. This case, cited often, was affirmed by the Mississippi Supreme Court in *Taggart v. State*, 957 So.2d 981 (Miss. 2007)

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- 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.
- 1. Clark v. Bryant, 253 So.3d 297 (Miss. 2018)

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2. Priceline.com, LLC v. Fitch

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3. *Harris v. State*, 256 So.3d 574 (Miss. 2018)

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4. Araujo v. Bryant, 283 So.3d 73 (Miss. 2019)

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5. Landrum v. Livingston Holdings, LLC

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6. Hutto v. State, 227 So.3d 963 (Miss. 2017)

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Jason L. Davis Office of the Attorney General 550 High Street, Suite 1200 Jackson, Mississippi 39201 (601) 359-3680

7. Watson Laboratories, Inc. v. State, 241 So.3d 573 (Miss. 2018)

Counsel for Appellant:

Randi P. Mueller Circuit Court Judge, District 2 1801 23rd Avenue Gulfport, Mississippi 39501 (228) 865-4158

Ronald G. Peresich Harrison County Public Defender's Office 2600 24th Avenue Gulfport, Mississippi 39501 (228) 563-5328

James W. Matthews Foley & Lardner LLP 111 Huntington Avenue, Suite 2500 Boston, Massachusetts 02199 (617) 502-3298

Katy E. Koski Foley & Lardner LLP 111 Huntington Avenue, Suite 2500 Boston, Massachusetts 02199 (617) 502-3242

John F. Nagle Kenney & Sams The Rice Building 10 High Street Boston, Massachusetts 02110 (508) 490-8500

Johanna M. McMullen Page, Mannino, Peresich & McDermott, P.L.L.C. 759 Howard Avenue Biloxi, Mississippi 39533 (228) 374-2800

Counsel for the Appellee:

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Geoffrey C. Morgan Office of the Attorney General 550 High Street, Suite 1200 Jackson, Mississippi 39201 (601) 359-3680

Jacqueline H. Ray Office of the Attorney General 550 High Street, Suite 1200 Jackson, Mississippi 39201 (601) 359-3680

S. Martin Millette Office of the Attorney General 550 High Street, Suite 1200 Jackson, Mississippi 39201 (601) 359-3680

D. Ronald Musgrove MusgroveWhitwell 265 North Lamar Street, Suite C Oxford, Mississippi 38655 (662) 273-8424

Michael S. Smith, II Musgrove Smith Law 1635 Lelia Drive, Suite 104 Jackson, Mississippi 39216 (662) 852-1696

Blake D. Smith Copeland, Cook, Taylor and Smith 1076 Highland Colony Parkway Ridgeland, Mississippi 39157 (601) 856-7200

Charles Copeland Copeland, Cook, Taylor and Smith 1076 Highland Colony Parkway Ridgeland, Mississippi 39157 (601) 856-7200

Rebecca S. Blunden Copeland, Cook, Taylor and Smith 1076 Highland Colony Parkway Ridgeland, Mississippi 39157 (601) 856-7200

Ellen Patton Robb Copeland, Cook, Taylor and Smith 1076 Highland Colony Parkway Ridgeland, Mississippi 39157 (601) 856-7200

Andy Lowry
Balch & Bingham LLC
188 East Capitol Street, Suite 1400
Jackson, Mississippi 39201
(601) 965-8164

8. RW Development, LLC v. Mississippi Gaming Commission, 307 So.3d 404 (Miss. 2020)

Counsel for Appellant:

Gerald Blessey Gerald Blessey Law Firm 11975 Seaway Road, Suite B120 Gulfport, Mississippi 39503 (228) 604-0014

Michael F. Cavanaugh 998 Howard Avenue PO Drawer 1911 Biloxi, Mississippi 39530 (228) 374-2247

Counsel for Appellee:

Deanne B. Saltzman Office of the Attorney General 550 High Street, Suite 1200 Jackson, Mississippi 39201 (601) 359-3680

Amelia B. Gamble Office of the Attorney General 550 High Street, Suite 1200 Jackson, Mississippi 39201 (601) 359-3680

9. Catholic Diocese of Jackson v. Delange, 341 So.3d 887 (Miss. 2022)

Counsel for Appellant:

R. Richard Cirilli, Jr. Brunini Attorneys at Law 190 East Capitol Street, Suite 100 Jackson, Mississippi 39201 (601) 948-3101

Stephen J. Carmody Brunini Attorneys at Law 190 East Capitol Street, Suite 100 Jackson, Mississippi 39201 (601) 948-3101

Counsel for Appellee:

H. Wesley Williams, III Markow Walker PA 599 Highland Colony Parkway, Suite 100 Ridgeland, Mississippi 39157 (601) 427-3212

10. Miss. Dep't of Revenue v. SBC Telecom, 306 So.3d 648 (Miss. 2020)

Counsel for Appellant:

Bridgette T. Thomas MS Dept of Revenue P.O. Box 22828 Jackson, Mississippi 39225 (601) 923-7414

John S. Stringer Entergy Services LLC 308 East Pear Street, Suite 700 Jackson, Mississippi 39201

Counsel for Appellee:

John F. Fletcher

Jones Walker 3100 North State Street, Suite 300 Jackson, Mississippi 39216 (601) 949-4620

e. Provide a list of all cases in which certiorari was requested or granted.

Godbolt v. Mississippi, 407 So.3d 86 (Miss. 2024), cert. denied, 145 S. Ct. 1965 (2025)

Hutto v. Mississippi, 391 So.3d 1192 (Miss. 2024), cert. denied, 145 S. Ct. 1093 (2025)

Manning v. Mississippi, 371 So.3d 117 (Miss. 2022), cert. denied, 144 S. Ct. 135 (2023)

Clark v. Mississippi, 315 So.3d.987 (Miss. 2021), cert. denied, 142 S. Ct. 466 (2021)

Turner v. Mississippi, 319 So.3d 1066 (Miss. 2021), cert. denied, 142 S. Ct. 241 (2021)

Carr v. Mississippi, 283 So.3d 18 (Miss. 2019), cert. denied, 141 S. Ct. 138 (2020)

Hutto v. State, 227 So.3d 963 (Miss. 2017), cert. denied, 583 U.S. 1123 (2018)

After a Westlaw search of the United States Supreme Court, I have been unable to find other cases over which I presided as a trial judge or wrote as a Supreme Court Justice where certiorari has been requested.

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.

Everett Moore v. State of Mississippi, 247 So.3d 1198 (Miss. 2018). The issue in this case was whether a defendant in a criminal case was entitled to a circumstantial evidence instruction. I concluded that he was not. On appeal, the Mississippi Supreme Court reversed, holding that defendant in criminal case was entitled to such an instruction. This decision was subsequently overruled in Nevels v. State, 325 So.3d 627 (Miss. 2021).

Long v. Vitkauskas, 228 So.3d 302 (Miss. 2017). The issue in this case was whether a rebuttable presumption existed that the return receipt associated with certified mail delivery of service of process was signed by Pennsylvania resident or his authorized agent, and thus service of process was to be deemed sufficient when resident failed to rebut the presumption. At the trial court level, I concluded that it did not. The Court of Appeals affirmed. The Mississippi Supreme Court reversed, concluding that the presumption existed and applied.

Davis v. State, 196 So.3d 194 (Miss. Ct. App. 2016). The issue in this case was whether the defendant was entitled to a change of venue. The Court of Appeals reversed, holding that the defendant was entitled to a change of venue.

Desoto County v. T.D. and Aaron Dennis, Desoto County Circuit Court CV 2012-284CD, rev'd, 160 So.3d 1154 (Miss. 2015). The issue in this case was whether the county was entitled to immunity under the Mississippi Tort Claims Act for a justice court clerk's failure to cancel an arrest warrant. I authored the circuit court opinion denying a motion for summary judgment. On appeal, the Mississippi Supreme Court reversed, finding that the county was entitled to immunity.

Tinseltown Cinema, LLC v. City of Olive Branch, 158 So.3d 367 (Miss. Ct. App. 2015). The issue in this case was whether the decision of the city's board to deny zoning applications was arbitrary and capricious. The Court of Appeals reversed, concluding that the board's decision was arbitrary and capricious).

Ghane v. Mid-South Inst. of Self Defense Shooting, Inc., 137 So. 212 (Miss. 2014). The issue in this case was whether (reversed trial court, holding that the adjudication of the wrongful death claim did not implicate political question that was barred from judicial review).

Sanford v. State, 121 So.3d 957 (Miss. Ct. App. 2013). The issue in this case was whether it was proper to revoke post-release supervision based on the prisoner's commission of new offenses where the terms of PRS were to run consecutively. At the trial court level, I revoked the terms of PRS. On appeal, the Court of Appeals held that it was error to revoke the term of PRS that had not yet begun.

Wilty v. Alpha, 99 So.3d 830 (Miss. Ct. App. 2012). The issue in this case was whether the defendants were entitled to judgment notwithstanding a verdict (JNOV). At the trial court level, I concluded the evidence was insufficient to support the verdict. On appeal, the Mississippi Court of Appeals reversed, holding that the grant of JNOV constituted reversible error.

Ladd v. State, 87 So.3d 1108 (Miss. Ct. App. 2012). The issue in this case was whether walking through an open garage door met the "breaking" element for burglary. The Court of Appeals reversed, holding that it did not satisfy that element.

Thomas v. State, 75 So.3d 1112 (Miss. Ct. App. 2011). The issue in this case was whether the defendant was entitled to a castle doctrine jury instruction in a case involving a shooting outside of his car. At the trial court level, I concluded he was not. On appeal, the Court of Appeals held that he was entitled to the instruction.

McLemore v. Miss. Transp. Comm'n, 992 So.2d 1107 (Miss. 2008). The issue in this case was whether the Tort Claims Act applied. I concluded that it did. The Mississippi Supreme Court reversed, holding that the claim was not subject to the Tort Claims Act because the takings clause applied to the property owners' allegations.

Oaks v. Sellers, 953 So.2d 1077 (Miss. 2007). The issue in this case was when the statute of limitations on a claim against insurance agents began to run. I denied a motion for summary judgment based on the statute of limitations. On appeal, the Mississippi Supreme Court held that the statute of limitations began to run at the latest when insurer denied claim on ground that driver, insured's son, was not acting in course and scope of employment, not when a court imputed liability to insured.

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.

As a Mississippi Supreme Court Justice, I have occasionally had opinions and orders not designated for publication in official reporters. However, those opinions and orders are still available in databases such as Westlaw and Lexis. The percentage of such unpublished opinions would be approximately 5%.

Some of my opinions as a Circuit Court judge are available in databases such as Westlaw and Lexis and any unpublished opinions are stored as part of the court files maintained by the court.

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.

Midsouth Assoc. of Indep. Sch. v. Parents for Pub. Sch., 384 So.2d 1226 (Miss. 2024)

In re Validation of up to \$27,600,000 Trust Certificates Evidencing Proportional Interests in a Lease by the Simpson Cnty. Sch. Dist. v. Simpson Cnty. Sch. Bd., 400 So.3d 381 (Miss. 2024)

Catholic Diocese of Jackson v. Delange, 341 So.3d 887 (Miss. 2022)

Russell v. State, 346 So.3d 435 (Miss. 2022)

Araujo v. Bryant, 283 So.3d 73 (Miss. 2019)

Clark v. Bryant, 253 So.3d 297 (Miss. 2018)

Mayor & City Council & City of Columbus v. Com. Dispatch, 234 So.3d 1236 (Miss. 2017)

Johnson v. State, 235 So.3d 1404 (Miss. 2017)

Smith v. Webster, 233 So.3d 242 (Miss. 2017)

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.

I have never sat by designation on a Federal Court of Appeals.

- 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:
 - 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.

As a Supreme Court Justice, I am called upon to assess whether recusal is necessary pursuant to the Mississippi Rules of Judicial Conduct. We are provided a list of cases as they are assigned, including names of parties and attorneys to assist in that decision. Unless it is a case where a party has requested recusal, there is no written order indicating recusal and the opinion usually designates "not participating". Upon receipt of the case assignments, I will indicate recusal to court administration. Those cases are listed below. However, there are cases where, upon circulation, it might come to my attention that a person unaware of all circumstances might believe there to be a conflict. In such instances, I do not participate in the case and simply vote "not participating". An example of this is a short period of time where I did not participate in Judicial Performance cases because the director was my landlord at the time. As to my time as Circuit Court Judge, I have no record of recusals. I would note that I did recuse a few times based on friendship with a party or prior working relationship with an attorney.

Brown v. State, 277 So.3d 1288 (Miss. 2017) (served as trial judge)

Long v. Vitkauskas, 228 So.3d 302 (Miss. 2017) (served as trial judge)

Shumake v. Shumake, 233 So.3d 234 (Miss. 2017) (personally friendship with party)

Ragland v. State, 235 So.3d 1387 (Miss. 2017) (served as trial judge)

Desoto Cnty. v. Standard Constr., Inc., 283 So.3d 102 (Miss. 2019) (former law partners on each side of case)

Thompson v. Desoto Cnty. Intervention Court, 337 So.3d 1035 (Miss. 2022) (Former presiding judge of Desoto County Intervention Court)

Moore v. State, 247 So.3d 1198 (Miss. 2018) (served as trial judge)

In re McClure, 347 So.3d 183 (Miss. 2022) (dispute between judges in former circuit court district)

15. Public Office, Political Activities and Affiliations:

e. 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.

Mississippi State Senator for District One, January 2000 to 2004, elected in 1999 to a four-year term and re-elected to another term in November of 2003. I did not complete the second term, as I was appointed to the Mississippi Seventeenth Circuit Court judge position by the governor Haley Barbour.

Board Counsel for the DeSoto County, Mississippi Board of Supervisors, 2001 to 2004. I was appointed to this position by the Board of Supervisors and remained in this position until my appointment to the Mississippi Seventeenth Circuit Court judge position by the governor Haley Barbour.

Municipal Prosecutor for the City of Horn Lake, Mississippi in 1992. I was appointed to this position by the City of Horn Lake Board of Aldermen.

I have never had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

f. 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 have never held an office in any political party or election committee.

16. <u>Legal Career:</u> 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 never served as a clerk to a judge.

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

I have not practiced law alone.

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

2001 – 2004 Chamberlin & Nowak P.C. 170 West Center Street Hernando, Mississippi 38632 Law Partner

1990 – 2001 Austin Law Firm (briefly known as Tollison, Austin, and Twiford) 6928 Cobblestone Blvd., Suite 100 Southaven, Mississippi 38672 Law Partner (1994 – 2001) Law Associate (1990 – 1994)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

After law school, I went to work at what became the Austin Law Firm. Initially, my practice was a general garden variety civil and criminal practice as well as domestic work and real estate closings. Shortly thereafter, a large amount of my time was dedicated to assisting Bill Austin, attorney for the local board of

supervisors, and William Myers in any litigation work arising from said representation. This included representation of various county entities, including the sheriff's department as well as local county officials. That responsibility grew when Myers left the firm in 1994, and I became a partner in the firm. During this period, I still maintained a general civil practice.

In 2001, Bill Austin retired and Tony Nowak and I formed Chamberlin-Nowak, P.C. At this time, I was appointed attorney for the board of supervisors. I also continued to work on litigation involving the county, assisted by Mr. Nowak. This included continued representation of various county entities including the sheriff's department as well as local county officials. During this period, I continued to maintain a general civil and criminal practice. I also participated in a minimal amount of transactional work. Some of this work had to be shared after I became a state senator in 2000 due to time constraints. I was appointed to the Circuit Court bench in late 2004.

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

In private practice, I served both individuals and governmental entities as well as other corporate entities. The majority of my time was spent representing the Desoto County governmental clients. However, there was still a healthy amount of work done for individuals and smaller amount done for private corporations.

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

The majority of my practice has been litigation. I appeared in court frequently, at least monthly, sometimes weekly. That included civil, governmental, civil and criminal cases.

i. Indicate the percentage of your practice in:

1.	federal courts:	10%
2.	state courts of record:	75%
3.	other courts:	15%
4.	administrative agencies:	0%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	80%
2.	criminal proceedings:	20%

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.

To the best of my recollection, I have tried approximately 20 cases to verdict. I was sole counsel in all but three of those cases. In one of those cases, I was lead counsel, in two I served as associate counsel.

i. What percentage of these trials were:

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

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never appeared before the Supreme Court of the United States.

- 17. <u>Litigation</u>: 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. Baptist Mem'l Health Care Sys. v. 3 Amigos Inc., Desoto County Circuit Court, Civil Cause No. 93285 (1993)

This was a zoning case in which I represented 3 Amigos, Inc. in their attempt to rezone an establishment, formerly used as a seafood restaurant, for use as a restaurant with the inclusion of a prominent bar area. This request was vigorously contested by Baptist Hospital which maintained a facility nearby. After a hearing before the Southaven Board of Aldermen, the matter was appealed to the Desoto County Circuit Court which granted the rezoning request. This case was affirmed, per curiam, by the Mississippi Court of Appeals in *Baptist Mem'l Health Care Sys., Inc. v. 3 Amigos, Inc.*, 669 So. 2d 791 (Miss.App. 1995) The dates of my representation were 1993-1995. The case was heard by Circuit Court Judge Andrew C. Baker.

Counsel Opposite:

Gary P. Snyder (retired)
Martin, Tate, Morrow & Marston, PC.
6410 Poplar Avenue, Suite 900
Memphis, Tennessee 38119-4839
(901) 522-9000

2. State v. Tony Keith Reynolds, Yalobusha County Circuit Court, case number unavailable, (1995)

I was appointed to represent Reynolds who was charged with two counts of murder. This case began as a dispute between Reynolds and one of the alleged victims in a honkytonk in Yalobusha County, Mississippi near the Yocona River. After searching for Reynolds in and around Coffeeville, Mississippi, the alleged victims (a father and adult son) cornered Reynolds in a field where he had parked his van to sleep. When the father attempted to pull Reynolds out of the van, Reynolds shot and killed him with a shotgun. He was then confronted by the son outside of the van and, likewise, shot and killed him with a shotgun. The jury verdict was not guilty on both counts on the grounds of self-defense. My representation was in 1995. The case was heard by Circuit Court Judge George C. Carlson, Jr.

Counsel opposite:
John Champion (deceased)
DeSoto County District Attorney
365 Losher Street
Hernando, Mississippi 38632
(662) 469-8014

3. Miss. Dep't of Transp. v. B&G Outdoor, Tunica County Circuit Court, Civil Cause No. 950166

I represented B&G Outdoor in the Tunica County Special Court of Eminent Domain against the Mississippi Department of Transportation over payment of replacement costs for a billboard after the land upon which the billboard was situated was taken for a highway project. MDOT offered the cost to relocate the billboard. However, due to zoning changes requiring billboards to be on monopoles, B&G claimed it would cost almost double what MDOT was offering. The trial court ruled that, interpreting the Mississippi Relocation Law, MDOT had to pay for a billboard in conformity with the new zoning regulations. This case was affirmed by the Mississippi Court of Appeals in Miss. Dep't of Transp. v. B&G Outdoor, 722 So.2d 1273 (Miss. 1998). The dates of my representation were 1996-1997. The case was heard by Circuit Court Judge John L. Hatcher.

Counsel opposite:
Paul R. Scott
Scott, Thompson & Welshans, PLLC

2545 Caffey Street Hernando, Mississippi 38632 (662) 429-5041

4. State v. Larry Henderson, Desoto County Circuit Court, Criminal Cause No. CR-90-210-CW

In my first jury trial, I represented Henderson who was charged with false pretenses after fraudulently obtaining funds from the local bank in Hernando. The case involved a mistaken identification by two separate bank employees. There was another man with the same name as Henderson who was a regular customer of the bank. When given his name, the employees indicated they knew Henderson well. However, at trial, they were unable to identify the defendant as he was not the Henderson they knew. I produced the namesake Henderson, who they readily identified. The trial court granted a directed verdict for my client. The dates of my representation were 1990-1991. The case was heard by Circuit Court Judge George C. Carlson, Jr.

Counsel opposite; J. Michael Horan 612 Main Street Hattiesburg, Mississippi 39401 (601) 270-4499

5. City of Horn Lake v. Grant, Desoto County Circuit Court, Criminal Cause No. 9378

I represented the City of Horn Lake in their prosecution of Grant for DUI. Grant was a serial drunk driver who had thus far avoided conviction as well as a critic of Horn Lake city government. In this case, the City attempted to pull Grant over but Grant evaded the police and continued driving to his residence. Upon arriving at his residence he ran inside and jumped on the toilet, claiming that is where he had been the entire time. His defense centered on harassment for his criticisms of the city. The case was tried to a jury in Desoto County Court where Grant was found guilty. This was affirmed by the Desoto County Circuit Court in this cause as well as by the Mississippi Court of Appeals, per curiam, in *Grant v. City of Horn Lake*, 675 So.2d 1262 (Miss.App. 1995). The dates of my representation were 1993-1995. The jury trial was heard by County Court Judge Mills Barbee, while the Circuit Court Appeal was heard by Circuit Court Judge George C. Carlson, Jr.

Counsel opposite: James D. Franks 2584 Highway 51 South, Suite 1 Hernando, Mississippi 38632 (662) 429-5914 6. France, et.al v. City of Olive Branch, United States District Court for the Northern District of Mississippi, Civil Cause No. 2:96CV148-B-B, 2:96CV188-B-B

I represented France, a former police officer, against the City of Olive Branch for various claims surrounding his wrongful termination. France was one of six police officers who was suspended with pay and ultimately terminated as a result of allegations of sexual misconduct with a minor which ultimately proved to be false. At their termination hearing, the officers were not given a specific basis for their termination and were terminated for such vague reasons as "conduct unbecoming a police officer". Their names were released to the press and substantial coverage in the local media followed. After summary judgment motions were denied, the case proceeded to trial before a jury in Oxford, Mississippi. After the plaintiffs rested their case, a settlement was reached for \$95,000 per plaintiff. The dates of my representation were 1996-1998. The case was heard by United States District Court Judge Neil B. Biggers, Jr.

Co-Counsel:

Ronald Lewis Lewis Law Firm 404 Galleria Lane, Suite 5 Oxford, Mississippi 38655 (662) 234-0766

Counsel opposite:
Gary E. Friedman
Friedman & Friedman
2600 South Douglas Road, Suite 1011
Coral Gables, Florida 33134-6142
(305) 446-6485

7. Herring v. Byrd Bros., LLC, Lafayette County Circuit Court, Civil Cause No. L00-340

I represented Byrd Brothers, LLC, a construction company, in their dispute with Bobby Herring d/b/a Herring Plumbing and Electric, over payment for work done on a construction project in Lafayette County, Mississippi. Herring sued Byrd on an open account and Byrd counter-claimed for breach of contract and slander of title. There was a disagreement as to whether the plumbing services provided by Herring included gas and gas fixtures which led to discord as well as billing problems that arose during the project. After a bench trial, the trial court entered a verdict for Herring, dismissing Byrd's counterclaims. However, on appeal, the Mississippi Court of Appeals reversed, holding that Herring had been given an opportunity to repair defective work but chose not to do so and that Byrd Brothers, LLC was entitled to, and obligated to, move forward and mitigate damages. *Byrd Bros., LLC v. Herring,* 861 So.2d 1070 (Miss.App. 2003). The dates of my representation were 2000-2003. The case was heard by Circuit Court Judge Henry L. Lackey.

Counsel opposite: Omar D. Craig (deceased 12-1-2011)

8. Roberts v. Roberts, Desoto County Chancery Court, Civil Cause No. 02-08-1175(L)

I served as co-counsel to D. Pace Branan in this divorce case. I cannot recall if I was listed as counsel of record at trial although I am listed, along with Ms. Branan, as appellate counsel of record. This was a domestic case involving an agreed upon divorce and a contested dissolution of marital assets, alimony, child support and attorney fees. The Chancery Court found for our client on all major issues. This decision was affirmed by the Court of Appeals in *Roberts v. Roberts*, 924 So.2d 550 (Miss. Ct. App. 2005). My dates of representation were 2003-2005. The case was heard by Chancery Court Judge Percy L. Lynchard, Jr.

Co-counsel:

D. Pace Branan 2584 Highway 51 South, Suite 4 Hernando, Mississippi 38632 (662) 449-4800

Counsel opposite: Steven G. Roberts The Roberts Law Firm 221 West Main Street Senatobia, Mississippi 38668 (662) 301-8313

9. Wyssbrod v. Wittjen, Desoto County Circuit Court, Civil Cause No. 950166

I represented, along with William P. Myers, First Bank of Holly Springs in a case involving a complex and convoluted business relationship between Wyssbrod and Wittjen. Our client was the unfortunate repository of some of the disputed funds and was sued for failing to honor certain checks. We obtained a summary judgment for our client as well as attorney fees and expenses. The court subsequently entered sanctions against Wyssbrod's attorneys. The court further sanctioned one of Wyssbrod's attorneys for failure to appear at a scheduled status hearing. The sanctions, attorney fees and expenses were affirmed in part, modified in part and reversed in part by the Mississippi Supreme Court in Wyssbrod v. Wittjen, 798 So.2d 352 (Miss. 2001). My dates of representation were 1995-2001. The case was heard by Circuit Court Judge George B. Ready.

Co-counsel: William P. Myers Myers Law Group 2042 McIngvale Road Hernando, Mississippi 38632 (662) 429-1994

Counsel opposite: James Welch Welch & Associates Law Firm LLC P. O. Box 3257 Gulfport, Mississippi 39505 (228) 206-5932

Omar D. Craig (deceased 12-1-2011)

10. Bass v. Parkwood Hosp., et al, United States District Court for the Northern District of Mississippi, civil cause number unknown

I represented Desoto County, Mississippi in an action brought by an involuntary committee against a private hospital, hospital employee, and county, asserting claims for due process violations, failure to accommodate religious dietary preferences and disability, race discrimination, malicious prosecution, and false imprisonment. The claims against Desoto County arose from sheriff deputies detaining Bass in the facility shortly before a chancery court special master issued a writ to take custody of Bass for mental examination or retention. The U.S. District Court ruled in favor of Desoto County, finding that Bass' claims failed as a matter of law. The dismissal of the claims against Desoto County were affirmed by the United States Court of Appeals, Fifth Circuit, in Bass v. Parkwood Hospital, 180 F.3d 234 (5th Cir. 1999). My dates of representation were 1996-1999. The case was heard by United States District Court Judge Neil B. Bigger, Jr.

Counsel opposite: Myron Bass, pro se

18. <u>Legal Activities</u>: 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 most significant legal activity I have pursued has been the formation, along with former Circuit Court Judge and Supreme Court Justice Ann Lamar, of the 17th Circuit Court Drug Court. This was a pet project of mine from the time I took the bench in 2004 and became a reality shortly thereafter. Seeing defendants close the revolving door of addiction/recidivism has been one of the great pleasures of serving on the bench. After being elected to the Mississippi Supreme Court, I have continued my advocacy for the drug courts, now called intervention courts, by chairing the State Intervention Court Advisory Committee.

As a circuit court judge, I served as Chairman of the state Conference of Circuit Court Judges and, as such, worked with judges from across the state to convey to the Mississippi Supreme Court and the Mississippi legislature the needs of the circuit courts.

I was also proud to pursue public service as a State Senator from 2000-2004. During this time I served as Chairman of the Elections Committee as well as Vice-Chairman of the Universities and Colleges Committee. I was also recognized as Legislator of the Year by the Mississippi Law Enforcement Officers Association in 2003.

19. <u>Teaching</u>: 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 copies to the committee.

I have never taught a class.

20. <u>Deferred Income/ Future Benefits</u>: 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.

Other than 401K's, State of Mississippi retirement, and my wife's retirement, I have no anticipated future income, should I be appointed to this position.

21. <u>Outside Commitments During Court Service</u>: 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.

Should I be confirmed, I would hope to be able to continue speaking on occasion to school classes, and at judiciary conferences.

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. <u>Statement of Net Worth</u>: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

To my knowledge, there are no family members or other persons, parties, categories of litigation, or financial arrangements likely to present a potential conflict of interest that I would anticipate encountering. Of course, I will recuse from any litigation in which I played a role. I also realize the necessity to recuse in cases where I have a personal relationship with a party or any relationship with an attorney that would go beyond professional friendship.

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. Section 455, Canon 3 of the Code of Conduct for United Stated Judges, and any and all other laws, rules and practices governing such circumstance.

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.

Currently, as a Mississippi Supreme Court Justice, I cannot engage in traditional pro bono work. The same is true of my time as a Circuit Court Judge. Of course, this covers 2004 until the present. During that time, however, I have participated where possible to assist those who provide pro bono services. This includes attendance at pro bono clinics on behalf of the Supreme Court. On the Supreme Court, we are also supportive of the Access to Justice initiatives which includes not only funding but directions for those needing to access our court system who may not only lack funding but also guidance as to how to proceed.

As a practicing attorney, I strove to meet and exceed the pro bono expectations of the Mississippi Bar. This is above and beyond the voluminous pro bono work I have done on behalf of family members and friends who did not have the financial means to hire counsel.

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 November 7, 2024, I contacted U.S. Senator Roger Wicker and U.S. Senator Cindy Hyde-Smith, expressing my interest in being appointed to the vacancy on the United States District Court for the Northern District of Mississippi. On April 16, 2025, I was contacted by the White House Counsel's Office, which advised that I had been recommended as a potential nominee to the U.S. District Court for the Northern District of Mississippi. On April 23, 2025, I interviewed with the White House Counsel's Office in Washington, D.C. Since June 5, 2025, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination.

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.

AFFIDAVIT

I, Robert P. Chapprovided in this statement is, to the	n ber / n, do swear that the information best of my knowledge, true and accurate.
8/1/25	All All Sharled
(DATE)	(NAME)
Dale & Thompson (NOTARY) Suffice,	COURT OF DESCRIPTION COURTS
My Commission Expires January 3, 2028	ASSISSIPE LA