

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert Stewart Ballou

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

United States District Judge for the Western District of 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.

United States District Court for the Western District of Virginia
Poff Federal Building
210 Franklin Road, Southwest, Suite 344
Roanoke, Virginia 24011

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

1962; Roanoke, 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.

1984 – 1987, University of Virginia School of Law; J.D., 1987

1980 – 1984, University of Virginia; B.A., 1984

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.

2011 – present

United States District Court for the Western District of Virginia
Poff Federal Building
210 Franklin Road, Southwest, Suite 344

Roanoke, Virginia 24011
United States Magistrate Judge

1992 – 2011

Johnson, Ayers & Matthews, PLC
310 First Street, Suite 700
Roanoke, Virginia 24011
Member (1997 – 2011)
Associate (1992 – 1996)

Summer 1986, 1988 – 1991

Christian, Barton, Epps, Brent & Chappell (now Christian & Barton, LLP)
901 East Cary Street, Suite 1800
Richmond, Virginia 23219
Associate (1988 – 1991)
Summer Associate (Summer 1986)

1987 – 1988

United States District Court for the Eastern District of Louisiana
500 Poydras Street
New Orleans, Louisiana 70130
Law Clerk to the Honorable Peter H. Beer

Summer 1986

Kaufman & Canoles, P.C.
150 West Main Street
Norfolk, Virginia 23514
Summer Associate

Summer 1985

University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903
Assistant to Professor Daniel Meador & Master of Laws in the Judicial Process Program

Other affiliations (uncompensated):

2011 – present

Federal Bar Association—Western District of Virginia Chapter
(This organization has no physical address.)
Board of Directors, President (2021 – present)
Board of Directors, President Elect (2020 – 2021)
Board of Directors, Member (2011 – present)

2019 – 2021

Ted Dalton Inn of Court

(This organization has no physical address.)
Board of Directors, President (2021 – present)
Board of Directors, President Elect (2019 – 2021)

2012 – 2015
CCA Marlins Swim Club
4069 Postal Drive
Roanoke, Virginia 24018
Board of Directors, President (2013 – 2015)
Board of Directors, Member (2012 – 2015)

2008 – 2010
Spring Run Swim Club, Inc.
6328 Ran Lynn Drive
Roanoke, Virginia 24018
Board of Directors, President (2009 – 2010)
Board of Directors, Member (2008 – 2010)

2002 – 2007
Virginia Law Foundation
105 Whitewood Road
Charlottesville, Virginia 22901
Board of Directors, Member

1994 – 1996, 2007
Roanoke Bar Association
P.O. Box 18183
Roanoke, Virginia 24014
Board of Directors, Member (1994 – 1996, 2007)

1994 – 1997
Virginia State Bar (1987 – present)
1111 East Main Street, Suite 700
Richmond, Virginia 23219
Bar Council & Executive Committee (1995 – 1996)
Young Lawyers Conference, President (1995 – 1996)
Young Lawyers Conference, Board of Governors (1994 – 1997)

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

I did not serve in the military. I timely registered for the 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.

Prevention Council of Roanoke County, Courage to Care Award (2017)

Thomson Reuters Super Lawyers, Super Lawyers (2009 – 2011)

Best Lawyers, Best Lawyers in America (2006 – 2011)

Virginia Business Magazine, Legal Elite (2009 – 2010)

University of Virginia

Westmoreland Davis Scholarship (1984)

College of Arts & Sciences, Vice President (1983 – 1984)

Honor Committee, Vice Chairman (1983 – 1984)

Omicron Delta Kappa National Honor Leadership Honor Society (1983)

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

American Bar Association (1989 – 2008 (approximately))

Fellow (2005 – present)

Boyd-Graves Conference (2005 – 2009 (approximately))

Committee to Study Use of Demonstrative Evidence (2008)

Federal Bar Association—Western District of Virginia Chapter (2011 – present)

Board of Directors, President (2021 – present)

Board of Directors, President Elect (2020 – 2021)

Board of Directors, Member (2011 – present)

Roanoke Bar Association (1992 – present)

Board of Directors, Member (1994 – 1996, 2007)

Ted Dalton Inn of Court (2011 – present)

Board of Directors, President (2021 – present)

Board of Directors, President Elect (2019 – 2021)

Virginia Association of Defense Attorneys (1989 – 2011)

Virginia Bar Association (1989 – 2008, 2011 – 2015 (approximately))

Virginia Law Foundation

Board of Directors, Member (2002 – 2007)

Committee on Legal Education, Chair (2002 – 2007)

Committee on Legal Education, Member (1997 – 2007)

Virginia Model Jury Instructions Committee (2008 – 2011)

Virginia State Bar (1987 – present)

Construction Law & Public Contracts Section, Board of Governors, Member (2012 – 2017)

Criminal Law Section, Board of Governors, Member (2015 – 2019)

Eighth District Disciplinary Committee, Chair (2002 – 2003)

Eighth District Disciplinary Committee, Member (1998 – 2003)

Law School Professionalism Course, Faculty (2004 – 2015 (approximately))

Litigation Section, Member (1992 – 2011 (approximately))

Professionalism Course, Faculty (2001 – 2004)

Special Committee on Resolution of Fee Disputes, Chair (2002 – 2005)

Special Committee on Resolution of Fee Disputes, Member (1997 – 2005)

Task Force to Study Mediation of Fee Disputes, Chair (2002 – 2005)

Task Force to Study Mediation of Fee Disputes, Member (2002 – 2005)

Virginia State Bar Council & Executive Committee (1995 – 1996)

Young Lawyers Conference, President (1995 – 1996)

Young Lawyers Conference, Board of Governors (1994 – 1997)

Young Lawyers Conference, Circuit Representative (1992 – 1994)

Young Lawyers Conference, Member (1992 – 1997)

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.

Virginia, 1987

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 Fourth Circuit, 1989

United States District Court for the Eastern District of Virginia, 1989

United States District Court for the Western District of Virginia, 1992

United States Bankruptcy Court for the Western District of Virginia, 1993

United States Court of Federal Claims, 1991

There have been no lapses in membership.

11. **Memberships:**

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

Apple Ridge Farm (2002 – 2005 (approximately))

Boy Scouts of America (2005 – 2018)

Troop 221 Committee, Member (2010 – 2018)

Cub Pack 221 Adult Leader (2005 – 2010)

CCA Marlins Swim Club (2010 – 2015)

Board of Directors, President (2013 – 2015)

Board of Directors, Member (2012 – 2015)

Hidden Valley Country Club (1992 – 2005, 2010 – 2016 (approximately))

Second Presbyterian Preschool (2003 – 2006)

Board of Directors, Chair (2005 – 2006)

Board of Directors, Member (2003 – 2006)

Spring Run Swim Club, Inc. (2006 – 2010)

Board of Directors, President (2009 – 2010)

Board of Directors, Member (2008 – 2010)

University of Virginia Alumni Association (1982 – present)

Valley Beautiful Foundation, Inc. (2009 – 2011 (approximately))

- 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.

I understand that, long before I became a member, Hidden Valley Country Club and Spring Run Swim Club, Inc. restricted membership based upon race, sex, religion, or national origin; those membership restrictions were removed before I became a member of either organization. Otherwise, none of the organizations

listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Past Presidents of the Young Lawyers Conference—A Reflection, Virginia Lawyer (Jun./July 2000). Copy supplied.

YLC Concludes Another Successful Year, Virginia Lawyer (Jun./July 1996). Copy supplied.

Letter from the President, Docket Call Newsletter (Spring 1996). Copy supplied.

Planning is Everything, Virginia Lawyer (Apr. 1996). Copy supplied.

Letter from the President, Docket Call Newsletter (Winter 1996). Copy supplied.

Achieving Life's Balance, Virginia Lawyer (Feb. 1996). Copy supplied.

The Young Lawyers Conference Defining Its Role Within the Bar, Virginia Lawyer (Dec. 1995). Copy supplied.

Letter from the President, Docket Call Newsletter (Fall 1995). Copy supplied.

YLC Upcoming Events, Virginia Lawyer (Oct. 1995). 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.

Virginia State Bar Criminal Law Section Newsletter (May 2019). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Jan. 2019). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not

draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Nov. 2018). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Oct. 2018). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (May 2018). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Jan. 2018). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Dec. 2017). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Oct. 2017). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Apr. 2017). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Jan. 2017). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Dec. 2016). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board

was not asked to vote on or approve its contents. Copy supplied.

Meeting Minutes, Virginia State Bar Criminal Law Section Board (Oct. 18, 2016). Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Oct. 2016). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Meeting Minutes, Virginia State Bar Criminal Law Section Board (Sept. 7, 2016). Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Apr. 2016). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Jan. 2016). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Nov. 2015). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Virginia State Bar Criminal Law Section Newsletter (Oct. 2015). As a member of the Criminal Law Section board, my name is listed in the newsletter, but I did not draft, edit, or contribute in any way to the newsletter's preparation, and the board was not asked to vote on or approve its contents. Copy supplied.

Meeting Minutes, Virginia State Bar Construction Law & Public Contracts Section Board (Sept. 25, 2013). Copy supplied.

Meeting Minutes, Virginia State Bar Construction Law & Public Contracts Section Board (Jan. 12, 2012). Copy supplied.

Report from May Lynn Tate to Hon. Diane M. Strickland, Chair, Boyd-Graves Conference (Oct. 22, 2008). I did not draft or edit this report, but, as a member of the Boyd-Graves Conference Committee to Study Use of Demonstrative Evidence, I voted to approve its contents. Copy supplied.

Long-Range Plan, Virginia Law Foundation (2007). I am unable to locate a copy. The address for the Virginia Law Foundation is 105 Whitewood Road,

Charlottesville, Virginia 22901.

Long-Range Plan, Virginia State Bar Young Lawyers Conference (June 21, 1996). Copy supplied.

Meeting Minutes, Virginia State Bar Council (June 20, 1996). Copy supplied.

Meeting Minutes, Virginia State Bar Executive Committee (June 19, 1996). Copy supplied.

Meeting Minutes, Virginia State Bar Executive Committee (Apr. 17 – 19, 1996). Copy supplied.

Meeting Minutes, Virginia State Bar Executive Committee (Mar. 26, 1996). Copy supplied.

Meeting Minutes, Virginia State Bar Council (Feb. 23 – 24, 1996). Copy supplied.

Meeting Minutes, Virginia State Bar Executive Committee (Feb. 23, 1996). Copy supplied.

Meeting Minutes, Virginia State Bar Executive Committee (Jan. 30, 1996). Copy supplied.

Meeting Minutes, Virginia State Bar Executive Committee (Dec. 6, 1995). Copy supplied.

Meeting Minutes, Virginia State Bar Executive Committee (Oct. 19 – 20, 1995). Copy supplied.

Meeting Minutes, Virginia State Bar Council (Oct. 19 – 20, 1995). Copy supplied.

Meeting Minutes, Virginia State Bar Executive Committee (Sept. 14 – 15, 1995). Copy supplied.

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

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the

date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify all events responsive to this question, including by searching my personal files, calendar, and the internet. I may have omitted one or more events inadvertently, however.

November 3, 2021: Panelist, “Evening with the Judges,” Roanoke Valley Paralegal Association, Roanoke, Virginia. The panel discussed practice tips for paralegals. I have no notes, transcript, or recording. The Roanoke Valley Paralegal Association has no physical address.

September 30, 2021: Panelist, “Brown Bag Lunch with Chief U.S. District Court Judge Michael Urbanski,” Federal Bar Association—Western District of Virginia Chapter, Roanoke, Virginia. Video supplied.

September 14, 2021: Presenter, “Professionalism,” Roanoke Bar Association, Roanoke, Virginia. Notes supplied.

September 3, 2021: Presenter, “Naturalizations,” Daughters of the American Revolution—Roanoke Chapter, Roanoke, Virginia. Notes supplied.

July 22, 2021: Panelist, “Brown Bag Lunch with Senior U.S. District Court Judge James Jones,” Federal Bar Association—Western District of Virginia Chapter, Roanoke, Virginia. Audio supplied.

July 14, 2021: Presenter, “Professionalism,” Virginia State Bar Professionalism Course, Roanoke, Virginia. Notes supplied.

June 19, 2021: Presenter, “Celebration of New Citizens,” Blue Ridge Literacy, Roanoke, Virginia. Notes supplied.

May 27, 2021: Panelist, “Prisoner 42 U.S.C. § 1983 Cases,” Federal Bar Association – Western District of Virginia, Roanoke, Virginia. Video supplied.

April 8, 2021: Guest Lecturer, “1983 Mediation,” Washington & Lee University School of Law, Lexington, Virginia. I presided over a mock mediation for a Local Government Law class. I have no notes, transcript, or recording. The address for the Washington & Lee University School of Law is 1 Denny Circle, Lexington, Virginia 24450.

March 25, 2021: Panelist, “Brown Bag Lunch with U.S. District Court Judge Thomas Cullen,” Federal Bar Association—Western District of Virginia Chapter, Roanoke, Virginia. Video supplied.

February 9, 2021: Guest Lecturer, “Externships,” Washington & Lee University School of Law, Lexington, Virginia. I spoke to third-year law students serving in externships about expectations for judicial externs in chambers. I have no notes, transcript, or recording. The address for the Washington & Lee University School of Law is 1 Denny Circle, Lexington, Virginia 24450.

September 4, 2020: Presenter, “Naturalization and The Constitution,” Daughters of the American Revolution—Roanoke Chapter, Roanoke, Virginia. Notes supplied.

April 1, 2020: Guest Lecturer, “Therapeutic Courts,” University of Virginia School of Law, Charlottesville, Virginia. I spoke about the Western District of Virginia’s drug treatment and veterans courts. I have no notes, transcript, or recording. The address for the University of Virginia School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

February 28, 2020: Panelist, “Tips from the Bench,” Virginia CLE, Charlottesville, Virginia. I provided practice pointers to new lawyers. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

February 8, 2020: Presenter, Roanoke County Public Schools, Roanoke, Virginia. Video clips used in presentation supplied.

January 6 – 9, 2020: Instructor, National Trial Advocacy Institute, Virginia CLE, Charlottesville, Virginia. I instructed students about examining and cross-examining witnesses and developing trial advocacy skills, and I presided over mock jury trials and critiqued the students at the conclusion of the trials. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

November 19, 2019: Panelist, “Practice in the Western District of Virginia,” Virginia CLE, Roanoke, Virginia. I provided practice pointers to lawyers practicing in the Western District of Virginia. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

November 16, 2019: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

July 16, 2019: Presenter, “Professionalism,” Virginia State Bar, Roanoke,

Virginia. Notes supplied.

May 3, 2019: Panelist, “Eminent Domain Panel,” CLE International, Irvington, Virginia. I spoke about common issues in eminent domain cases in federal court and mediating those cases to a successful conclusion. I have no notes, transcript, or recording. CLE International has no physical address.

May 1, 2018: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I guided a discussion about the First Amendment with students in an AP Government class. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24109.

April 17, 2019: Guest Lecturer, “Mediations,” Liberty University School of Law, Lynchburg, Virginia. I spoke to an Intellectual Property class regarding the mediation of intellectual property and commercial litigation cases. I have no notes, transcript, or recording. The address for the Liberty University School of Law is 1971 University Boulevard, Lynchburg, Virginia 24502.

April 6, 2019: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

April 3, 2019: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I spoke about various First Amendment issues. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

March 11, 2019: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I spoke about various First Amendment issues. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

February 22, 2019: Panelist, “Tips from the Bench,” Virginia CLE, Charlottesville, Virginia. I provided practice pointers to new lawyers. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

February 9, 2019: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

January 7 – 10, 2019: Instructor, National Trial Advocacy Institute, Virginia CLE, Charlottesville, Virginia. I instructed students about examining and cross-examining witnesses and developing trial advocacy skills, and I presided over mock jury trials and critiqued the students at the conclusion of the trials. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood

Road, Charlottesville, Virginia 22901.

October 16, 2018: Presenter, HopeTree Academy, Salem, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

September 26, 2018: Presenter, “Federal Rules of Evidence 612 and 613—What Did You Say? How to Use Summaries—Rule 1006,” United States Department of Justice National Advocacy Center, Columbia, South Carolina. Materials supplied.

September 24, 2018: Presenter, “Of Course, Of Course, It’s our Discourse,” Ted Dalton American Inn of Court, Roanoke, Virginia. PowerPoint, notes, and video clips supplied.

May 26, 2018: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

May 1, 2018: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I guided a discussion about the Separation of Powers with students in an AP Government class. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24109.

April 16, 2018: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I spoke about the Separation of Powers. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

April 12, 2018: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

April 11, 2018: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

April 10, 2018: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

April 9, 2018: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

March 27, 2018: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I spoke about the Separation of Powers. I have no notes, transcript, or

recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

March 23, 2018: Presenter, “Of Course, Of Course, It’s our Discourse,” Virginia Trial Lawyer Association, Williamsburg, Virginia. I used the same PowerPoint and video clips supplied in connection with the September 24, 2018 presentation listed above.

January 25, 2018: Presenter, Roanoke City Public Schools, Roanoke, Virginia. Along with federal and local law enforcement members and community leaders, I spoke about the effects of opioids on local communities. I have no notes, transcript, or recording. The address for Roanoke City Public Schools is 40 Douglass Avenue, Northwest, Roanoke, Virginia 24012.

January 22, 2018: Presenter, Roanoke County Public Schools, Roanoke, Virginia. Along with federal and local law enforcement members and community leaders, I spoke about the effects of opioids on local communities. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

January 18, 2018: Presenter, Roanoke County Public Schools, Roanoke, Virginia. Along with federal and local law enforcement members and community leaders, I spoke about the effects of opioids on local communities. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

January 8 – 11, 2018: Instructor, National Trial Advocacy Institute, Virginia CLE, Charlottesville, Virginia. I instructed students about examining and cross-examining witnesses and developing trial advocacy skills, and I presided over mock jury trials and critiqued the students at the conclusion of the trials. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

January 6, 2018: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

December 6, 2017: Panelist, “Trying Cases in the Western District of Virginia,” Virginia CLE, Roanoke, Virginia. I provided practice pointers for lawyers practicing in the Western District of Virginia. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

December 4, 2017: Presenter, Roanoke County Public Schools, Roanoke, Virginia. Along with federal and local law enforcement members and community leaders, I spoke about the effects of opioids on local communities. I have no

notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

November 13, 2017: Presenter, Roanoke County Public Schools, Roanoke, Virginia. Along with federal and local law enforcement members and community leaders, I spoke about the effects of opioids on local communities. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

October 26, 2017: Presenter, HopeTree Academy, Salem, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

October 23, 2017: Panelist, “The Practice of Law & Technology in Virginia: A Survey of Virginia’s Legal Ethics Opinions and the Rules of Professional Conduct,” Ted Dalton American Inn of Court, Roanoke, Virginia. Materials supplied.

September 1, 2017: Presenter, “Naturalization and The Constitution,” Daughters of the American Revolution—Roanoke Chapter, Roanoke, Virginia. Notes supplied.

July 13, 2017: Presenter, Professionalism Program, Virginia State Bar, Roanoke, Virginia. Notes supplied.

July 11, 2017: Presenter, “Federal Veterans Treatment Courts, Pitfalls and Successes,” National Association of Drug Court Professionals, National Harbor, Maryland. Materials supplied.

June 21, 2017: Presenter, Prevention Council Retreat, Court Appointed Special Advocates (CASA), Vinton, Virginia. I spoke about substance abuse issues among youth. I have no notes, transcript, or recording. The address for the Prevention Council of Roanoke is 5937 Cove Road, Roanoke, Virginia 24019.

June 17, 2017: Panelist, “Expert Witness Best Practices,” Virginia State Bar, Virginia Beach, Virginia. The panel addressed common issues in federal court regarding the use of experts in civil cases. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

May 20, 2017: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

May 12, 2017: Panelist, “Expert Witness Issues,” Virginia Association of Defense Attorneys, Staunton, Virginia. The panel addressed recent developments under

state and federal law regarding the admissibility of expert evidence. I have no notes, transcript, or recording. The address for the Virginia Association of Defense Attorneys is 1915 Huguenot Road, Suite 301, Richmond, Virginia 23235.

May 11, 2017: Presenter, Roanoke City Public Schools, Roanoke, Virginia. Along with federal and local law enforcement members and community leaders, I spoke about the effects of opioids on local communities. I have no notes, transcript, or recording. The address for Roanoke City Public Schools is 40 Douglass Avenue, Northwest, Roanoke, Virginia 24012.

May 8, 2017: Presenter, Roanoke City Public Schools, Roanoke, Virginia. Along with federal and local law enforcement members and community leaders, I spoke about the effects of opioids on local communities. I have no notes, transcript, or recording. The address for Roanoke City Public Schools is 40 Douglass Avenue, Northwest, Roanoke, Virginia 24012.

April 27, 2017: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I guided a discussion about the Fourteenth Amendment with students in an AP Government class. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24109.

April 19, 2017: Presenter, "CSO of the Year Award to Franklin 'Frank' Eugene Neice," Walden Security, Roanoke, Virginia. Materials supplied.

April 12, 2017: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I helped teach an introductory class about the Fourteenth Amendment. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

April 7, 2017: Panelist, "Obtaining Expert and Other Litigation Support Services," Frank Dunham Federal Criminal Defense Conference, Federal Public Defender's Offices for the Eastern & Western Districts of Virginia, Charlottesville, Virginia. The panel discussed the availability of experts and other service providers to help Criminal Justice Act attorneys litigate their cases. I have no notes, transcript, or recording. The address for the Federal Public Defender's Office for the Eastern District of Virginia is 1650 King Street, Suite 500, Alexandria, Virginia 22314. The address for the Federal Public Defender's Office for the Western District of Virginia is 210 First Street, Southwest, Suite 400, Roanoke, Virginia 24011.

April 4, 2017: Presenter, "Mediations," Washington & Lee University School of Law, Lexington, Virginia. I presided over a mock mediation for a Local Government Law class. I have no notes, transcript, or recording. The address for the Washington & Lee University School of Law is 1 Denny Circle, Lexington, Virginia 24450.

March 18, 2017: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

March 8, 2017: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I helped teach an introductory class about the Fourteenth Amendment. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

February 9, 2017: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I helped teach an introductory class about the Fourteenth Amendment. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

January 9 – 12, 2017: Instructor, National Trial Advocacy Institute, Virginia CLE, Charlottesville, Virginia. I instructed students about examining and cross-examining witnesses and developing trial advocacy skills, and I presided over mock jury trials and critiqued the students at the conclusion of the trials. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

December 1, 2016: Panelist, “Mediation,” Federal Bar Association—Western District of Virginia Chapter, Roanoke, Virginia. Materials supplied.

October 28, 2016: Presenter, HopeTree Academy, Salem, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

May 21, 2016: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

April 27, 2016: Presenter, Galax City Public Schools, Galax, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

April 12, 2016: Guest Lecturer, “Mock Trial,” Washington & Lee University School of Law, Lexington, Virginia. I presided over a mock trial for a Trial Advocacy class. I have no notes, transcript, or recording. The address for the Washington & Lee University School of Law is 1 Denny Circle, Lexington, Virginia 24450.

April 12, 2016: Guest Lecturer, “Mediations,” Washington & Lee University School of Law, Lexington, Virginia. I presided over a mock mediation for a Local Government Law class. I have no notes, transcript, or recording. The address for the Washington & Lee University School of Law is 1 Denny Circle, Lexington,

Virginia 24450.

April 12, 2016: Presenter, Salem City Public Schools, Salem, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

March 25, 2016: Presenter, Roanoke City Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

March 24, 2016: Presenter, Roanoke City Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

March 23, 2016: Presenter, Roanoke City Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

March 22, 2016: Presenter, Roanoke City Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

March 21, 2016: Presenter, Roanoke City Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

February 11, 2016: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

February 10, 2016: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

February 9, 2016: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

January 27, 2016: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

January 26, 2016: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

January 25, 2016: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

January 13 – 14, 2016: Instructor, National Trial Advocacy Institute, Virginia CLE, Charlottesville, Virginia. I presided over mock jury trials and critiqued the students at the conclusion of the trials. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

December 1, 2015: Panelist, “Trying Cases in the Western District of Virginia,” Virginia CLE, Roanoke, Virginia. I provided practice pointers for lawyers practicing in the Western District of Virginia. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

October 30, 2015: Presenter, HopeTree Academy, Salem, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

October 22, 2015: Presenter, “Changes to the Federal Rules of Civil Procedure,” Federal Bar Association—Western District of Virginia Chapter, Roanoke, Virginia. Materials supplied.

June 3, 2015: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

June 1, 2015: Presenter, Roanoke County Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

May 1, 2015: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I guided a discussion about the Magna Carta with students in an AP Government class. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24109.

February 26, 2015: Presenter, Professionalism Course, Virginia State Bar, Lexington, Virginia. Notes supplied.

January 28, 2015: Panelist, “Tips from the Bench,” Virginia CLE, Charlottesville, Virginia. I provided practice pointers to new lawyers. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

January 7 – 8, 2015: Instructor, National Trial Advocacy Institute, Virginia CLE,

Charlottesville, Virginia. I presided over mock jury trials and critiqued the students at the conclusion of the trials. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

November 13, 2014: Panelist, “Practice and Procedure in the Western District of Virginia,” Federal Bar Association—Western District of Virginia Chapter, Roanoke, Virginia. I provided practice pointers to lawyers practicing in the Western District of Virginia. I have no notes, transcript, or recording. The Federal Bar Association—Western District of Virginia Chapter has no physical address.

November 12, 2014: Panelist, “Tips from the Bench,” Virginia CLE, Charlottesville, Virginia. I provided practice pointers to new lawyers. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

October 2, 2014: Panelist, “Judicial Externships,” Washington & Lee University School of Law, Lexington, Virginia. I spoke to third-year law students serving in externships about expectations for judicial externs in chambers. I have no notes, transcript, or recording. The address for the Washington & Lee University School of Law is 1 Denny Circle, Lexington, Virginia 24450.

September 18, 2014: Panelist, “Mediation Ethics,” Virginia State Bar—Construction Law & Public Contracts Section, Roanoke, Virginia. I spoke about ethical issues in mediation, particularly in the context of construction and public contracts cases. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

August 7, 2014: Panelist, “Virginia DUI Drug Treatment Court Training: Advancing Recovery & Solutions,” Virginia Department of Motor Vehicles—Highway Safety Office, Roanoke, Virginia. The panel discussed the Western District of Virginia’s veterans treatment court. I have no notes, transcript, or recording. The address for the Virginia Department of Motor Vehicles—Highway Safety Office is 5220 Valley Park Drive, Roanoke, Virginia 24019.

May 26, 2014: Presenter, Memorial Day Celebration, Roanoke Valley Veteran’s Council, Roanoke, Virginia. Notes supplied.

May 5, 2014: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I guided a discussion about American democracy and the rule of law with students in an AP Government class. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24109.

April 11, 2014: Presenter, Law Day, Roanoke County Public Schools, Roanoke,

Virginia. I helped teach an introductory class about American democracy and the rule of law. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

March 4, 2014: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I helped teach an introductory class about American democracy and the rule of law. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

February 23, 2014: Presenter, “Do Your Best,” Boy Scouts of America—Local Cub Scout Pack, Roanoke, Virginia. I spoke about the Cub Scout motto of “Do Your Best.” I have no notes, transcript, or recording. The local Cub Scout pack that sponsored this event no longer exists.

February 21, 2014: Presenter, “Mediation Tips,” Roanoke Bar Association Bench-Bar Conference, Roanoke, Virginia. Materials supplied.

February 17, 2014: Presenter, “Constitutional Rights,” Boy Scouts of America—Troop 221, Roanoke, Virginia. I spoke about rights afforded individuals under the Bill of Rights. I have no notes, transcript, or recording. Troop 221 has no physical address.

February 11, 2014: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. I helped to teach an introductory class about American democracy and the rule of law. I have no notes, transcript, or recording. The address for Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

November 12, 2013: Presenter, “Relationships with the Bench,” Virginia State Bar, Charlottesville, Virginia. I spoke about professionalism issues associated with the relationship between a practicing attorney and the court. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

November 8, 2013: Panelist, “The Complete Law of E-Discovery (Abridged) in 50 Minutes or Less,” Virginia State Bar—Construction Law & Public Contracts Section, Charlottesville, Virginia. The panel discussed electronic discovery issues in federal court. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

October 31, 2013: Presenter, Professionalism Program, Virginia State Bar, Roanoke, Virginia. I spoke about professionalism in the legal field. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

October 24, 2013: Presenter, “How Bad Things Happen to Good Defense Attorneys: Perspectives from the Bench and Plaintiffs’ Bar,” Virginia Association of Defense Attorneys, Roanoke, Virginia. The panel discussed ethical and professionalism issues that sometimes arise in litigation. I have no notes, transcript, or recording. The address for the Virginia Association of Defense Attorneys is 1915 Huguenot Road, Suite 301, Richmond, Virginia 23235.

October 22, 2013: Guest Lecturer: “Electronic Discovery in Complex Litigation,” University of Virginia School of Law, Charlottesville, Virginia. I spoke to students in a Complex Litigation seminar about managing discovery and electronic discovery issues in complex litigation cases. I have no notes, transcript, or recording. The address for the University of Virginia School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

October 21, 2013: Panelist, “Backpack to Briefcase,” Virginia CLE, Lexington, Virginia. I provided practice pointers to new lawyers. I have no notes, transcript, or recording. The address for Virginia CLE is 105 Whitewood Road, Charlottesville, Virginia 22901.

May 3, 2013: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. Along with federal prosecutors, defense attorneys, and law enforcement, I led a mock criminal case from investigation through indictment, trial, and appeal. I have no notes, transcript, or recording. The address for the Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

April 18, 2013: Presenter, “Advocacy in Mediation,” Virginia Women Attorneys Association, Roanoke, Virginia. Materials supplied.

March 18, 2013: Presenter, “Everything You Ever Wanted to Know About Electronic Discovery in 50 Minutes,” Ted Dalton Inn of Court, Salem, Virginia, Virginia. I spoke about electronic discovery issues in federal court cases. I have no notes, transcript, or recording. The Ted Dalton Inn of Court does not have a physical address.

March 7, 2013: Presenter, Roanoke City Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

February 22, 2013: Presenter, Roanoke City Public Schools, Roanoke, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

February 20, 2013: Presenter, Professionalism Program, Virginia State Bar, Lexington, Virginia. I spoke about practicing law with professionalism. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

January 31, 2013: Presenter, “Federal Drug Facts,” Center for Community Learning, Martinsville, Virginia. I used the same video clips as those supplied in connection with the February 8, 2020 presentation listed above.

November 3, 2012: Panelist, “Mock Trial Examination and Cross-Examination of a Critical Path Expert,” Virginia State Bar, Charlottesville, Virginia. I presided over a mock trial presentation and led a discussion about the examination and cross-examination of an expert in a construction case. I have no notes, transcript, or recording. The address for the Virginia State Bar is 111 East Main Street, Suite 700, Richmond, Virginia 23219.

May 1, 2012: Presenter, Law Day, Roanoke County Public Schools, Roanoke, Virginia. Along with federal prosecutors, defense attorneys, and law enforcement, I led a mock criminal case from investigation through indictment, trial, and appeal. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Roanoke County Public Schools is 5937 Cove Road, Roanoke, Virginia 24019.

February 29, 2012: Presenter, Professionalism Course, Virginia State Bar, Lexington, Virginia. I spoke about practicing law with professionalism. I have no notes, transcript, or recording. The address for the Virginia State Bar is 1111 East Main Street, Suite 700, Richmond, Virginia 23219.

- 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.

Gary C. Hancock, *Judge Glen E. Conrad: A Remembrance by Gary C. Hancock, Esquire*, Senior Lawyer News (Spring 2022). Copy supplied.

Todd C. Peppers, *Remembering Judge Conrad*, Roanoke Bar Review (Sept. 2021). Copy supplied.

Jeff Sturgeon, *Federal Court Goes Virtual, Wheels Of Justice Turn Through Pandemic*, Roanoke Times (Mar. 26, 2021) (reprinted in multiple sources). Copy supplied.

Luanne Rife, *Coalition Offers Guide To Combat Addictions*, Roanoke Times (Sept. 10, 2020). Copy supplied.

Christopher S. Dadak, *Views from the Mediator: Judge Robert S. Ballou*, Roanoke Bar Review (Mar. 2019). Copy supplied.

Lindsey Ward, *Court Security Officer Recognized For Saving Lives In Pulaski*

County, WSLN 10 (Apr. 19, 2017). Copy supplied.

Justin Simmons, *Views from the Bench: U.S. Magistrate Judge Robert S. Ballou*, Roanoke Bar Review (Dec. 2013). Copy supplied.

Amanda Codispoti, *Judges Take Courtroom To Classroom To Help Teens*, Roanoke Times (Feb. 11, 2012). Copy supplied.

Joe Dashiell, *Outreach Program Helping Veterans In Trouble With The Law*, WDBJ-TV (Dec. 13, 2011). Copy supplied.

Laurence Hammack, *Robert Ballou Named To Magistrate's Post*, Roanoke Times (Sept. 21, 2011). Copy supplied.

Mike Allen, *Companies, Woman Settle Case Of Oil Pumped Into*, Roanoke Times (Mar. 14, 2008). Copy supplied.

Jen McCaffery, *Lawsuit Seeks To Make Va. Lottery More Accessible*, Roanoke Times (Aug. 13, 2005). Copy supplied.

Laurence Hammack, *Jury Rules Against Eatery For \$110,000*, Roanoke Times (Sept. 2, 2004). Copy supplied.

Tad Dickens, *Judge Ballou Demanded Excellence: Ernest Ballou 1921 – 2004*, Roanoke Times (Jan. 7, 2004). Copy supplied.

Laurence Hammack, *Jury: NS Must Pay Machinist \$1.5 Million; 'This Guy Is In A Lot Of Pain,'* Roanoke Times (Mar. 12, 1999). Copy supplied.

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

Since 2011, I have served as a United States Magistrate Judge for the United States District Court for the Western District of Virginia. I was selected for that position by the judges of the Western District of Virginia, and I am currently serving an eight-year renewable term. The district court is an Article III court of general jurisdiction. The jurisdiction of United States Magistrate Judges is governed by 28 U.S.C. § 636. I sit primarily in the Danville, Lynchburg, and Roanoke Divisions and handle preliminary criminal matters and misdemeanor offenses that occur on federal property. My civil docket consists of non-dispositive and dispositive motions on referral from the district court, mediations, and social security appeals. I also preside over civil cases upon the consent of the parties.

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

As a United States Magistrate Judge, I have presided over approximately 300 trials that have gone to verdict or judgment. Eight were civil jury trials, three were civil bench trials, and the remainder involved misdemeanor criminal offenses.

i. Of these cases, approximately what percent were:

jury trials:	5%
bench trials:	95%

ii. Of these cases, approximately what percent were:

civil proceedings:	5%
criminal proceedings:	95%

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

See attached list of opinions.

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. *Edwards v. Long*, No. 4:19-cv-22, Dkt. 81 (W.D. Va. Aug. 27, 2021) (copy supplied)

This personal injury action arose out of a motor vehicle accident and was before me by consent of the parties. During the discovery process, the defendant moved to exclude the proposed testimony of an insurance agent at trial. I granted the motion, concluding that the evidence was inadmissible. Following a two-day jury trial over which I presided, the jury found in favor of the defendant on all claims.

Counsel for Plaintiff:
Edward Lefebvre Allen
David M. Sturm
Allen, Allen, Allen & Allen
1809 Staples Mill Road
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(540) 786-9373

Counsel for Defendant:
Joseph Anthony Piasta
Johnson, Ayers & Matthews PLC

310 First Street, Southwest, Suite 700
Roanoke, VA 24011
(540) 767-2071

2. *Dale v. Va. CVS Pharm., LLC*, No. 7:19-cv-578, 2021 WL 129820 (W.D. Va. Jan. 13, 2021)

In this personal injury action, the plaintiff alleged that an unsafe condition existed on the defendant's premises, causing her to fall and sustain injuries. The case was before me by consent of the parties. Following meaningful discovery, the defendant moved for summary judgment, and I granted the motion, concluding that the plaintiff had failed to establish that an unsafe condition existed on the defendant's premises, and, in any event, that the plaintiff's contributory negligence barred her recovery. The plaintiff did not appeal my decision.

Counsel for Plaintiff:

John Saul Edwards
Edwards Law Office
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Roanoke, VA 24006
(540) 985-8625

Counsel for Defendant:

Carlyle R. Wimbish, III
Michelle Lyn Rowling Warden
Wimbish Gentile McCray & Roeber PLLC
8730 Stony Point Parkway, Suite 201
Richmond, VA 23235
(804) 655-4830

3. *Smith v. Parker*, No. 7:19-cv-410, 2020 WL 2840160 (W.D. Va. June 1, 2020) (ruling on motions to dismiss); 2020 WL 6063064 (W.D. Va. Oct. 14, 2020) (ruling on motion for summary judgment), *aff'd*, No. 20-7624, 2021 WL 5789895 (4th Cir. Dec. 7, 2021) (per curiam) (Niemeyer, Harris, Traxler, JJ.)

The plaintiff, a Virginia inmate, brought this 42 U.S.C. § 1983 action alleging that various prison officials failed to protect him from an attack by another inmate, unlawfully used force against him, and were subject to supervisory liability. The case was before me by consent of the parties. I granted the defendants' motion to dismiss the supervisory liability claim, but denied the motions to dismiss the failure to protect and excessive force claims, concluding that the plaintiff had pleaded sufficient facts to state those claims. Following significant discovery, the defendants moved for summary judgment on the failure to protect and excessive force claims. I granted the defendants' motion as to both claims. The plaintiff appealed, and the Fourth Circuit unanimously affirmed my decision.

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendant:

Joseph Anthony Piasta
Johnson, Ayers & Matthews PLC
310 First Street, Southwest, Suite 700
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(540) 767-2071

4. *Byerly v. Va. Polytechnic Inst. & State Univ.*, No. 7:18-cv-16, 2019 WL 1370873 (W.D. Va. Mar. 25, 2019) (ruling on first motion to dismiss); 2019 WL 6684523 (W.D. Va. Dec. 6, 2019) (ruling on second motion to dismiss)

This 42 U.S.C. § 1983 case alleged that academic discipline imposed by the defendants on the plaintiff violated his due process rights under the Fourteenth Amendment. Specifically, the plaintiff received a failing grade on a final exam after another student anonymously accused him of cheating, and he claimed that the defendants denied him due process in the following student misconduct proceeding by withholding from him the identity of the student who accused him of cheating. The case was before me by consent of the parties. The defendants moved to dismiss, and I granted the motion with leave to amend, concluding that the defendant university was immune from suit as a state agency under the Eleventh Amendment and that the plaintiff failed to allege a constitutionally protected property or liberty interest. The plaintiff filed an amended complaint, and the defendants again moved to dismiss. I granted the defendants' second motion, holding that the plaintiff still failed to allege a constitutionally protected property or liberty interest. The plaintiff did not appeal.

Counsel for Plaintiff:

Robert Edwin Dean, II
Rob Dean Law
401 Campbell Avenue, Suite 302
Roanoke, VA 24016
(540) 585-1776

Counsel for Defendants:

Kay Kurtz Heidbreder
Kristina Julia Hartman
Marvin Hudson McClanahan
Stephen Frederick Capaldo
Virginia Polytechnic Institute & State University
327 Burruss Hall (0121)
Blacksburg, VA 24061
(540) 231-6293

5. *W. World Ins. Co. v. Air Tech, Inc.*, No. 7:17-cv-518, 2019 WL 1434666 (W.D. Va. Mar. 29, 2019)

The plaintiff insurer filed this commercial insurance coverage case seeking a declaration that it had no duty to defend or indemnify the defendant insured in a pending state court action. The case was before me by consent of the parties. The parties filed cross-motions for summary judgment. I granted summary judgment to the plaintiff, concluding that it had no duty to defend or indemnify the defendant. The plaintiff did not appeal my decision.

Counsel for Plaintiff:

Diane Updegraff Montgomery
Robert Tayloe Ross
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Counsel for Defendant:

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CowanPerry PC
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Eric Daniel Chapman
Community Housing Partners
448 Depot Street, Northeast
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(540) 299-5474

6. *Carroll v. Salon Del Sol, Inc.*, No. 7:15-cv-497, 2016 WL 7480423 (W.D. Va. Dec. 29, 2016) (ruling on motion for summary judgment); 2017 WL 9288128 (W.D. Va. Feb. 14, 2017) (ruling on motions *in limine*)

The plaintiff, a Caucasian female, filed this race discrimination case against her employer, alleging claims for hostile work environment and retaliation. Specifically, the plaintiff alleged that she was harassed and subjected to offensive racial remarks made by her manager, a Black woman, and then fired in retaliation for reporting the discrimination. The case was before me by consent of the parties. The defendant moved for summary judgment on all of the plaintiff's claims. I granted the defendant's motion as to the plaintiff's hostile work environment claim, but denied the motion as to her retaliation claim. Thereafter, I ruled on various motions *in limine* and other pre-trial motions. Following a two-day jury

trial over which I presided, the jury returned a verdict for the defendant on the plaintiff's retaliation claim. The plaintiff did not appeal.

Counsel for Plaintiff:

Brittany Michelle Haddox
Strelka Employment Law
Warehouse Row
119 Norfolk Avenue, Southwest, Suite 330
Roanoke, VA 24011
(540) 283-0802

Terry Neill Grimes
Terry N. Grimes, Esq., P.C.
Franklin Commons
320 Elm Avenue, Southwest
Roanoke, VA 24016
(540) 982-3711

Counsel for Defendant:

Nichole Buck Vanderslice
Law Office of Nichole Buck Vanderslice
9019 Forest Hill Avenue, Suite 2C
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(804) 272-2920

7. *Harris v. Sutphin*, No. 7:14-cv-378, Dkt. 42 (W.D. Va. May 5, 2015) (copy supplied); 644 F. App'x 277 (4th Cir. 2016) (Wilkinson, Gregory, Keenan, JJ)

This personal injury action arose out of a motor vehicle accident and was before me by consent of the parties. The plaintiff alleged that the defendant negligently operated her vehicle by driving too fast on a wet road, losing control of her vehicle, crossing the median, colliding with the plaintiff's vehicle, and causing her to suffer significant injuries. The plaintiff moved for partial summary judgment on the issue of negligence. I denied the motion, concluding that the plaintiff had not proven negligence as a matter of law, and that the defendant's negligence was a question for the jury. I also ruled on various other key motions, including granting the defendant's motion to exclude the plaintiff's expert testimony on loss of future earnings and granting the plaintiff's motion *in limine* to preclude testimony regarding a prior automobile accident. Following a one-day jury trial over which I presided, the jury returned a verdict for the defendant. The plaintiff appealed, arguing that I erroneously denied her motions for judgment as a matter of law, and that my jury instructions were inadequate. The Fourth Circuit affirmed my rulings across the board.

Counsel for Plaintiff:

Charles Roscoe Beller, III
James W. Shortt & Associates, P.C.
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James Joseph O’Keeffe, IV
Michie Hamlett
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Roanoke, VA 24011
(540) 491-0634

James William Shortt
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Floyd, VA 24091
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Counsel for Defendant:

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Roanoke, VA 24011
(540) 767-2070

8. *United States v. Riffel*, No. 7:14-cr-4 (W.D. Va.)

This case involved a two-count misdemeanor information charging the defendant, a nurse at the Salem Veterans Administration Medical Center, with obtaining individual health information in violation of the Health Insurance Portability and Accountability Act (HIPAA). The case was tried before me by consent of the parties. Following a three-day bench trial, I found the defendant not guilty and entered a judgment of acquittal on both counts.

Counsel for Government:

C. Patrick Hogeboom, III
(deceased)

Counsel for Defendant:

David J. Damico
David J. Damico Law Firm
313 Campbell Avenue, Southwest
Roanoke, VA 24016
(540) 343-0888

Raphael Ellis Ferris
Ferris & Eakin, PC
22 Luck Avenue, Southwest
Roanoke, VA 24011
(540) 344-3233

9. *McAirlaids, Inc. v. Kimberly-Clark Corp.*, No. 7:13-cv-193 (W.D. Va.)

I managed the discovery and sealing issues in this complicated patent infringement case, and ultimately conducted a mediation that resulted in settlement of the matter. The plaintiff, McAirlaids, Inc., alleged that the defendant, Kimberly-Clark Corp., infringed its patented “fiber fusion” process used in making cellulose-based absorbent pads. United States District Judge Samuel Wilson referred all non-dispositive motions to me, and I entered several decisions during the discovery process. For example, I entered an order denying the plaintiff’s request to share confidential information under an agreed protective order with its in-house competitive decision-makers. 299 F.R.D. 498 (W.D. Va. 2014). I also issued a decision applying the joint defense, common interest, and attorney client privileges to various materials. 2014 WL 12782814 (W.D. Va. Sept. 26, 2014). Additionally, I entered a decision analyzing various motions to compel and protective orders. 2014 WL 12782815 (W.D. Va. Oct. 29, 2014). Thereafter, the case was transferred to United States District Judge Michael F. Urbanski, who then referred the matter to me for mediation. Following a multi-day mediation over which I presided, the parties successfully settled the case.

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10. *In re Extradition of Nezirovic*, No. 7:12-mc-39 (W.D. Va.)

This action involved the extradition of an alleged war criminal to Bosnia. The United States initiated extradition proceedings against Mr. Nezirovic on Bosnia's behalf under a treaty between the United States and the Kingdom of Serbia to answer charges for war crimes against civilians. Mr. Nezirovic requested bond during the pendency of the extradition proceedings. After an evidentiary hearing, I denied the bond request. 2012 WL 582945 (W.D. Va. Nov. 19, 2012). Thereafter, I considered the standards for extradition of a fugitive from the United States to Bosnia, certified Mr. Nezirovic as subject to extradition under 18 U.S.C. § 3184, and denied his request to reconsider his application for bond. 2013 WL 5202420 (W.D. Va. Sept. 16, 2013). Mr. Nezirovic then filed a habeas corpus petition under 28 U.S.C. § 2241 and sought release on bond during the pendency of his habeas action. United States District Judge Michael F. Urbanski denied Mr. Nezirovic's bond request, 990 F. Supp. 2d 594 (W.D. Va. 2013), and his habeas petition, 990 F. Supp. 2d 606 (W.D. Va. 2014), and the Fourth Circuit affirmed, 779 F.3d 233 (4th Cir. 2015) (Traxler, Keenan, Thacker, JJ.). Mr. Nezirovic was later extradited to Bosnia.

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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. *Mountain Valley Pipeline, LLC v. 3.70 Acres of Land*, No. 7:19-cv-00180, Dkt. 34 (W.D. Va. Mar. 26, 2020) (copy supplied)

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2. *Pa. Nat'l Mut. Cas. Ins. Co. v. Newman*, No. 7:18-cv-00469, 2020 WL 1539290 (W.D. Va. Mar. 31, 2020)

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3. *Al-Aromah v. Tomaszewicz*, No. 7:19-cv-294, 2019 WL 4306970 (W.D. Va. Sept. 11, 2019)

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4. *United States v. Rivera*, No. 7:15-cr-101, 2018 WL 6625080 (W.D. Va. Dec. 18, 2018)

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5. *Jones v. Va. Polytechnic Inst. & State Univ.*, No. 7:17-cv-531, 2018 WL 4604563 (W.D. Va. Sept. 25, 2018)

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6. *Wyatt v. Owens*, No. 7:14-cv-492, 2018 WL 10613184 (W.D. Va. Jan. 23, 2018)

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7. *Lonewolf v. Garrett*, No. 7:13-cv-00519, 2017 WL 1194717 (W.D. Va. Mar. 30, 2017)

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8. *Ga.-Pac., LLC v. W. Exp., Inc.*, No. 7:13-cv-332, 2015 WL 5098220 (W.D. Va. Aug. 31, 2015)

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9. *Hanwha Azdel, Inc. v. C&D Zodiac, Inc.*, No. 6:12-cv-23, Dkt. 275 (W.D. Va. Feb. 18, 2015) (copy supplied)

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10. *Plunkett v. Crossroads of Lynchburg, Inc.*, No. 6:14-cv-28, 2015 WL 82935
(W.D. Va. Jan. 7, 2015)

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

To the best of my knowledge, certiorari has not been requested or granted in any of my cases.

- 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.

During my more than a decade of service as a United States Magistrate Judge, I have issued over 750 opinions and thousands of orders. To the best of my knowledge, I have only been reversed or affirmed with significant criticism of my substantive or procedural rulings in the following cases.

Tecarlo B. v. Kijakazi, No. 7:20-cv-473, Dkt. 21 (W.D. Va. Nov. 29, 2021) (copy supplied), *R&R rejected*, 2022 WL 36166 (W.D. Va. Jan. 4, 2022) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the administrative law judge (ALJ) denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to adequately explain how he weighed the medical opinions in the record and that

his assessment of the plaintiff's residual functional capacity was not supported by substantial evidence.

Sam D. v. Saul, No. 6:19-cv-72, Dkt. 23 (W.D. Va. Feb. 10, 2021) (copy supplied), *R&R rejected*, 2021 WL 1167285 (W.D. Va. Mar. 26, 2021) (Moon, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to properly explain the weight he gave to the opinion of the plaintiff's treating doctor.

Redd v. Saul, No. 7:19-cv-672, Dkt. 22 (W.D. Va. Feb. 4, 2021) (copy supplied), *R&R rejected*, 2021 WL 1554888 (W.D. Va. Apr. 20, 2021) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to properly consider certain of the plaintiff's evidence.

Paul B. v. Kijakazi, No. 6:20-cv-78, Dkt. 18 (W.D. Va. Dec. 8, 2021) (copy supplied), *R&R rejected*, 2022 WL 989242 (W.D. Va. Mar. 31, 2022) (Moon, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to adequately explain how he assessed the treating physician opinion, did not provide a function-by-function analysis, and improperly discredited the plaintiff's subjective testimony.

Booker v. City of Lynchburg, No. 6:20-cv-11, 2020 WL 8513807 (W.D. Va. Nov. 12, 2020), *R&R adopted in part and rejected in part*, 2021 WL 519905 (W.D. Va. Feb. 11, 2021) (Moon, J.). In this 42 U.S.C. § 1983 case, I recommended granting the plaintiff's motion for leave to file an amended complaint to allege *Monell* claims for excessive force based on an expressly adopted official policy, a longstanding practice or custom, ratification, and failure to train. The district court largely agreed with my recommendation, except that it concluded amending the complaint to assert *Monell* claims based on an expressly adopted official policy or ratification would be futile.

Dawn M. v. Kijakazi, No. 6:20-cv-36, Dkt. 22 (W.D. Va. Aug. 5, 2021) (copy supplied), *R&R rejected*, 2022 WL 989241 (W.D. Va. Mar. 31, 2022) (Moon, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ did not properly assess the treating physician's opinion.

Jerry V. v. Saul, No. 7:19-cv-00238, Dkt. 17 (W.D. Va. Aug. 17, 2020) (copy supplied), *R&R rejected*, 2020 WL 6087953 (W.D. Va. Oct. 15, 2020) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected

that recommendation, finding that the ALJ had not properly evaluated the plaintiff's allegations.

Pamela C. v. Saul, No. 7:19-cv-72, Dkt. 24 (W.D. Va. Aug. 4, 2020) (copy supplied), *R&R rejected*, 2020 WL 6375167 (W.D. Va. Oct. 30, 2020) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ's assessment of the plaintiff's mental impairments was not supported by substantial evidence.

George C. o/b/o J.C. v. Saul, No. 7:19-cv-77, Dkt. 26 (W.D. Va. July 28, 2020) (copy supplied), *R&R rejected*, 2020 WL 5637965 (W.D. Va. Sept. 21, 2020) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ did not adequately explain why she gave limited weight to the findings of the consultative examiners and failed to discuss certain objective test results.

Dwayne L.S. v. Saul, No. 7:18-cv-573, Dkt. 22 (W.D. Va. Feb. 26, 2020) (copy supplied), *R&R rejected*, 2020 WL 1539289 (W.D. Va. Mar. 31, 2020) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that certain of the plaintiff's evidence should have been but was not considered below.

Timothy S. v. Saul, No. 7:19-cv-29, Dkt. 20 (W.D. Va. Feb. 27, 2020) (copy supplied), *R&R rejected*, 2020 WL 1443200 (W.D. Va. Mar. 24, 2020) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ's assessment of the plaintiff's mental health issues and residual functional capacity was not supported by substantial evidence.

Sharon B. v. Saul, No. 7:19-cv-59, Dkt. 20 (W.D. Va. Feb. 24, 2020) (copy supplied), *R&R rejected*, 2020 WL 1665316 (W.D. Va. Apr. 3, 2020) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to adequately explain why he did not adopt the medical opinion regarding the plaintiff's residual functional capacity issued by the doctor who performed a consultative physical exam.

Linda H. o/b/o K.S. v. Saul, No. 7:18-cv-632, Dkt. 21 (W.D. Va. Feb. 6, 2020) (copy supplied), *R&R rejected*, 2020 WL 1450573 (W.D. Va. Mar. 20, 2020) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district

court rejected that recommendation, finding that the ALJ failed to properly evaluate certain of the plaintiff's limitations.

Bradley H. v. Comm'r, No. 7:18-cv-380, Dkt. 20 (W.D. Va. Feb. 6, 2020) (copy supplied), *R&R rejected*, 2020 WL 1289538 (W.D. Va. Mar. 18, 2020) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to adequately address whether the plaintiff would need special assistance or supervision to work.

Easter v. Contech Constr. Prod., Inc., No. 7:14-cv-00568, Dkt. 117 (W.D. Va. Sept. 5, 2019) (copy supplied), *R&R adopted in part and rejected in part*, 2019 WL 4781880 (W.D. Va. Sept. 30, 2019) (Dillon, J.). I ruled that a business was not a successor in interest to a settlement agreement, but that if it were, the business could be held liable for the amounts owed. The district court agreed with my determination that the business was not a successor in interest, but found it unnecessary to rule on, and thus did not adopt, my other conclusion.

Billy H. v. Saul, No. 7:18-cv-171, Dkt. 25 (W.D. Va. Aug. 15, 2019) (copy supplied), *R&R rejected*, 2019 WL 4783116 (W.D. Va. Sept. 30, 2019) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to give adequate weight to the opinions of the consultative medical examiners and that its ruling on residual functional capacity was not supported by substantial evidence.

Carlos E. v. Saul, No. 7:18-cv-337, 2019 WL 4454513 (W.D. Va. June 25, 2019), *R&R rejected*, 2019 WL 4455991 (W.D. Va. Sept. 17, 2019) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to adequately explain how he assessed the plaintiff's subjective complaints and residual functional capacity.

Amy R. v. Saul, No. 7:18-cv-272, Dkt. 23 (W.D. Va. May 24, 2019) (copy supplied), *R&R rejected*, 2019 WL 4262514 (W.D. Va. Sept. 9, 2019) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that certain of the plaintiff's evidence should have but was not considered below.

Supinger v. Virginia, No. 6:15-cv-17, 2019 WL 1450530 (W.D. Va. Mar. 4, 2019), *R&R adopted as modified*, 2019 WL 1446988 (W.D. Va. Mar. 31, 2019) (Moon, J.). In this employment action, I recommended awarding the plaintiff attorneys' fees and costs. In calculating the applicable lodestar, I declined to consider the results in a companion case because it had been appealed to the Fourth Circuit. The district court adopted my recommendation, except that it

reduced my lodestar figure by 10% based on the results in the companion case, the appeal for which had by then been resolved.

Teresa W. v. Berryhill, No. 7:17-cv-430, Dkt. 19 (W.D. Va. Feb. 20, 2019) (copy supplied), *R&R rejected*, 2019 WL 1294649 (W.D. Va. Mar. 20, 2019) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to properly consider the opinion of the plaintiff's treating physician.

Zen42, LLC v. Wash. & Lee Univ., No. 6:17-cv-53, 2018 WL 10593818 (W.D. Va. Aug. 31, 2018), *R&R adopted in part*, 2018 WL 4625627 (W.D. Va. Sept. 26, 2018) (Moon, J.). This breach of contract case was referred to me for a report and recommendation on the amount of attorneys' fees, after the plaintiff accepted an offer of judgment, exclusive of such fees. I determined a reasonable hourly rate, reduced the hours billed both pre-litigation and post-litigation by 65%, and awarded the costs and expenses sought, except for reducing the amount claimed for experts. The district court adopted essentially all of my recommendation, except that it allowed the plaintiff to recover for 53 hours billed for pre-litigation work by plaintiff's counsel that I had excluded.

Vernon T. v. Berryhill, No. 7:17-cv-96, 2018 WL 4441787 (W.D. Va. Aug. 20, 2018), *R&R rejected*, 2018 WL 4431414 (W.D. Va. Sept. 17, 2018) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that certain of the plaintiff's evidence should have but was not considered below.

Tameisha M. o/b/o T.M. v. Berryhill, No. 7:17-cv-127, Dkt. 19 (W.D. Va. Aug. 8, 2018) (copy supplied), *R&R rejected*, 340 F. Supp. 3d 573 (W.D. Va. 2018) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ had failed to adequately explain his consideration of a questionnaire completed by the plaintiff's teacher showing limitations on attendance and completing tasks.

Littles v. Berryhill, No. 6:17-cv-43, Dkt. 19 (W.D. Va. June 12, 2018) (copy supplied), *R&R rejected*, 2018 U.S. Dist. LEXIS 162214 (W.D. Va. Sept. 21, 2018) (Moon, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that new evidence submitted by the plaintiff created a reasonable possibility that the outcome would have been different had it been presented to the ALJ.

Fears v. Berryhill, No. 6:16-cv-55, 2018 WL 1548907 (W.D. Va. Feb. 26, 2018), *R&R rejected*, 2018 WL 1547365 (W.D. Va. Mar. 29, 2018) (Moon, J.). In this

social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to properly consider the plaintiff's mental impairments in determining residual functional capacity.

Basham v. Jenks, No. 7:17-cv-202, 2018 WL 2172558 (W.D. Va. Jan. 3, 2018), *R&R adopted in part*, 2018 WL 2172786 (W.D. Va. May 10, 2018) (Urbanski, J.). In this breach of contract action, I recommended granting the defendant's motion for judgment on the pleadings and denying the plaintiff's motion for leave to amend as futile. The district court agreed with my recommended disposition and much of my analysis, but disagreed with my discussion of Virginia contribution law.

Altizer v. Colvin, No. 7:14-cv-432, Dkt. 19 (W.D. Va. Jan. 25, 2016) (copy supplied), *R&R rejected*, 2016 WL 1273493 (W.D. Va. Mar. 29, 2016) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding new evidence from the plaintiff's medical providers regarding his back treatment and diagnoses created a reasonable possibility that the outcome would have been different.

Perdue v. Colvin, No. 7:14-cv-173, Dkt. 24 (W.D. Va. Aug. 12, 2015) (copy supplied), *R&R rejected*, 2015 WL 5771813 (W.D. Va. Sept. 30, 2015) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ had not adequately accounted for the plaintiff's limitations in concentration, persistence, and pace in his hypothetical question to the vocational expert.

McGuire v. Colvin, No. 7:14-cv-258, Dkt. 22 (W.D. Va. Aug. 10, 2015) (copy supplied), *R&R rejected*, 131 F. Supp. 3d 559 (W.D. Va. 2015) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to provide a hypothetical question to the vocational expert that included the work-related limitations identified by the consultative psychologist and failed to adequately consider the plaintiff's subjective complaints of pain.

Harmon v. Colvin, No. 7:14-cv-303, Dkt. 17 (W.D. Va. Aug. 7, 2015) (copy supplied), *R&R rejected*, 2015 WL 5708934 (W.D. Va. Sept. 28, 2015) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that certain of the plaintiff's evidence should have been but was not considered below.

Rountree v. Clark, No. 7:11-cv-572, 2014 WL 4923964 (W.D. Va. Mar. 24, 2014), *R&R adopted in part*, 2014 WL 4923163 (W.D. Va. Sept. 30, 2014) (Conrad, J.). In this 42 U.S.C. § 1983 action, I recommended dismissing the plaintiff's complaint for failure to exhaust administrative remedies. The district court agreed that many of the plaintiff's claims should be dismissed for failure to exhaust, but concluded that certain of the other claims had been exhausted.

Gemaehlich v. Johnson, No. 7:12-cv-263, Dkt. 128 (W.D. Va. Sept. 12, 2013) (copy supplied), *rev'd*, Dkt. 138 (W.D. Va. Sept. 27, 2013) (Wilson, J.) (copy supplied). I granted the defendants' motion to compel the plaintiff to respond to an interrogatory about the dates he first consulted and hired an attorney, finding it potentially relevant and not privileged. The district court reversed, concluding that the burden of the proposed discovery, specifically the potential that it may lead to information protected by privilege, outweighed the benefit.

Robinson v. Colvin, No. 7:12-cv-272, Dkt. 21 (W.D. Va. Aug. 20, 2013) (copy supplied), *R&R rejected*, 2014 WL 1276507 (W.D. Va. Mar. 27, 2014) (Urbanski, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ had not adequately considered whether the plaintiff satisfied the relevant standard.

Blount v. Tate, No. 7:11-cv-91, 2012 WL 4341083 (W.D. Va. Aug. 24, 2012), *R&R adopted in part*, 2012 WL 434744 (W.D. Va. Sept. 21, 2012) (Conrad, J.). This 42 U.S.C. § 1983 excessive force case was referred to me on the defendants' motion for summary judgment. I recommended granting the motion as to all five defendants. The district court largely adopted my recommendation, except that it allowed the case to proceed to trial against two of the defendants.

Henley v. Comm'r., No. 7:11-cv-480, Dkt. 16 (W.D. Va. Oct. 31, 2012) (copy supplied), *R&R rejected*, Dkt. 18 (W.D. Va. Nov. 29, 2012) (Wilson, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ failed to account for certain of the plaintiff's functional limitations.

Wills v. Astrue, No. 6:11-cv-25, Dkt. 17 (W.D. Va. July 25, 2012) (copy supplied), *R&R rejected*, 2012 WL 4057238 (W.D. Va. Sept. 14, 2012) (Conrad, J.). In this social security disability appeal, I recommended affirming the decision of the ALJ denying disability benefits to the plaintiff. The district court rejected that recommendation, finding that the ALJ had not provided a proper hypothetical question to the vocational expert.

- 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 United States Magistrate Judge, I have issued over 750 opinions, the vast majority of which were unpublished, and thousands of orders. Many of my opinions are available on Westlaw or Lexis, and all of my opinions and orders are filed with the Western District of Virginia's electronic case filing system.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not authored any significant opinions on federal or state constitutional issues.

- 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 not 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.

The United States District Court for the Western District of Virginia maintains an automatic conflict checking system. I provide the clerk's office a list of individuals and entities in whose cases I would recuse, and I have regularly updated that list. When a conflict is identified, the clerk's office reassigns the matter to another judge. I have never recused myself *sua sponte* except pursuant to the procedure just described, and a litigant or attorney has sought my recusal just once. Specifically, a third-party defendant in *Collier v. Land & Sea Restaurant Co., LLC*, No. 7:13-cv-104 (W.D. Va.), moved for my recusal on the

ground that my former firm represented the lead defendant. I denied the motion because the district court referred the case to me more than two years after I joined the bench, and legal ethics opinions from the Administrative Office of the United States Courts made clear that I only needed to recuse from cases involving my former firm for my first two years as a judge. The third-party defendant did not appeal that ruling.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public office other than judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not held any memberships or offices in or rendered any services to any political party or election committee. I have not held a position or played a role in a political campaign.

16. Legal Career: Answer each part separately.

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

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

From 1987 to 1988, I served as a law clerk to the Honorable Peter H. Beer on the United States District Court for the Eastern District of Louisiana.

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

I have never practiced law alone.

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

of your affiliation with each;

1988 – 1991

Christian, Barton, Epps, Brent & Chappell (now Christian & Barton LLP)
901 East Cary Street, Suite 1800
Richmond, Virginia 23219
Associate

1992 – 2011

Johnson, Ayers & Matthews, PLC
310 First Street, Suite 700
Roanoke, Virginia 24011
Associate (1992 – 1996)
Member (1997 – 2011)

- 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.

Before becoming a United States Magistrate Judge, I served as a mediator for two construction matters.

The first case involved a contractor who filed suit against homeowners for failing to pay the contracted amount to build their home. The homeowners defended on the grounds that the contractor did not complete construction and that the work was defective. The matter did not settle during the one-day mediation over which I presided.

The second case involved a home renovation contract under which the contractor sought payment for work completed. The homeowner contended that the work was defective. The matter did not settle during the mediation over which I presided.

b. Describe:

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

In 1988, following my clerkship, I joined Christian, Barton, Epps, Brent & Chappell (now Christian & Barton LLP), a Richmond, Virginia law firm, as an associate. In that capacity, I worked on a wide variety of litigation matters, including insurance defense, products liability defense, commercial litigation, and minor traffic and other misdemeanor offenses. My experience included conducting discovery, taking depositions, trying bench trials as both first and second chair, and second chairing jury trials.

In 1992, I joined Johnson, Ayers & Matthews, PLC, a Roanoke law firm with a focus on insurance defense matters. I was initially an associate (1992 to 1996), and later became a member of the firm (1997 to 2011). At Johnson, Ayers & Matthews, I tried more than 50 cases to verdict before a jury, as well as numerous bench trials. I worked on an array of cases, including personal injury, products liability, property casualty, construction defect, breach of contract, and other commercial matters.

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

At Christian, Barton, Epps, Brent & Chappell, my clients included corporations, insurance companies, and individuals, and I handled all manner of civil cases. When I worked for Johnson, Ayers & Matthews, my clients were typically insurers, insureds, other corporations, and individuals, and I litigated a wide array of personal injury and property casualty matters and insurance and commercial disputes.

- 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.

As an attorney, the vast majority of my practice was in litigation. Throughout my career as a lawyer, I appeared in court frequently for jury and bench trials and an array of other court proceedings.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 5%
- 2. state courts of record: 95%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

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

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

As an attorney, I tried approximately 70 cases to verdict, judgment, or final decision. About 50 of the cases involved jury trials, and the other estimated 20 cases involved bench trials. I was sole counsel in approximately 46 cases, lead counsel in about 20 cases, and associate counsel in the estimated remaining four cases.

- i. What percentage of these trials were:
 - 1. jury: 75%
 - 2. non-jury: 25%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

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

- 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. *Butterworth v. Norfolk & W. Ry. Co.*, No. CL97000960 (Roanoke Cir. Ct.) (Apgar, J.)

The plaintiff employee alleged that his employer, the Norfolk & Western Railway Company, was liable under the Federal Employers Liability Act for maintaining an unsafe workplace. The plaintiff claimed that he suffered injuries in an unwitnessed accident while descending a set of stairs. After significant discovery, the case proceeded to trial. Following a one-week trial, the jury returned a verdict in favor of Norfolk & Western. From 1997 to 1998, I served as sole counsel for the railroad, handling all discovery and trying the case to verdict.

Opposing Counsel:

Raphael E. Ferris
Lenden A. Eakin
Ferris & Eakin, PC
22 Luck Avenue
Roanoke, VA 24011
(540) 345-1000

Greg Tobin (formerly with Pratt & Tobin)
(deceased)

2. *Clarke v. Collins*, No. CH 04023695 (Lynchburg Cir. Ct.) (Gamble, J.)

The plaintiff insured filed suit against John Hancock Insurance Company and Mr. Collins, one of its insurance agents, alleging that he incorrectly quoted to the plaintiff the expected annuity payments if the plaintiff converted his life insurance to an annuity. The plaintiff sought to recover the difference between the quoted payout and the amount actually paid. Following a bench trial, the trial court entered judgment in favor of the plaintiff, but for an amount significantly less than he had sought. The plaintiff did not appeal. From 2004 to 2007, I served as sole counsel for John Hancock, handling all discovery and trying the case to conclusion.

Counsel for Mr. Collins:

Paul J. Maloney
Carr Maloney, P.C.
1615 L Street, Northwest
Washington, DC 24011
(202) 310-5500

Counsel for Plaintiff:

Thomas Leggett
7215 Timber Lane
Falls Church, VA 22046
P.O. Box 20424
Roanoke, VA 24018
(703) 698-0434

3. *Norfolk So. Ry. Co. v. Bowles*, No. CL97000825 (Roanoke Cir. Ct.) (Doherty, J.); 539 S.E.2d 727 (Va. 2001)

In this Federal Employers Liability Act case, a railroad employee alleged that the Norfolk Southern Railway Company negligently failed to provide a reasonably safe workplace. The jury returned a verdict for the plaintiff, and the trial court denied the railroad's motion to set aside the jury verdict. The railroad appealed, and the Virginia Supreme Court affirmed. From 1997 to 2001, I served as sole trial counsel and co-appellate counsel for the railroad. In that capacity, I handled all discovery and tried the case to conclusion. I also assisted with drafting and editing the railroad's briefs in the Virginia Supreme Court, though the appeal was argued by appellate counsel in my firm.

Co-Counsel:

John D. Eure
Johnson, Ayers & Matthews, PLC
310 First Street, Suite 700
Roanoke, VA 24011

(540) 767-7000

Opposing Counsel:

Raphael E. Ferris
Lenden A. Eakin
Ferris & Eakin, PC
22 Luck Avenue
Roanoke, VA 24011
540-345-1000

Greg Tobin (formerly with Pratt & Tobin)
(deceased)

4. *Sweeney v. Harman*, No. CL940440322 (Franklin Cty. Cir. Ct.) (Davis, J.); *Harman v. Harris*, No. CL94043932 (Franklin Cty. Cir. Ct.) (Davis, J.); *Harris v. Harman*, 486 S.E.2d 99 (1997)

In these consolidated personal injury actions, Mr. Harris allegedly tailgated a vehicle driven by Mr. Harman, causing him to run off the road. Mr. Sweeney, a passenger in Mr. Harman's vehicle, sued both drivers for the injuries he suffered in the accident, and Mr. Harman sued Mr. Harris for his personal injuries. The jury returned a verdict against both Mr. Harris and Mr. Harman in the personal injury action brought by Mr. Sweeney, and against Mr. Harris in the personal injury action brought by Mr. Harman. The trial court refused to set aside either verdict. On appeal, the Virginia Supreme Court affirmed the verdict in favor of Mr. Sweeney, but reversed on Mr. Harman's claim against Mr. Harris, holding that (1) although the jury could find that Mr. Harris's tailgating was a proximate cause of the accident, (2) Harman was contributorily negligent as matter of law, and (3) Harris's actions were not willfully and wantonly negligent. From 1994 to 1997, I served as sole counsel for Mr. Harris in the trial court proceedings, handling all discovery and trying both actions to conclusion. Appellate counsel in my firm handled the appeal.

Co-Counsel:

John D. Eure
Johnson, Ayers & Matthews, PLC
310 First Street, Suite 700
Roanoke, VA 24011
(540) 767-7000

Counsel for Mr. Harman:

Brian R. Jones (formerly with Jones & Glenn, PLC)
(deceased)

Donna D. Knox
(Current business contact information unavailable.)

Counsel for Mr. Sweeney:

David D. Walker
David D. Walker, PC
40 West Main Street
Salem, VA 24153
(540) 389-2300

5. *Caplan v. Bogard*, No. CL00000076 (Roanoke Cir. Ct.) (Apgar, J.); 563 S.E.2d 719 (2002)

This personal injury action against the defendant driver and his employer involved an accident in which the defendants' food delivery truck pulled out of a restaurant parking lot and collided with the plaintiff's vehicle while he was passing several cars stopped in a line of traffic waiting for a stoplight. The ambiguity of the road markings created an issue of whether the plaintiff was contributorily negligent for passing at an intersection or driving two abreast in a single lane. Following a trial, the jury ruled for the defendants, and the plaintiff appealed. The Virginia Supreme Court reversed, holding that the restaurant parking lot was not a highway under Virginia law and therefore the instruction that the accident occurred at an intersection of highways was error. On re-trial, the jury returned a verdict for the plaintiff, but for an amount substantially less than he had sought. From 2000 to 2003, I served as sole trial counsel for the defendants, handling all discovery and trying the case to conclusion twice. I also served as co-appellate counsel, helping my colleague brief the appeal.

Co-Counsel:

John D. Eure
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310 First Street, Suite 700
Roanoke, VA 24011
(540) 767-7000

Opposing Counsel:

Dennis P. Brumberg
Brumberg, Mackey & Wall, PLC
600 Professional Arts Building
30 West Franklin Road
Roanoke, VA 24010
(540) 343-8463

6. *Bussey v. E.S.C. Restaurants, Inc.*, No. CL02001354 (Roanoke Cir. Ct.) (Dorsey, J.); 620 S.E.2d 764 (Va. 2005)

In this case, the plaintiff alleged that food she consumed at the defendant restaurant caused her to become ill. Following a trial, the jury returned a verdict for the plaintiff. The defendant moved to set aside the verdict, and the trial court granted the motion, entering judgment for the defendant. The plaintiff appealed, and the Virginia Supreme

Court reversed and entered judgment for the plaintiff, concluding that the plaintiff had presented sufficient admissible evidence to create a jury issue on whether the defendant breached its implied warranty of wholesomeness or was negligent. From 2002 to 2005, I served as sole trial counsel for the defendant, handling all discovery and trying the case to conclusion. I also served as co-appellate counsel, helping my colleague brief the appeal.

Co-Counsel:

John D. Eure
Johnson, Ayers & Matthews, PLC
310 First Street, Suite 700
Roanoke, VA 24011
(540) 767-7000

Opposing Counsel:

Arthur P. Strickland
Strickland, Diviney, Segura & Byrd
23 Franklin Road
Roanoke, Virginia 24011
(540) 982-7787

7. *Flint Energy Constr. Co. v. Va. Gas Pipeline Co.*, No. CL01000177 (Pulaski Cty. Cir. Ct.) (Gibb, J.)

This breach of contract action arose out of the construction of a natural gas pipeline from Saltville to Radford, Virginia. During construction, Virginia Gas Pipeline Co. terminated its contract with Flint Energy Construction Co., claiming that Flint Energy had delayed the project and improperly increased the overall costs of construction. Flint Energy filed suit, alleging that Virginia Gas improperly terminated the contract and refused to pay the amounts incurred in constructing the pipeline. Virginia Gas counterclaimed, seeking to recover the costs to replace Flint Energy as a contractor. Following an eight-day trial, the jury returned a verdict for Flint Energy on its claims and for Virginia Gas on its counterclaim, resulting in a significant recovery for Flint Energy overall. From 2001 to 2004, I served as lead counsel for Virginia Gas. In that capacity, I was responsible for all discovery and trial of the case to conclusion along with co-counsel from my firm.

Co-Counsel:

Lori J. Bentley
Johnson, Ayers & Matthews, PLC
310 First Street, Suite 700
Roanoke, Virginia 24011
(540) 767-7000

Opposing Counsel:

J. Scott Sexton
H. David Gibson
Gentry Locke

10 Franklin Road, Southeast, Suite 900
Roanoke, VA 24011
(540) 983-9300

8. *McGraw v. Sidhu*, No. CL08000657 (Roanoke Cir. Ct.) (Stone, J.)

This personal injury action arose from a minor impact rear-end accident. The focus of the case was the extent of the plaintiff's claimed injuries, and specifically, the plaintiff's need for extensive pain and headache medication. The defendant admitted liability and proceeded to trial on damages only. The jury returned a verdict for the plaintiff, but only for special damages. The trial court set aside that verdict on the ground that the jury did not award an amount for pain and suffering as required for the plaintiff to recover under Virginia law. On re-trial, the jury returned a verdict for the plaintiff above and beyond special damages, but for substantially less than the plaintiff had sought. From 2008 to 2010, I served as sole counsel for the defendant, handling every key aspect of the case, including all discovery and both trials.

Counsel for Plaintiff:

Charles H. Smith, III
Gentry Locke
10 Franklin Road, Southeast, Suite 900
Roanoke, VA 24011
(540) 983-9300

Jay O'Keeffe
Michie Hamlett
109 Norfolk Avenue, Southwest, Second Floor
Roanoke, VA 24011
(540) 951-7200

9. *Smith v. Comair, Inc.*, No. 7:95-cv-1319, Dkt. 11 (W.D. Va. Sept. 18, 1996) (Wilson, J.); 134 F.3d 254 (4th Cir. 1998) (Wilkinson, Ellis, Mehrige, JJ.)

In this case, the defendant airline allowed the plaintiff to board its plane in Roanoke, Virginia without requiring proof of identification. The plaintiff did not have any identification with him, and thus he was not allowed to board either a connecting flight in Cincinnati, Ohio, or a return flight to Roanoke. The plaintiff filed suit against the airline in state court, asserting a number of state law causes of action. The airline removed the case to federal court. Thereafter, the airline moved for summary judgment, which the district court granted on the ground that the Airline Deregulation Act of 1978 preempted the plaintiff's claims. The plaintiff appealed, and the Fourth Circuit affirmed. From 1995 to 1998, I served as sole counsel for the defendant. In that capacity, I successfully removed the case to federal court. I also briefed and argued the defendant's successful summary judgment motion. And I briefed and argued the case before the Fourth Circuit.

Opposing Counsel:

Randy V. Cargill
Federal Public Defender's Office for the Western District of Virginia
210 First Street, Southwest, Suite 400
Roanoke, Virginia 24011
(540) 777-0880

10. *Wills v. Norfolk & W. Ry. Co.*, No. CL93000342 (Roanoke Cir. Ct.) (Weckstein, J.)

In this Federal Employers Liability Act suit, an employee claimed that he suffered a back injury when he stumbled on a locomotive while carrying a heavy tool for his employer, defendant Norfolk & Western Railway Company. Following significant discovery and a three-day trial, the jury returned a verdict for the defendant. The employee did not appeal. From 1993 to 1995, I served as sole counsel for the defendant, handling every aspect of the case, including all discovery and trying the case to conclusion.

Opposing Counsel:

Harry B. Bailey, III
Jones Granger
1201 Peachtree Street, Northeast
400 Colony Square, Suite 200
Atlanta, GA 30361
(404) 870-9020

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

The vast majority of my career has been in litigation, but I have also undertaken various other significant legal activities. For instance, as a United States Magistrate Judge, I regularly preside over mediations, and I have successfully mediated several hundred cases. I also regularly participate in educational seminars sponsored by continuing legal education organizations and local bar associations. I am likewise deeply involved in local drug awareness and education programs, and for several years, I taught a Law Day program in a local high school government class.

I also engaged in important non-litigation legal activities when I was in private practice. For example, I was appointed by the Virginia Supreme Court to serve on the Virginia Model Jury Instruction Committee. As a committee member from 2008 to 2011, I met with other committee members semi-annually to review and revise the model jury instructions used throughout Virginia in civil and criminal cases. The committee also provided in-depth commentary explaining the legal basis for each instruction. Finally, I

served for ten years on Virginia CLE, a Virginia Law Foundation initiative that provides CLE programs to Virginia lawyers.

I have not performed any lobbying activities, and I am not and have never been registered as a lobbyist.

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

I have not taught any courses.

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

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

To the best of my knowledge, no family members, other persons, parties, categories of litigation, or financial arrangements are likely to present potential conflicts of interest when I first assume the position to which I have been nominated. If confirmed, I would continue to use the court's automated conflict checking system, and I would resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts.

- 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 would continue to use the court's automated conflict checking system, and I would resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts.

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

As a United States Magistrate Judge, I am not permitted to represent clients in any capacity, but I routinely seek to serve the community in other ways.

For instance, since 2011, I have presided over the Western District of Virginia's veterans treatment court. Generally, the participants are veterans charged with misdemeanors, who have a history of substance abuse and/or a mental illness. As the court's presiding judge, I coordinate with a team of probation, medical, and other personnel that works together to help the veterans succeed by providing treatment and support. When a veteran graduates from the program, the charges are typically dismissed.

I also serve as one of three judges responsible for the administration of the Western District of Virginia's drug treatment court. Established in 2019, the court's participants are typically individuals charged with a violation of supervised release, who have a history of substance abuse and/or mental illness. As a presiding judge for the court, I attend meetings with the treatment team and follow up with the participants to manage compliance with the program's conditions. Upon successful completion of the program, the supervised release violation charges are typically dismissed.

In addition, I chair the Western District of Virginia Criminal Justice Act (CJA) Committee, which is responsible for selecting and recommending attorneys appointed to represent indigent defendants in criminal matters. This committee also works to ensure, consistent with the CJA, that the appointed lawyers provide a constitutionally adequate defense.

In private practice, I likewise sought to contribute to the community in various ways. For example, I was deeply involved in work with the Virginia State Bar, including serving as President of the Bar's Young Lawyers Conference. In that capacity, I oversaw the activation of the Bar's disaster legal assistance plan to provide pro bono legal services to members of our community affected by a hurricane. Under my leadership, the Conference also sought to provide a wide range of programs to serve new and young lawyers transitioning to law practice. Finally, I served on the boards of Apple Ridge Farm, which provides wilderness educational experiences for underprivileged youth, and Valley Beautiful, which sponsors beautification projects in the Roanoke Valley.

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 March 4, 2021, I submitted an application to Senators Mark Warner and Tim Kaine regarding a position on the United States District Court for the Western District of Virginia. On May 6, 2021, I interviewed with the Senators' selection committee. On July 22, 2021, I interviewed with Senators Warner and Kaine. On August 9, 2021, I interviewed with attorneys from the White House Counsel's Office. Since January 21, 2022, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On July 13, 2022, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.