

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Debra Marie Brown

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

United States District Judge for the Northern District of Mississippi

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Wise Carter Child & Caraway, P.A.  
401 East Capitol Street  
Heritage Building, Suite 600  
Jackson, Mississippi 39201

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

1963; Yazoo City, Mississippi

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

1994 – 1997, University of Mississippi School of Law; J.D., 1997  
1981 – 1987, Mississippi State University; B. Arch., 1987

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.

Summer 1995, Summer 1996, 2012 – present  
Wise Carter Child & Caraway, P.A.  
401 East Capitol Street  
Heritage Building, Suite 600  
Jackson, Mississippi 39201

Shareholder (2012 – present)  
Summer Associate (Summer 1995, Summer 1996)

1997 – 2012  
Phelps Dunbar LLP  
4270 I-55 North  
Jackson, Mississippi 39211  
Counsel (January 2012)  
Partner (2004 – 2011)  
Associate (1997 – 2004)  
Summer Associate (Summer 1995, Summer 1996)

Fall 1996  
Professor Barbara Phillips-Sullivan  
University of Mississippi Law School  
481 Coliseum Drive  
University, Mississippi 38677  
Research Assistant

Winter Break from 1995 – 1996  
Office of the Attorney General of Mississippi  
Criminal Division  
550 High Street, Suite 1200  
Jackson, Mississippi 39201  
Law Student Clerk

Fall 1995  
Yerby Conference and Continuing Education Center  
689 Grove Loop  
University of Mississippi  
University, Mississippi 38677  
Administrative Aide

1993 – 1994  
The Ryland Group  
5575 Sterrett Place, Suite 300  
Columbia, Maryland 21044  
Architectural Coordinator

1992 – 1993  
RGIS  
2900 Linden Lane, Suite 20  
Silver Spring, Maryland 20906  
Inventory Associate

1992  
Cedar Associates  
9610 Pennsylvania Avenue  
Upper Marlboro, Maryland 20772  
Architectural Associate

1991  
Design & Production  
7110 Rainwater Place  
Lorton, Virginia 22079  
Exhibit Designer

1990 – 1991  
Conran's  
3222 M Street, NW  
Washington, DC 20016  
Sales Associate

1990 – 1991  
Baker & Associates, A Division of Michael Baker Engineers  
1420 King Street  
Alexandria, Virginia 22314  
Architectural Associate

1987 – 1990  
Devroux & Purnell, Architects-Planners  
717 D Street, NW, Suite 500  
Washington, DC 20004  
Architectural Associate

1987  
Rounds VanDuzer Associates  
467A North Washington Street  
Falls Church, Virginia 22046  
Architectural Intern

1987  
Charles Szoradi  
2822 28th Street, NW  
Washington, DC 20008  
Architectural Intern

Other Affiliations (Uncompensated):

2011 – present  
Mississippi Center for Justice

5 Old River Place, Suite 203  
Jackson, Mississippi 39202  
Chair, Board of Directors (2012 – present)  
Member, Board of Directors (2011 – present)

2010 – present  
Mississippi State University School of Architecture  
P.O. Box AQ  
Mississippi State, Mississippi 39762  
Member, Advisory Council

2007 – present  
Operation Shoestring  
1711 Bailey Avenue  
Jackson, Mississippi 39283  
Secretary, Board of Directors (2012 – present)  
Member, Board of Directors (2007 – present)

1997 – present  
Metro Jackson Black Women Lawyers Association  
P.O. Box 382  
Jackson, Mississippi 39205  
Treasurer (2006 – present)

1997 – 2011  
Mississippi Women Lawyers Association  
P.O. Box 862  
Jackson, Mississippi 39205  
President (2003 – 2004)  
Member, Board of Directors (2000 – 2004)

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

I have not served in the U.S. Military. I was not required to register for selective service.

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

Professional:

Fellow of the Young Lawyers Division, Mississippi Bar Association (2007 – present)

Model Contractor Development Program Award, Mississippi Development Authority (2011)

Mississippi's 50 Leading Business Women List, *Mississippi Business Journal* (2008)

Outstanding Service Award, Jackson Young Lawyers (2004)

Academic:

Mississippi Law Journal, Associate Editor and Articles Editor (1995 – 1997)

Mississippi Bar Foundation Scholarship Recipient (1995)

Alpha Rho Chi Medal, Mississippi State School of Architecture (1987)

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 (1998 – present)

Bar Association of the Fifth Federal Circuit (2007 – present)

Capitol Area Bar Association (formerly Hinds County Bar Association) (1997 – 2011)  
Diversity Committee Co-Chair, 2009 – 2010

Charles Clark Inn of Court (2011 – present)

Federal Bar Association (1999 – 2012)

Jackson Young Lawyers (1997 – 2002)  
Child Advocacy & Tutoring Committee, Chair (1999 – 2002)

Magnolia Bar Association/Magnolia Bar Foundation (1997 – present)  
High School Mock Trial Committee (2002 – 2004)  
Continuing Legal Education Committee, Co-Chair (2005)

Metro Jackson Black Women Lawyers Association (1997 – present)  
Continuing Legal Education Coordinator (2005 – present)  
Retreat Committee (2005 – present)  
Treasurer (2006 – present)

Mississippi Bar Association (1997 – present)  
Fellow, Young Lawyers Division (2007 – present)  
High School Mock Trial Competition Co-Chair (1999 – 2002)

Mississippi Women Lawyers Association (1997 – 2011)  
President (2003 – 2004)  
Member, Board of Directors (2000 – 2004)

National Bar Association (2009 – present)  
Region V Fundraising Committee (2012 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

1997, Mississippi

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 Fifth Circuit, 1997  
United States District Court for the Southern District of Mississippi, 1997  
United States District Court for the Northern District of Mississippi, 1997  
All state courts in the State of Mississippi, 1997

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.

Leadership Mississippi (Class of 2008 – 2009)

Mississippi Center for Justice (2011 – present)  
Chair, Board of Directors (2012 – present)  
Member, Board of Directors (2011 – present)

Mississippi State School of Architecture Advisory Council (2010 – present)

Operation Shoestring (2007 – present)

Secretary, Board of Directors (2012 – present)  
Member, Board of Directors (2007 – present)

Surety Association of Mississippi (2010 – 2012)

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

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

*Calling The Bluff: Exploring Anonymity As A Means To A Colorblind Electoral System*, 66 Mississippi Law Journal 547 (1997). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have been a member of the Board of Directors of the Mississippi Center for Justice since September 2011. During that time, the Center issued an Annual Report titled, "Advancing racial and economic justice in the Mississippi Delta." 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.

February 26, 2013: Introductory Speaker, Mississippi Center for Justice meeting with local business leaders regarding the launch of a program designed to mitigate the adverse effects of payday lending in Mississippi, Jackson, Mississippi. Notes supplied.

January 31, 2013: Introductory Speaker and Program Moderator, Mississippi Center for Justice's opening of Indianola office, Indianola, Mississippi. Notes supplied.

June 13, 2012: Introductory Speaker, Mississippi Center for Justice's 2012 "Mississippi on the Potomac" Reception, Washington, DC. Notes supplied.

November 3, 2011: Speaker, "Claims and Disputes Resolution," Model Contractor Development Program, Mississippi Development Authority, Tupelo, Mississippi. PowerPoint presentation supplied.

October 27, 2011: Program Moderator, Metro Jackson Black Women Lawyers Association's reception celebrating the appointment of E.J. Russell to the Mississippi Court of Appeals and honoring all African-American women judges in Mississippi, Jackson, Mississippi. I delivered the welcome, moderated the reception program, and made closing remarks regarding the occasion. I have no notes, transcript, or recording. The address of Metro Jackson Black Women Lawyers Association is Post Office Box 382, Jackson, Mississippi 39205.

June 5, 2010: Presenter, "Girl Power" session of the Magnolia Bar Foundation Boys and Girls Law Camp, Tougaloo, Mississippi. The session consisted of an interactive discussion with the girls attending the Law Camp about self-esteem issues, different messages relayed by one's clothing and manner of dress, and dressing appropriately for various occasions. I have no notes, transcript, or recording. The address of the Magnolia Bar Foundation is Post Office Box 2792, Jackson, Mississippi 39207.

February 26, 2010: Panel Speaker, "Integrating Pro Bono and Public Service Into Private Practice," 17th Annual Evelyn Gandy Lecture Series, University of



Mississippi Continuing Legal Education, Ridgeland, Mississippi. PowerPoint supplied.

June 6, 2009: Presenter, “Girl Power” session of the Magnolia Bar Foundation Boys and Girls Law Camp, Tougaloo, Mississippi. The session consisted of an interactive discussion with the girls attending the Law Camp about self-esteem issues, different messages relayed by one’s clothing and manner of dress, and dressing appropriately for various occasions. I have no notes, transcript, or recording. The address of the Magnolia Bar Foundation is Post Office Box 2792, Jackson, Mississippi 39207.

February 11, 2009: Panel Speaker, “Strategies for Getting Key Assignments & Surviving,” “My Life as a Lawyer” Lecture Series, Corporate Counsel Women of Color, Southern University School of Law, Baton Rouge, Louisiana. Notes supplied.

June 7, 2008: Presenter, “Girl Power” session of the Magnolia Bar Foundation Boys and Girls Law Camp, Tougaloo, Mississippi. The session consisted of an interactive discussion with the girls attending the Law Camp about self-esteem issues, different messages relayed by one’s clothing and manner of dress, and dressing appropriately for various occasions. I have no notes, transcript, or recording. The address of the Magnolia Bar Foundation is Post Office Box 2792, Jackson, Mississippi 39207.

Approximately 2008: Moot Court Judge, Moot Court Competition at Mississippi College School of Law, Jackson, Mississippi. I have no notes, transcript, recording or materials. The address of Mississippi College School of Law is 131 East Griffith Street, Jackson, Mississippi 39201.

2007: Speaker, “Maintaining Privilege and Work Product with Expert Communications,” Magnolia Bar Association Continuing Legal Education, Jackson, Mississippi. I have no notes, transcript, or recording, but the content of the presentation was virtually the same as my presentation at the November 10, 2006 event in Chicago, Illinois. The address of the Magnolia Bar Association is 2115 West Capitol Street, Jackson, Mississippi 39209.

June 9, 2007: Presenter, “Girl Power” session of the Magnolia Bar Foundation Boys and Girls Law Camp, Tougaloo, Mississippi. The session consisted of an interactive discussion with the girls attending the Law Camp about self-esteem issues, different messages relayed by one’s clothing and manner of dress, and dressing appropriately for various occasions. I have no notes, transcript, or recording. The address of the Magnolia Bar Foundation is Post Office Box 2792, Jackson, Mississippi 39207.

November 10, 2006: Speaker, “Maintaining Privilege and Work Product with Expert Communications,” Metro Jackson Black Women Lawyers Association/

Magnolia Bar Association Continuing Legal Education, Northwestern University School of Law, Chicago, Illinois. PowerPoint presentation supplied.

June 3, 2006: Presenter, "Girl Power" session of the Magnolia Bar Foundation Boys and Girls Law Camp, Tougaloo, Mississippi. The session consisted of an interactive discussion with the girls attending the Law Camp about self-esteem issues, different messages relayed by one's clothing and manner of dress, and dressing appropriately for various occasions. I have no notes, transcript, or recording. The address of the Magnolia Bar Foundation is Post Office Box 2792, Jackson, Mississippi 39207.

October 21, 2005: Speaker, "The Nuts and Bolts of Electronic Discovery," Metro Jackson Black Women Lawyers Association/Magnolia Bar Association Continuing Legal Education, Las Vegas, Nevada. PowerPoint supplied.

Approximately March 2005: Mock Trial Judge, Magnolia Bar Association's High School Mock Trial Competition, Jackson, Mississippi. I also served in the same function on at least three occasions in subsequent years. I have no notes, transcript, or recording. The address of the Magnolia Bar Association is 2115 West Capitol Street, Jackson, Mississippi 39209.

Approximately 2005: Speaker, "Taking and Defending Effective Depositions in Mississippi," Lorman Education Services, Continuing Legal Education, Jackson, Mississippi. I presented the ethics hour of the program regarding ethical issues that may arise in depositions and how to resolve them. I have no notes, transcript, or recording. The address of Lorman Education Services is P.O. Box 509, Eau Claire, Wisconsin 54702.

May 2004: Introductory Speaker, Mississippi Women Lawyers Association's Outstanding Woman Lawyer Award reception and program, Jackson, Mississippi. I welcomed all attendees, remarked about the occasion of the presentation of the 2004 Outstanding Women Lawyer Award, and announced the award winner. I have no notes, transcript, or recording. The address of the Mississippi Women Lawyers Association is Post Office Box 862, Jackson, Mississippi 39205.

April 30, 2004: Panel Speaker, "Rising Above the Glass Ceiling: A Black Female Partner Perspective," Magnolia Bar Association Annual Meeting, Biloxi, Mississippi. I was a speaker on a panel of African-American women who had recently become partners in their law firms in Jackson, Mississippi. We discussed topics ranging from whether the glass ceiling still exists and developing a strategy for advancement to navigating office politics and effective rainmaking. I have no notes, transcript, or recording. The address of the Magnolia Bar Association is 2115 West Capitol Street, Jackson, Mississippi 39209.

May 2003: Introductory Speaker, Mississippi Women Lawyers Association meeting, Jackson, Mississippi. I announced the nominees for the 2003

Outstanding Woman Lawyer Award and provided biographical information about each nominee. I have no notes, transcript, or recording. The address of the Mississippi Women Lawyers Association is Post Office Box 862, Jackson, Mississippi 39205.

May 2003: Introductory Speaker, Mississippi Women Lawyers Association's Outstanding Woman Lawyer Award reception and program, Jackson, Mississippi. I introduced the nominees for the 2003 Outstanding Woman Lawyer Award and provided biographical information about each nominee. I have no notes, transcript, or recording. The address of the Mississippi Women Lawyers Association is Post Office Box 862, Jackson, Mississippi 39205.

Approximately March 2003: Mock Trial Judge, Mississippi Bar Association's High School Mock Trial Competition, Jackson, Mississippi. I also served in the same function on at least two occasions in subsequent years. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

Approximately 2003: Program Moderator, Mississippi Women Lawyers Association meeting, Jackson, Mississippi. I moderated a panel of women lawyers on the topic of balancing work life with personal life. I have no notes, transcript, or recording. The address of the Mississippi Women Lawyers Association is Post Office Box 862, Jackson, Mississippi 39205.

Approximately 2002 – 2004: Introductory Speaker, Mississippi Women Lawyers Association bi-monthly meetings, Jackson, Mississippi. I likely would have introduced speakers at the bi-monthly meetings from approximately September 2002 to September 2003 while my board member responsibilities included finding and coordinating speakers. I also would have made opening remarks at the bi-monthly meetings from September 2003 to September 2004 while I was serving as president. I have no notes, transcript, or recording. The address of the Mississippi Women Lawyers Association is Post Office Box 862, Jackson, Mississippi 39205.

- 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.

Lynne Jeter, "What If They Had Chosen A Different Path...???", 50 Leading Business Women 2008," Mississippi Business Journal, Sept. 29, 2008. Copy supplied.

Lynne Jeter, "Debra Brown, Phelps Dunbar, LLP, Partner," 50 Leading Business Women 2008, Special Publication of the Mississippi Business Journal, Sept. 29, 2008. Copy supplied.

Jimmie Gates, "Apartment Complex Settles Shooting Suit," The Clarion-Ledger, Sept. 7, 2008. Copy supplied.

Jimmie Gates, "Bill Looks To Digitize Court Records," The Clarion-Ledger, March 13, 2006. Copy supplied.

Approximately March 2002: I was interviewed in Jackson, Mississippi, by a news reporter from a local television station, WLBT, regarding the Mississippi Bar Association's High School Mock Trial Competition. I have been unable to locate a transcript or recording.

Jimmie Gates, "Former Judge Reprimanded For Conduct," The Clarion-Ledger, July 21, 2000. Copy supplied.

Gina Holland, "Retired Trucker Wins Blues Legend's Royalties," New Orleans Times Picayune, June 17, 2000. Copy supplied.

Gina Holland, "Supreme Court Reprimands Adams County Judge," Associated Press State & Local Wire, Apr. 20, 2000. Substantially similar versions of this article were reported by different news sources under different titles. Copy supplied.

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

I have never held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_%  
bench trials: \_\_\_\_\_% [total 100%]

civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the

case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
  - e. Provide a list of all cases in which certiorari was requested or granted.
  - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never been a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

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

I have never held public office. I have never been a candidate for elective office or been nominated 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 never held office in, or rendered services to, any political party or election committee.

I was one of the hosts of a fundraising event several years ago in association with the re-election campaign of Judge Patricia Wise, Chancellor in the Fifth Chancery Court District of Mississippi, which was held at the home of the Wilson family in Madison, Mississippi.

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

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

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

I have not served as clerk to a judge.

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

I have not practiced alone.

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

1997 – 2012  
Phelps Dunbar LLP  
4270 I-55 North  
Jackson, Mississippi 39211  
Associate (1997 – 2004)  
Partner (2004 – 2011)  
Counsel (January 2012)

2012 – present  
Wise Carter Child & Caraway, P.A.  
401 East Capitol Street  
Heritage Building, Suite 600  
Jackson, Mississippi 39201  
Shareholder

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

I have not served as a mediator or arbitrator.

b. Describe:

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

My practice for the past 15 years has been civil litigation in a private law firm setting with two different firms. I began practicing as an associate attorney with Phelps Dunbar, a regional firm, primarily in the area of commercial litigation, with the majority of that practice in the financial and insurance context. The remainder of my litigation practice as an associate was fairly diverse, including administrative matters before the state judicial performance commission and state licensing boards, a limited amount of tort and personal injury defense, some construction litigation, and pro bono domestic law work. As I moved from junior to senior associate and then to partner with Phelps Dunbar, the emphasis on commercial litigation continued, but the number of financial and insurance related cases decreased, with an increase in construction-related matters, and additional limited practice in the areas of premises liability, product liability, workers compensation, bankruptcy litigation, and intellectual property. After the move to my present firm, Wise Carter, in early 2012, I continued to focus on construction litigation, but I also expanded into the areas of employment law and medical malpractice.

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

The majority of the clients in my litigation practice have been mid- to large-sized businesses, including local, national and, at times, international businesses. Early in my practice, these clients were banks and mortgage companies, as well as property and casualty insurers, and later included an international automotive supplier, commercial property managers, and a county airport. I also represented some individual clients, including state court judges, architects, contractors, and pro bono clients. My construction law practice for the past 14 years has typically consisted of the representation of construction sureties or general contractors, with limited representation of subcontractors. Upon my move to Wise Carter a year ago, my client base has expanded to the representation of owners in the construction context, as well as hospitals and other medical providers in the areas of employment litigation and construction litigation.

- 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.

Essentially 100% of my practice has been litigation, and 100% of that has been civil litigation. I have generally appeared in various state and federal courts and before administrative bodies occasionally over the years of my practice.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 48%
- 2. state courts of record: 50%
- 3. other courts: 0%
- 4. administrative agencies: 2%

- 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.

To the best of my recollection, I have tried a total of 12 cases to verdict or judgment, three of which were tried to a jury. Of those, I was sole counsel on two, chief counsel on one, one of two co-counsel on eight, and associate counsel on one.



- i. What percentage of these trials were:
  - 1. jury: 25%
  - 2. non-jury: 75%
- 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. *Jeanes-Kemp, LLC v. Johnson Controls, Inc.*, Civil Action No. 1:09-cv-723, 2012 WL 627515 (S.D. Miss. Feb. 24, 2012); Honorable David Bramlette; 2009 - 2012.

I was co-counsel for the defendant, Johnson Controls, Inc., in a suit filed in the Chancery Court of Harrison County, Mississippi, and removed to the United States District Court for the Southern District of Mississippi. The plaintiff, Jeanes-Kemp, LLC, sought a declaratory judgment, removal of clouds on title, over \$2.7 million in compensatory damages, and punitive damages based on allegations that the defendant wrongfully filed and maintained a construction lien against a multi-million dollar real estate development project in Pass Christian, Mississippi. Late in the litigation, the plaintiff, through counsel, advised that I would be deposed with respect to a legal opinion concerning the lien's validity that I provided to the defendant after the construction lien was filed. I was deposed and called to testify as a witness at trial regarding the opinion. After a bench trial in which I participated as a witness only, the Court entered judgment in the defendant's favor dismissing the claims with prejudice.

Co-Counsel: Frank W. Trapp  
Phelps Dunbar LLP

4270 I-55 North  
Jackson, Mississippi 39211  
(601) 352-2300

James G. Wyly, III  
Thear Jules Lemoine  
Phelps Dunbar LLP  
2304 19th Street, Suite 300  
Gulfport, Mississippi 39501  
(228) 679-1130

David J. Michalski  
Sonkin & Koberna Co., LPA  
3401 Enterprise Parkway, Suite 400  
Cleveland, Ohio 44122  
(216) 514-8300

Royce Remington  
Michael B. Pascoe  
Hahn Loeser & Parks, LLP  
200 Public Square, Suite 2800  
Cleveland, Ohio 44114  
(216) 621-0150

Opposing Counsel: Ronald G. Peresich  
William P. Symmes  
Page Mannino, Peresich & McDermott  
759 Howard Avenue  
Biloxi, Mississippi 39533  
(228) 374-2100

Walker W. Jones, III  
Baker Donelson Bearman Caldwell & Berkowitz  
4268 I-55 North  
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2. *Rogers v. The CIT Group/Equipment Financing, Inc., et al.*, 455 B.R. 524 (Bankr. S.D. Miss. 2011); Honorable Edward Ellington; 2003 - 2011.

I was co-counsel for two plaintiffs in two separate suits initially filed in 2003 in the Chancery Court of Scott County, Mississippi, against The CIT Group/Equipment Financing, Inc. (the CIT Group), Koch Foods of Mississippi, LLC, and Koch Farms of Mississippi, LLC. The plaintiffs, former owners of the B.C. Rogers Poultry companies, alleged that the CIT Group made material representations to them which caused them to issue irrevocable standby letters of

credit totaling \$3 million to secure a sale/leaseback transaction the CIT Group entered with the B.C. Rogers Poultry companies, and that the CIT Group wrongfully drew upon them. The plaintiffs asserted claims for intentional and negligent misrepresentation, conspiracy, breach of the duty of good faith and fair dealing, and breach of lease, among others. The cases were removed, consolidated and referred to the Bankruptcy Court of the Southern District of Mississippi, to be adjudicated within the B.C. Rogers companies' bankruptcy cases. They were further consolidated with a declaratory judgment action that the CIT Group had filed against the B.C. Rogers companies, with the debtors' Bankruptcy Trustee substituted for the debtors as a party. The plaintiffs settled their claims with the Koch companies. After the CIT Group's motion for summary judgment was denied in 2009, the case was tried in April 2010 before Southern District Bankruptcy Judge Edward Ellington. The court issued its opinion on August 19, 2011, against the plaintiffs and entered judgment accordingly.

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3. *Overstreet v. Contigroup Companies, Inc.*, 462 F.3d 409 (5th Cir. 2006); Honorable Keith Starrett (District Judge); 2004 - 2006.

I was co-counsel for the defendant, Contigroup Companies, Inc., in a suit filed in state court and removed to the United States District Court for the Southern District of Mississippi. The plaintiff, a Mississippi chicken farmer, alleged fraudulent inducement and wrongful termination of her contract to raise chickens for the defendant. The defendant's motion to stay the case and compel arbitration was denied on grounds that the arbitration clause and the contract were unconscionable due to the plaintiff's financial condition. The decision regarding arbitration was appealed, and I presented oral argument before the Fifth Circuit.

The Fifth Circuit reversed the ruling against arbitration and remanded with instructions that the case be ordered to arbitration. The case settled before arbitration.

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4. *Martin v. Countrywide Home Loans, Inc.*, Civil Action No. 2:99CV2214PG (S.D. Miss.); Honorable Charles W. Pickering; 1999-2003.

I was co-counsel for the defendant, Countrywide Home Loans, Inc., in a suit for compensatory and punitive damages in which the plaintiffs alleged that Countrywide's failure to pay their homeowner's insurance premium with escrowed funds caused the cancellation of their policy and the denial of a claim under the policy for the theft of personal property. The case was tried to a jury. The jury found for plaintiffs but also found contributory negligence by the plaintiffs, and a verdict for plaintiffs entered in the amount of \$33,220. After post-trial motions, the defendant appealed and the plaintiffs cross-appealed. The case was settled before the deadline for appeal briefs was set.

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5. *In re Estate of Johnson*, 767 So.2d 181 (Miss. 2000); Honorable Jon M. Barnwell; 1998-2000; and *Anderson v. Lavere*, 895 So.2d 828 (Miss. 2004); Honorable Ashley Hines; 2000-2010.

I was co-counsel for the grandson and half-sister of the last surviving sibling of the blues musician, Johnson, in an appeal of the chancery court's determination of Johnson's heirs at law. The appeal challenged the ruling that a claimed illegitimate son of Johnson's was the sole heir to Johnson's estate. The estate was opened in 1989, 51 years after Johnson's death. Johnson was indigent at the time he died but his estate began to receive royalty payments from the use of his music two years after it was opened. The Mississippi Supreme Court ultimately affirmed the chancery court's determination that the illegitimate son was the sole heir to Johnson's estate.

Before the appeal was decided, Thompson's grandson and half-sister sued the illegitimate son and others in state circuit court regarding the rights to certain photographs of Johnson that were part of Thompson's estate. I was also co-counsel in this case on their behalf. The defendants' motion to dismiss was granted on grounds that res judicata barred their claims. The Mississippi Supreme Court reversed and remanded on appeal. The matter is still in litigation.

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6. *Hood v. Madison County Human Resources Agency, et al.*, Civil Action No. 3:09CV415 (S.D. Miss.); Honorable Daniel Jordan; 2009-2011.

I was co-counsel for two lenders, Defendants SCDF Loan and Technical Assistance Fund, Inc., and Southern Cooperative Development Fund, Inc., in a case where the Mississippi Transportation Commission sought to void the lenders' interest in certain real property and improvements and have the Commission's alleged interest declared superior. The Commission alleged that the lenders improperly encumbered the property due to an alleged federal interest in the property arising from federal grant funds. Dismissal was requested on the lenders' behalf early on based on the Commission's lack of standing and because the circumstances indicated no basis for any alleged federal interest or any interest prior in time to that of the lenders. After motions for summary judgment were filed on the lenders' behalf, along with motions for sanctions, the matter settled in the lenders' favor.

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7. *Delphi Automotive Systems, LLC v. Lextron Corporation*, Civil Action No. 3:03-cv-0035 (S.D. Miss.); Honorable Henry T. Wingate; 2003-2006.

I was co-counsel for the plaintiff, Delphi Automotive Systems, LLC, against Lextron Corporation, one of its parts suppliers, in a case that began as a replevin and breach of contract action after the supply contract between them was terminated. Lextron counterclaimed on allegations of bad faith breach of contract, breach of fiduciary duty, fraud, misrepresentation, tortious interference with prospective economic advantage, conversion, and unfair trade practices. SouthTrust Bank, Lextron's lender and whose representatives were witnesses in the case, attempted to conduct discovery in the matter relevant to its separate state court action filed against various Delphi entities alleging it had been induced to loan over \$4 million to Lextron based on an alleged misrepresentation by Delphi of Lextron's financial condition. After a protracted and contentious discovery period, with multiple discovery and dispositive motions filed, Delphi gave notice of its Chapter 11 bankruptcy filing two weeks before trial was set to commence. The action, and SouthTrust's separate state court case, were first stayed and then administratively dismissed until such time as the bankruptcy matters were resolved. Lextron and SouthTrust filed claims in the bankruptcy case pending in the United States Bankruptcy Court for the Southern District of New York, where they were nominally resolved.

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8. *Mississippi Commission on Judicial Performance v. Sanders*, 749 So.2d 1062 (Miss. 1999).

I was co-counsel for a state court judge against whom the Mississippi Commission on Judicial Performance initiated proceedings on allegations of the judge's abuse of contempt powers and unlawful expungement of two felony convictions. One of the defenses asserted was the Commission's selective prosecution of African-American judges. After a hearing, the majority of the Commission recommended to the Mississippi Supreme Court that the judge be publicly reprimanded, with one member recommending removal from office. The Mississippi Supreme Court, finding statistical racial disparity in the Commission's proceedings against African-American judges but holding that it was insufficient to make a case of selective prosecution, accepted the Commission's recommendation to publicly reprimand the judge.

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9. *The Duco Company v. IndyMac, Inc.*, No. 2:98CV168, 1999 WL 33537162 (N.D. Miss. Nov. 17, 1999); Honorable Eugene M. Bogen; 1998-1999.

I was co-counsel for the defendant, IndyMac, Inc., in a suit filed in the Chancery Court of DeSoto County and removed to the United States District Court for the Northern District of Mississippi, Delta Division. The plaintiff, a business engaged in residential remodeling, alleged that the defendant wrongfully terminated a Dealer Purchase Agreement under which the defendant purchased debt instruments from the plaintiff or made loans to the homeowner to pay for work performed by the plaintiff. After a bench trial, the Court ruled that the plaintiff was entitled to recover from the defendant the gross profit loss of the plaintiff resulting from the defendant's failure to fund certain loans but that the defendant was entitled to a setoff for the amount it paid to settle the claims of a homeowner based on the plaintiff's defective work. Judgment was entered accordingly.

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10. *State of Mississippi by and through Mississippi State Tax Commission v. American Management Systems, Inc.*, Cause No. 1999-382, Circuit Court of Hinds County, Mississippi (2000); Honorable James Graves; 1999 - 2000.

I was co-counsel for the plaintiff, the Mississippi State Tax Commission, in this breach of contract suit, which sought \$234 million in actual damages and \$750 million in punitive damages for American Management Systems' alleged failure to timely deliver an automated and integrated state tax software system. At the

time of suit, the Commission had terminated the contract and paid American Management Systems \$6 million of the \$11.2 million contract price. As a young lawyer, my primary responsibility in the case was working with experts on the Commission's behalf through the discovery process. At trial, the jury awarded the Commission a total of \$474 million in damages—\$299.5 million in compensatory damages and \$175 million in punitive damages—an amount that is reportedly one of the largest jury verdicts in Mississippi. Shortly after the verdict was entered, the parties negotiated a settlement with American Management Systems and its insurers.

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

I have served in a variety of leadership roles in the legal community. I was the President of the Mississippi Women Lawyers Association for the 2003-2004 term and on its Board of Directors from 2000 to 2004. I was Co-Chair of the Mississippi Bar Association's

High School Mock Trial Competition from 1999 to 2002, and I served on the Magnolia Bar Association's High School Mock Trial Competition Committee from 2002 to 2004. The Magnolia Bar Foundation hosts a Law Camp every summer for boys and girls aged 13-16, and I presented the "Girl Power" session of the Camp from 2006 to 2010. From 1999 to 2002, I chaired the Child Advocacy Committee of Jackson Young Lawyers, and coordinated and participated in its primary activity of tutoring children after school at a local Boys and Girls Club every week. Over the years, I have also served on various committees of the Metro Jackson Black Women Lawyers Association and have coordinated its annual retreat and CLE programs, along with special events and projects.

Throughout my career, I have handled cases before administrative bodies. I have been co-counsel on at least four administrative matters filed against Mississippi state court judges by Mississippi's judicial performance agency, all of which proceeded to administrative hearings and some of which received media attention. In 2010, as co-counsel for a San Francisco restaurant and bar, I obtained a favorable summary judgment ruling before the Trademark Trial and Appeal Board canceling the federal registration for a certain mark of a well-known New York restaurant and bar that caters to and is frequented by popular celebrities. The ruling also resulted in the Trademark Trial and Appeal Board's denial of the New York restaurant's federal registration of similar marks.

I have not performed any lobbying activities or registered as a lobbyist.

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

None.

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

None.

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

If confirmed, I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed for the position, I would recuse myself from any case in which I had participated while in private practice or in which any member of my family was involved. In addition, I would recuse myself from any matters in which my firm appeared in accordance with the relevant rules and Code of Conduct.

- 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 handle all matters involving actual or potential conflicts of interest through thoughtful application of the Code of Conduct for United States Judges and pertinent advisory opinions.

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.

For every year since I was licensed to practice law, I have handled pro bono cases through the Mississippi Volunteer Lawyers Project (MVLP), which is a formal association of the Mississippi Bar Association and the Legal Services Corporation offices in Mississippi. The pro bono cases I have handled through MVLP generally consist of guardianships, birth certificate corrections, and name changes. The amount of time I have dedicated to the handling of pro bono matters through MVLP has varied each year, with the range between 20 to 40 hours annually.

I have also handled a non-MVLP pro bono case that involved assisting an out-of-state resident in obtaining a Mississippi birth certificate, which is the single case on which I expended the most pro bono hours. The Mississippi Department of Health refused to issue the certificate and contested the client's petition on grounds that the certificate that the client represented as being provided to her when she was young and had all of her life was fraudulently obtained. The Department of Health relied in large part on the fact of the client's arrest in another state for the charge of violating the federal statute prohibiting the making of a false statement in a passport application before my representation of her began, although the charge had been dismissed with prejudice due to the absence of evidence establishing the element that she knowingly and willfully intended to make a false statement. The matter proceeded to trial on which I was sole counsel for the client. The court ruled that the client had provided sufficient evidence for the issuance of the birth certificate and entered judgment accordingly.

Several years ago, thirteen private law firms in Mississippi, in association with the Mississippi Volunteer Lawyers Project, developed a comprehensive pro bono manual as a resource for Mississippi attorneys who handle pro bono cases. I was the contact person for my firm with respect to the development of the manual, and I prepared the manual's section on child custody matters along with one of my colleagues. I have also participated in a panel discussion on the subject of integrating pro bono service into private practice. Finally, I have served as the Pro Bono Coordinator in each firm where I have practiced law.

**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.

In December 2012, I was informed by staff members for Senator Thad Cochran and Senator Roger Wicker that I had been recommended for the position of United States District Judge for the Northern District of Mississippi left vacant due to the death of Judge Allen Pepper. Since February 11, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 19, 2013, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On May 16, 2013, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question

in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

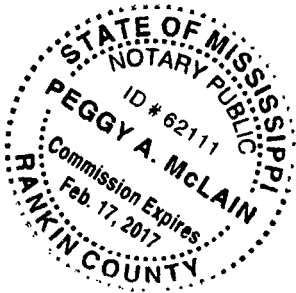
I, DEBRA M. BROWN, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

MAY 16, 2013

(DATE)

*Debra M. Brown*

(NAME)



Peggy A. McLain  
(NOTARY)