

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jose Rolando Olvera, Jr. (Rolando Olvera)

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

United States District Court Judge for the Southern District of Texas

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.

Cameron County Courthouse
445th State District Court
974 East Harrison Street
Brownsville, TX 78520

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

1963; Houston, Texas

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

1987 – 1989, University of Texas School of Law; J.D., 1989
1985 – 1986, University of Texas Southwestern Medical Center; no degree
1981 – 1985, Harvard University; B.A., 1985

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
Fifth Administrative Judicial Region
Cameron County Courthouse
974 East Harrison Street

Brownsville, TX 78520
Presiding Judge

2009 – Present
445th State District Court
Cameron County Courthouse
974 East Harrison Street
Brownsville, TX 78520
State District Court Judge

2007 – 2008
Law Office of Rolando Olvera
35 Holly Lane
Brownsville, TX 78520
Attorney/Mediator

2007 – 2008
City of Brownsville (Part-time)
1034 East Levee Street
Brownsville, TX 78520
Brownsville Municipal Judge

2005 – 2006
138th State District Court
Cameron County Courthouse
974 East Harrison Street
Brownsville, TX 78520
State District Court Judge

2004
Spain & Olvera
103 East Price Road
Brownsville, TX 78521
Partner & Mediator

2003
Rolando Olvera, P.C.
1650 Paredes Line Road
Brownsville, TX 78520
Attorney & Mediator

2001 – 2002
357th State District Court
Cameron County Courthouse
974 East Harrison Street
Brownsville, TX 78520

State District Court Judge

1998 – 2000

Fleming & Olvera, P.C.
1650 Paredes Line Road
Brownsville, TX 78520
Partner

1995 – 1997

Fleming, Hewitt & Olvera
1650 Paredes Line Road
Brownsville, TX 78520
Partner

1994

Fleming & Hewitt
1650 Paredes Line Road
Brownsville, TX 78520
Associate

1990 – 1993, Summer 1989

Atlas & Hall, L.L.P.
818 Pecan Boulevard
McAllen, TX 78501
Associate (1990 – 1993)
Summer Law Clerk (Summer 1989)

1986 – 1987

Law Office of Richard Arroyo
1325 Palm Boulevard
Brownsville, TX 78520
Law Clerk

Other affiliations (uncompensated):

2009 – 2011

Texas Youth Commission
11209 Metric Boulevard
Austin, TX 78758
Board Member

2007 – 2008

Brownsville Community Foundation
550 East Levee Street
Brownsville, TX 78520
Director

2003 – 2005
Texas Lottery Commission
611 East 6th Street
Austin, TX 78701
Commissioner

1999 – 2005
Children’s Museum of Brownsville, Inc.
501 East Ringgold Street, #5
Brownsville, TX 78520
Director

1998 – 2004
United Way “Success by Six” Program
634 East Levee Street
Brownsville, TX 78520
Director

1997 – 1998
Rio Grande Bankruptcy Bar Association
McAllen, TX
Vice-President

1993 – 1994
Cameron County Young Lawyers Association
Brownsville, TX
President

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

I have not served in the military. I timely registered for selective service.

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

2012 Cameron County Judicial Poll: Highest ranked judge among my judicial peers and received an overall “Outstanding Rating”

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 Health Lawyers Association (2007 – 2008)
Cameron County Bar Association (1990 – Present)
Cameron County Young Lawyers Association (1993 – 1998)
 President (1993 – 1994)
Hidalgo County Bar Association (2003 – 2005)
Judicial Section, State Bar of Texas (2001 – 2002, 2005 – 2006, 2009 – Present)
Region 5 District Judge Representative (2001 – 2002)
Rio Grande Valley Bankruptcy Bar Association (1997 – 2000)
 Vice President (1997 – 1998)
State Bar of Texas (1990 – Present)
Texas Bar Foundation (1995 – Present)
 Life Fellow
Texas Young Lawyers Association (1990 – 1994)

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.

Texas, 1990

There has been no lapse 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 District Court Southern District of Texas, 1992

United States Court of Appeals for the Fifth Circuit, 1993

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.

Brownsville Community Foundation (2007 – 2008)

 Director

Children's Museum of Brownsville, Inc. (1999 – 2005)

 Director

Harvard University (1993 – Present)
Regional Interviewer of Prospective Students
St. Joseph Academy Alumni Golf Tournament (1991 – 2000)
Director
Texas Lottery Commission (2003 – 2005)
State Appointment/Commissioner
Texas Youth Commission (2009 – 2011)
State Appointment/Director
United Way “Success by Six” Program (1998 – 2004)
Director
University of Texas Alumni Association (1990 – Present)
Lifetime Member

- 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, none of the above listed organizations currently discriminates or has previously 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.

None.

- 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.

None.

- 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.

2009 – 2011: As a member of the Board of Directors, I participated in nearly all of the quarterly meetings of the Texas Youth Commission. I offered extemporaneous remarks during the meetings about youth commission matters, including but not limited to juvenile detention facility operations and reports, security, budgets and audits, and rehabilitation program and recidivism updates. Meeting minutes available at:
<http://www.tjjd.texas.gov/aboutus/archivedmeetings.aspx>.

2003 – 2005: As one of three Commissioners, I participated in nearly all of the quarterly meetings of the Texas Lottery Commission. I offered extemporaneous remarks during the meetings about lottery matters, including but not limited to budgets, audits, financial reports, multistate lottery participation, and lottery profits paid to the Texas general education fund. Meeting minutes available at:
http://www.txlottery.org/export/sites/lottery/About_Us/Meetings/Commission_Meeting_Transcripts/.

On February 21, 2005, I testified before the Texas Senate Committee on Nominations concerning my appointment to the Texas Lottery Commission. Transcript supplied.

- 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 below list was produced by researching my personal records and calendars in conjunction with information gained from the Internet. I rarely used notes, nor did I retain any notes.

May 15, 2014: Panelist, “*Judges Panel*,” Soaking Up Some CLE, TexasBarCLE, South Padre Island, TX. The judicial panel answered diverse questions from the audience during a lunch session. I have no notes, transcript or recording. The address of TexasBarCLE is 1414 Colorado Street, Austin, TX 78701.

April 24, 2014: Guest Lecturer, “Opening & Closing Statements in Trial,” Cameron County Young Lawyers Association, Brownsville, TX. This was primarily a question-and-answer session, in which I discussed the distinction

between opening and closing arguments. I have no notes, transcript or recording. The Cameron County Young Lawyers Association has no mailing address.

May 15, 2013: Panelist, “Judges Panel,” Soaking Up Some CLE, a South Texas Litigation Seminar sponsored by TexasBarCLE, South Padre Island, TX. The judicial panel answered diverse questions from the audience during a lunch session. I have no notes, transcript or recording. The address of TexasBarCLE is 1414 Colorado Street, Austin, TX 78701.

April 11, 2013: Guest Lecturer, “Daubert Challenges,” Cameron County Young Lawyers Association, Brownsville, TX. This was primarily a question-and-answer session, in which I discussed the standard for expert opinion challenges. I have no notes, transcript or recording. The Cameron County Young Lawyers Association has no mailing address.

May 12, 2011: Panelist, “Judges Panel,” Soaking Up Some CLE, a South Texas Litigation Seminar sponsored by TexasBarCLE, South Padre Island, TX. The judicial panel answered diverse questions from the audience during a lunch session. I have no notes, transcript or recording. The address of TexasBarCLE is 1414 Colorado Street, Austin, TX 78701.

January 27, 2011: Speaker, Investiture Ceremony as the Presiding Judge of the Fifth Administrative Judicial Region of Texas, Brownsville, TX. Although not present, I thanked Governor Rick Perry and Senator Eddie Lucio for the appointment and the opportunity to serve in this capacity; for those present, I thanked all the members of the judiciary, public officials, staff, friends, and family for their support and well wishes. In addition, I spoke briefly as to my goals and plans for this position, and confirmed my intent to serve as a resource for the judiciary. I have no notes, transcript or recording of the investiture ceremony. The address of the 445th State District Court is 974 East Harrison Street, Brownsville, TX 78520.

January 26, 2011: Guest Lecturer, “Preserving and Presenting Evidence: Principle, Problems, and Pitfalls to Avoid,” Cameron County Young Lawyers Association, Brownsville, TX. This was a trial skills workshop in which I discussed the standard for introducing, admitting, and publishing evidence at trial. I have no notes, transcript or recording. The Cameron County Young Lawyers Association has no mailing address.

November 5, 2007 – March 4, 2008: I gave a number of speeches and participated in debates while campaigning to serve as a judge for the 445th State District Court, through the end of the contested primary. I spoke to various civic, political, and professional organizations, and I also appeared at various forums. Although I cannot recall specific groups that I spoke to, they likely would have included the following: the Brownsville Rotary Club, the Cameron County Bar Association, the Cameron County Democratic Party, the Cameron County Young

Lawyers Association, South Texans for Good Government, and the University of Texas Brownsville Democrats Club. After reviewing my files and public records, I could only determine the specific date or location of one meeting, listed below. If given the opportunity, I generally spoke about my qualifications, experience, and community involvement. I typically did not speak using prepared notes, and I have no transcripts or recordings.

February 19, 2008: Speaker, “Judicial Candidate Forum,” Cameron County Bar, Cameron County Young Lawyers Association and the Brownsville Herald, Brownsville, TX. This was a political forum moderated by the local bar and newspaper. Each candidate was given the opportunity to speak about their qualifications. I have no notes, transcript or recording, but press coverage is supplied. The address for the Cameron County Bar Association is P.O. Box 3866, Brownsville, TX 78520.

January 1, 2006 – November 7, 2006: I gave a number of speeches and participated in debates while campaigning to serve as a judge for the 138th State District Court. I spoke to various civic, political, and professional organizations, and I also appeared at various forums. Although I cannot recall specific groups that I spoke to, they likely would have included the following: the Brownsville Rotary Club, the Brownsville Union Coalition, the Cameron County Bar Association, the Cameron County Republican Party, the Cameron County Sheriff Deputies Association, the Cameron County Young Lawyers Association, and South Texans for Good Government. After reviewing my files and public records, I could only determine the specific dates or locations of two meetings, listed below. If given the opportunity, I generally spoke about my qualifications, experience, and community involvement. I typically did not speak using prepared notes, and I have no transcripts or recordings.

September 21, 2006: Speaker, “Judicial Candidate Forum,” South Texans for Good Government, Brownsville, TX. This was a political forum in which candidates responded to questions from a moderator about their qualifications. I have no notes, transcript or recording, but press coverage is supplied. The South Texans for Good Government has no physical address.

September 13, 2006: Speaker, “Judicial Candidate Forum,” Cameron County Sheriff Deputies Association and the Brownsville Union Coalition, Brownsville, TX. This was a political forum in which candidates responded to questions from the audience via a moderator about their qualifications. I have no notes, transcript or recording, but press coverage is supplied. Neither the Cameron County Sheriff Deputies Association nor the Brownsville Union Coalition has a physical address.

May 22, 2006: Speaker, Commencement Speech for the Sixth Grade class of St. Mary’s Catholic School, Brownsville, TX. I discussed character development and

goals. I have no notes, transcript or recording. The address for St. Mary's Catholic School is 1300 East Los Ebanos Street, Brownsville, TX 78520.

October 12, 2005: Panelist, "Ivy League in the Boardroom" Brownsville Independent School District, Brownsville, TX. Each Ivy League alumnus was seated at a table and provided the opportunity to answer questions from local students about the respective college the alumni attended. I have no notes, transcript or recording, but press coverage is supplied. The address for Brownsville Independent School District is 1900 Price Road, Brownsville, TX 78520.

January 1, 2002 – November 5, 2002: I gave a number of speeches and participated in debates while campaigning to serve as a judge for the 357th State District Court. I spoke to various civic, political, and professional organizations, and I also appeared at various forums. Although I cannot recall specific groups that I spoke to, they likely would have included the following: the Brownsville Rotary Club, the Cameron County Bar Association, the Cameron County Republican Party, the Cameron County Young Lawyers Association, and South Texans for Good Government. After reviewing my files and public records, I could not determine the specific dates or locations of these meetings. If given the opportunity, I generally spoke about my qualifications, experience, and community involvement. I typically did not speak using prepared notes, and I have no transcripts or recordings.

June 27, 2001: Speaker, Investiture as 357th State District Court Judge, Brownsville, TX. The ceremony included a brief speech wherein I discussed my judicial goals. There was no transcript or recording made of the ceremony, but press coverage is supplied. The address of the 357th State District Court is 974 East Harrison Street, Brownsville, TX 78520.

- 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.

Meet the New Presiding Judge of the 5th Judicial Region: Judge J. Rolando Olvera, Jr., Your Honor.Com, Texas Center for the Judiciary, January 24, 2011. Copy supplied.

Mary Ann Cavazos, *Perry Appoints Judge from Brownsville to Regional Post; Cameron County Justice Takes Over Role from Banales*, Corpus Christi Caller-Times, January 5, 2011. Copy supplied.

Emma Perez-Trevino, *Olvera Appointed to Additional Judge Position*, The Brownsville Herald, January 4, 2011. Copy supplied.

Laura B. Martinez, *First of Two New State District Courts Now in Session*, The Brownsville Herald, October 7, 2009. Copy supplied.

Laura B. Martinez, *A Shower Cometh and a Shower Goeth*, The Brownsville Herald, June 28, 2009. Copy supplied.

Louie Vera, *Historic Brownsville Open Notebook: Golfers Pitch in at Youth Clinic*, The Brownsville Herald, April 24, 2009. Copy supplied.

Laura B. Martinez, *New Judges Await Courts*, The Brownsville Herald, November 9, 2008. Copy supplied.

Laura B. Martinez, *New Judge Lacks Court*, The Brownsville Herald, September 21, 2008. Copy supplied.

As a candidate for 445th State District Court in 2007 to 2008, I previously maintained a campaign website at www.olvera445.org, which has been defunct since March 2008.

Jose Borjon, *Olvera Wins Seat for 445th*, The Brownsville Herald, March 5, 2008. Copy supplied.

Press Conference regarding my candidacy for the 445th State District Court in Brownsville, TX, November 5, 2007. Representative press coverage supplied and video recording available at:
<http://www.youtube.com/watch?v=TmDwtNUANOk>.

Laura B. Martinez, *Judge Alleges Discrimination by City*, The Brownsville Herald, June 21, 2007. Copy supplied.

Laura B. Martinez, *Nelson Won't Take Bench Today*, The Brownsville Herald, December 12, 2006. Copy supplied.

Emma Perez-Trevino, *Nelson May be Able to Take Bench on Dec. 12*, The Brownsville Herald, November 26, 2006. Copy supplied.

Laura Martinez, *Recently Elected Judge May Take Bench Early*, The Brownsville Herald, November 18, 2006. Copy supplied.

Emma Perez-Trevino, *Nelson Takes 138th Bench*, The Brownsville Herald, November 8, 2006. Copy supplied.

Elizabeth Pierson and Emma Perez-Trevino, *Election of 2006 in Voters' Hands: County Judge Candidates Fling Last of Campaign Mud*, The Brownsville Herald, November 7, 2006. Copy supplied.

Emma Perez-Trevino, *Minor Complaints, No Consequences for County Campaigners*, The Brownsville Herald, November 4, 2006. Copy supplied.

Emma Perez-Trevino, *Olvera Raises More, Spends Less*, The Brownsville Herald, November 2, 2006. Copy supplied.

Emma Perez-Trevino, *Olvera, Nelson Claim Experience, Values in Judge Candidacy*, The Brownsville Herald, September 24, 2006. Copy supplied.

Emma Perez-Trevino, *Olvera Seeks Nomination to 138th District Judgeship*, The Brownsville Herald, November 21, 2005. Copy supplied.

Kevin Garcia, *Students Encouraged to Attend Ivy League Night*, The Brownsville Herald, October 12, 2005. Copy supplied.

Lottery Officials Admit Jackpots Were Inflated, Las Vegas Sun, June 27, 2005. Copy Supplied.

Texas Lottery Eager About South Texas Mega Millions Ticket - \$175,000 Prize Still Unclaimed, Texas Lottery Commission Press Release, June 8, 2004. Copy Supplied.

Emma Perez-Trevino, *Former Brownsville Judge Named to Lottery Commission*, The Brownsville Herald, August 29, 2003. Copy supplied.

Emma Perez-Trevino, *Republican Shutout Shines Harsh Light for Local Partisans*, The Brownsville Herald, November 7, 2002. Copy supplied.

Emma Perez-Trevino, *Alejandro Dumps Olvera*, The Brownsville Herald, November 6, 2002. Copy supplied.

Emma Perez-Trevino, *High-Profile Local Contests Bring Out the Voters*, Brownsville Herald, November 5, 2002. Copy supplied.

Emma Perez-Trevino, *Alejandro Exceeds Olvera's Bid for Bench*, The Brownsville Herald, November 3, 2002. Copy supplied.

James Pinkerton and Bennett Roth, *Of Humble Origins / Garza's Hard Work Pays Off as Envoy Pick*, Houston Chronicle, July 21, 2002. Copy supplied.

Emma Perez-Trevino, *Local Judge Returns From White House Visit*, The Brownsville Herald, October 5, 2002. Copy supplied.

Emma Perez-Trevino, *Democratic Candidate Called Out for Questionable Contributions Campaign: Judicial Hopeful Faults Oversight, Claims No Ill Intent*, Brownsville Herald, March 3, 2002. Copy supplied.

Steve Taylor, *Three to Compete for Bench in the 357th*, The Brownsville Herald, January 4, 2002. Copy supplied.

Emma Perez-Trevino, *Local Attorney Appointed by Perry; Law: Brownsville Lawyer Appointed 357th District Court Judgeship*, The Brownsville Herald, April 19, 2001. Copy supplied.

Lisa Marie Gomez, *May 1 Election Pivotal for Union*, The Brownsville Herald, May 1, 1996. 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.

In 2001, I began my judicial service on the 357th Texas State District Court after I was appointed by the Governor. I was subsequently required to run for election to this court in November 2002. After losing the election, I served until the end of December 2002. The 357th Texas State District Court was a court of general jurisdiction in Cameron County and Willacy County, with a docket that included criminal, civil, and family law cases. The jurisdiction of said court has since been modified exclusively to Cameron County.

In 2005, I served as a judge for the 138th Texas State District Court after I was appointed by the Governor. I was subsequently required to run for election to this court in November 2006. After losing the election, I served until the end of December 2006. The 138th Texas State District Court is a court of general jurisdiction in Cameron County, with a docket that included criminal, civil, and family law cases.

From 2007 to 2008, I served as a Brownsville municipal judge after I was appointed by the Brownsville City Commission. I resigned upon winning election in 2008 to the 445th Texas State District Court. My duties included the setting of bail for criminal defendants and hearing criminal misdemeanor cases.

Since 2009, I have served as a judge for the 445th Texas State District Court. I retained my seat in an unopposed race in 2012. The 445th Texas State District Court is a court of general jurisdiction in Cameron County, with a docket that includes criminal, civil, and family law cases.

In January 2011, I was appointed by the Governor to a four-year term as the presiding judge of the Fifth Administrative Judicial Region, one of nine presiding judges in Texas. I administratively supervise local administrative judges, the district judges, county court at law judges, visiting judges, and capital murder committee in the eleven counties in South Texas that comprise the Fifth Administrative Judicial Region. My duties also include managing recusal hearings in the region, appointing active or visiting judges to courts that need assistance with their docket, and serving as a resource to all of the judges in the region.

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

With almost eleven years of combined service as a state court judge, I estimate that I have presided over 5,000 cases that have gone to verdict or judgment. This overall number includes cases in which the final judgment was derived from a plea agreement. Once a plea agreement is completed through the sentencing stage, a final judgment is prepared. Our court records do not distinguish these final judgments from plea agreements from other types of judgments. I estimate that I have presided over approximately 500 jury or bench trials over the course of my career.

- i. Of these, approximately what percent were:

jury trials:	10%
bench trials:	90%
civil proceedings:	30%
criminal proceedings:	70%

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

None.

- 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).

Below please find a general cross-section of ten cases over which I have presided:

1. *State of Texas v. Barrientos*, No. 10-CR-915-I

On February 7, 2009, the defendant, along with co-defendants, sexually assaulted and murdered the victim. The mother of the deceased later discovered the body inside the refrigerator of the deceased's apartment. The defendant and adult co-defendants were charged with capital murder. After I denied defense counsel's motion to disqualify the special prosecutor assigned to the case, the defense counsel filed a petition for writ of mandamus as to this issue. The 13th Court of Appeals denied the writ of mandamus and remanded the case to my court. In the interim, a co-defendant received life in prison without parole in a different court. After presiding in numerous miscellaneous pretrial hearings, the defendant executed a plea agreement and pled guilty to capital murder. I accepted and granted the plea bargain for life in prison without parole.

First Chair and Second Chair Counsel for Defendant:

First Chair:

Mr. Rene Flores
O. Rene Flores PC
1308 South 10th Avenue
Edinburg TX 78539
(956) 383-9090

Second Chair:

Ms. Rebecca RuBane
The Law Office of Rebecca E. RuBane
847 East Harrison Street
Brownsville, TX 78520
(956) 542-8985

Counsel for the State:

Mr. Luis Saenz
964 East Harrison Street
Brownsville, TX 78520
(956) 341-7011

2. *State of Texas v. Stafford*, No. 10-CR-1661-I

On March 26, 2010, the defendant allegedly repeatedly stabbed Mr. Martinez with a knife in the chest, leading to Mr. Martinez's death two weeks after the incident. The State argued that DNA results revealed that the victim's blood was on the defendant's hands, clothing, and shoes. The defendant argued self-defense, but a co-victim and survivor rebutted said defensive allegation. This case also involved questions related to the defendant's competency to stand trial. After a four-day trial, the jury found the defendant guilty of murder, found the allegations in the enhancement counts to be true, and assessed punishment at confinement for life in prison. This case is currently awaiting a decision from the 13th Court of Appeals.

Counsel for Defendant:

Mr. Alfredo Padilla
Solo Practitioner
777 East Harrison Street, 2nd Floor
Brownsville, TX 78520
(956) 544-7100

Co-Counsel for the State:

Ms. Stephanie Rollins
Ms. Brandy Bailey
Cameron County District Attorney's Office
964 East Harrison Street

Brownsville, TX 78520
(956) 544-0849

3. *State of Texas v. Duran*, No. 2012-DCR-867-I

On December 10, 2002, the defendant, along with two unidentified individuals, broke into the victim's home. The defendant proceeded to strike the victim in the head with his fist, a Wii player and a DVD player until the victim escaped. The victim found police officers who were patrolling the neighborhood. Police Officer Villarreal saw the victim bleeding and also witnessed the defendant, along with several other individuals, run down an alley near victim's home. The defense alleged that the police were already at the scene because the victim was the aggressor, that the victim had thrown a brick through the window of a home where the defendant was visiting, and that it was the owner of said home whom had called the police. After a three-day trial, the jury found the defendant guilty of burglary of a habitation and aggravated assault with a deadly weapon, found the allegations in the enhancement counts to be true, and assessed punishment at confinement for 25 years in the Texas Department of Criminal Justice. The 13th Court Appeals affirmed the judgment, including the enhancement counts.

Counsel for Defendant:
Mr. Douglas McMaster
Solo Practitioner
847 East Harrison Street
Brownsville, TX 78520-7120
(956) 873-0477

Counsel for the State:
Ms. Jennifer Hahn
Cameron County District Attorney's Office
964 East Harrison Street
Brownsville, TX 78520
(956) 544-0849

4. *State of Texas v. Herrera*, No. 11-CR-1312-I

On May 20, 2014, the defendant saw the victim inside a convenience store and walked out of the convenience store and waited for the victim to exit. Once the victim exited the store, the defendant struck the victim on the head with a bat. The defendant's brother-in-law vandalized the victim's truck while the defendant continued to strike the victim with the bat. The defendant claimed self-defense, alleging the victim was a gang member and first attacked the defendant inside the convenience store for being a rival gang member. After a four-day trial, the jury found the defendant guilty of aggravated assault with a deadly weapon and assessed punishment at confinement for six years in the Texas Department of Criminal Justice. Although the defendant filed his notice of appeal after the deadline expired, the case

is currently awaiting a decision from the 13th Court of Appeals.

Counsel for Defendant:

Mr. Enrique Juarez

Solo Practitioner

212 North Arroyo Boulevard, Suite A

Los Fresnos, TX 78566

(956) 233-5533

Co-Counsel for the State:

Ms. Jennifer Hahn

Mr. Brian Erskine (current address unknown)

Cameron County District Attorney's Office

964 East Harrison Street

Brownsville, TX 78520

(956) 544-0849

5. *State of Texas v. Comeaux*, No. 10-CR-2671-I

On January 4, 2010, defendant, Ms. Comeaux, assisted her paramour, Mr. Mendez, in the murder of Mr. Torres. During the course of the evening on the date of the incident, the defendants were smoking crack cocaine. While the defendants were under the influence, they attacked Mr. Torres in his home during an attempted burglary. Ms. Comeaux allegedly beat the victim repeatedly over the head with a steel pipe, as well as kicking him in the head and back with a steel-toe boot. At trial, Ms. Comeaux alleged Mr. Mendez was the one who murdered the victim because the autopsy report confirmed the cause of death was by strangulation and not blunt force trauma. Mr. Mendez, who had previously pled guilty to the same offense of murder, testified against Ms. Comeaux. After a four-day trial, the jury found her guilty of murder and assessed punishment at confinement for 22 years in the Texas Department of Criminal Justice. Ms. Comeaux filed a notice of appeal but later requested dismissal of the appeal.

Counsel for Defendant:

Mr. Nathaniel Perez

Law Office of Nat C. Perez Jr.

847 East Harrison Street

Brownsville, TX 78520

(956) 548-1213

Co-Counsel for the State:

Mr. Samuel Smith

(current business contact information unavailable)

Ms. Stephanie Rollins

Cameron County District Attorney's Office

964 East Harrison Street

Brownsville, TX 78520
(956) 544-0849

6. *State of Texas v. Herrera*, No. 11-CR-901-I

From August 2010 through February 2011, the defendant sexually abused his nine-year-old niece. The victim's parents admitted the child to the hospital as soon as she reported it. Originally, the defendant requested a jury trial, but on the eve of trial, he signed a written statement wherein he admitted to having sexual intercourse with his niece, pled guilty, and executed a plea agreement with the State. I accepted and granted the plea bargain and sentenced the defendant to serve 30 years in the Texas Department of Criminal Justice.

Counsel for Defendant:
Ms. Rebecca RuBane
The Law Office of Rebecca E. RuBane
847 East Harrison Street
Brownsville, TX 78520
(956) 542-8985

Counsel for the State:
Ms. Jennifer Hahn
Cameron County District Attorney's Office
964 East Harrison Street
Brownsville, TX 78520
(956) 544-0849

7. *Garza v. Ramos*, No. 2007-07-3607-I

Plaintiff was driving his vehicle on a public roadway when he was struck by a vehicle driven by defendant, who had failed to yield the right of way to oncoming traffic when entering the public roadway from a private drive. As a result of the collision, the plaintiff alleged severe and disabling injuries and sued defendant for past and future medical expenses, mental pain and suffering, and loss of earning capacity. In all, the plaintiff claimed a total of \$300,000 in damages. The case was transferred to my court in 2010. On September 10, 2010, I granted the plaintiff's motion for partial summary judgment as to the defendant's liability but not as to damages. After a four-day trial, the jury awarded the plaintiff \$1,000 for past pain and mental anguish and \$9,000 for incurred medical expenses. I denied the plaintiff's motion for a new trial.

Counsel for Plaintiff:
Ron W. Armstrong
The Armstrong Firm
2600 Old Alice Road, Suite A
Brownsville, TX 78521
(956) 546-5556

Counsel for Defendant:
Jesus Quezada, Jr.
Quezada Law Firm
3000 Central Boulevard, Suite 6
Brownsville, TX 78520
(956) 346-7810

8. *Curtin v. Texas Windstorm Insurance Association*, No. 2008-10-5630-I

This was a trial of importance for hurricane/windstorm insurance in Texas, which was managed by the State of Texas. The plaintiffs suffered severe roof damage and interior water damage to their home from Hurricane Dolly. The parties disagreed as to the amount recoverable under the subject insurance policy. The plaintiffs sought recovery for any and all damages, but the defendant cited language and disclaimers in the policy in offering partial payment. The plaintiffs sued for damages for breach of the insurance policy. After a five-day trial, the jury held defendant breached the insurance policy and awarded judgment in favor of the plaintiffs. The jury awarded \$87,000 in actual damages and \$64,000 in plaintiffs' attorney fees. Subsequent to the verdict, an agreed final judgment, wherein plaintiffs agreed to take nothing was subsequently submitted by the parties and executed August 1, 2011.

Counsel for Plaintiff:
Robert L. Collins
Solo Practitioner
P.O. Box 7726
Houston, TX 77270-7726
(713) 467-8884

Counsel for Defendant:
Alan D. Erwin, Jr
Roerig, Oliveira, & Fisher LLP
855 West Price Road, Suite 9
Brownsville, TX 78520-8786
(956) 542-5666

9. *Touchstone Cardiovascular Resources, Inc. v. Dr. Martinez, MD, PA; Dr. Lopez, MD, PA; Cardiovascular Associates of Harlingen; Valley Baptist Medical Center; Harlingen Medical Center; and Rio Perfusion, LLC*, No. 2008-12-6480-I. Decision supplied.

This was a complex case alleging contractual tortious interference, general and gross negligence, and antitrust violations. Plaintiff was a profitable corporation providing perfusion services to the defendants. The two doctors, Dr. Martinez and Dr. Lopez, who were contractually affiliated with all of the defendant medical providers, allegedly met with the owner of the plaintiff medical provider and attempted to coerce the plaintiff into selling a 2/3 controlling interest in the plaintiff corporation to

the doctors. They allegedly threatened that a failure to sell would result in a severe loss of business with all of the defendants. Plaintiff owner secretly tape recorded the meeting with the doctors. I granted the defendants' motion for summary judgment solely as to the plaintiff's antitrust allegation, but denied the motion for summary judgment as to all other causes of action. My order denying summary judgment as to both hospitals specifically addressed complex contractual language regarding agency. The case subsequently settled.

Counsel for Plaintiff:
Michael Rodriguez
Atlas, Hall & Rodriguez LLP
50 Morrison Road, Suite A
Brownsville, TX 78520
(956) 574-9333

Counsel for Dr. Martinez, MD, PA; Dr. Lopez, MD, PA; and Cardiovascular Associates of Harlingen:
Benigno Martinez
Martinez, Barrera & Martinez LLP
1201 East Van Buren Street
Brownsville, TX 78520
(956) 546-7159

Counsel for Harlingen Medical Center:
Donald Delgado
West, Webb, Allbritton & Gentry PC
1325 Palm Boulevard, Suite A
Brownsville, TX 78520
(956) 544-7110

Counsel for Rio Perfusion, LLC:
Ricardo J. Navarro
Denton, Navarro, Rocha, Bernal, Hyde & Zech PC
710 East Harrison Street, Suite 100
Harlingen, TX 78550
(956) 421-4904

Counsel for Valley Baptist Medical Center:
Ferriel Hamby, Jr.
Adams & Graham LLP
P.O. Drawer 1429
Harlingen, TX 78551
(956) 428-7495

10. *Hernandez v. City of San Benito*, No. 2010-02-8-0860-1

The issue in this case involved a City of San Benito ordinance, which granted the City Commission the authority to remove any public official from office if the official failed to pay required ad valorem taxes. The facts were undisputed that the mayor had failed to pay required ad valorem taxes for a period of years but had made payment in full prior to filing suit in February 2010. The plaintiff mayor was seeking an order enjoining the city from enforcing the ordinance based upon the allegation that the ordinance was unconstitutional and for lack of damages based upon his payment of the taxes owed. After holding a hearing, I ruled that the city ordinance was constitutional and denied the plaintiff's request for an injunction. I did verbally caution the defendant that although it had the power to enforce the ordinance, it also had the responsibility to act judiciously in its enforcement, and ordered the City Commission to properly post the prospective removal of the mayor on the city agenda for the next city meeting. The plaintiff mayor subsequently filed a dismissal without prejudice.

Counsel for Plaintiff:

Miguel D. Wise
Miguel D. Wise PC
3516 East Expressway 83, Suite A
Weslaco, TX 78596
(956) 968-6898

Co-Counsel for Defendant:

Ernesto Gamez, Jr.
Law Offices of Ernesto Gamez, Jr. PC
777 East Harrison Street
Brownsville, TX 78520
(956) 541-3820

Ricardo J. Navarro
Denton, Navarro, Rocha, Bernal, Hyde & Zech PC
710 East Harrison Street, Suite 100
Harlingen, TX 78550
(956) 421-4904

- 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.

As a state district judge, it is extremely rare that I issue substantive written opinions. The county seat for all of my judicial positions was and is Cameron County, Texas. The standard operating procedure set forth in the Cameron County Local Rules was

and is for each party to submit an order granting or denying the relief requested in conjunction with the party's respective pleading. I may make minor revisions, but the bulk of the language in any prospective order is from a standard template form submitted by the prevailing party. As a municipal judge in Brownsville, I did not issue any opinions. However, I was able to find the following two orders I drafted as a district judge:

1. *Touchstone Cardiovascular Resources, Inc. v. Dr. Martinez, MD, PA; Dr. Lopez MD, PA; Cardiovascular Associates of Harlingen; Valley Baptist Medical Center; Harlingen Medical Center; and Rio Perfusion, LLC*, No. 2008-12-6480-I. Copy previously supplied in response to 13c.

Counsel for Plaintiff:
Michael Rodriguez
Atlas, Hall & Rodriguez LLP
50 Morrison Road, Suite A
Brownsville, TX 78520
(956) 574-9333

Counsel for Dr. Martinez, MD, PA; Dr. Lopez, MD, PA; and Cardiovascular Associates of Harlingen:
Benigno Martinez
Martinez, Barrera & Martinez LLP
1201 East Van Buren Street
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(956) 546-7159

Counsel for Harlingen Medical Center:
Donald Delgado
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1325 Palm Boulevard, Suite A
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(956) 544-7110

Counsel for Rio Perfusion, LLC:
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Harlingen, TX 78550
(956) 421-4904

Counsel for Valley Baptist Medical Center:
Ferriel Hamby, Jr.
Adams & Graham LLP
P.O. Drawer 1429

Harlingen, TX 78551
(956) 428-7495

2. *Baldonado v. Texas Dept. of Health and Human Services Commission*, No. 2008-08-4696-I, *rev'd* 2012 WL 1073278 (Tex. App. – Corpus Christi, March 29, 2012, No. 13-11-00167). Copy supplied.

Counsel for Plaintiff:
Mark Sanchez
Gale Wilson & Sanchez PLLC
115 East Travis Street, 19th Floor
San Antonio, TX 78205
(210) 222-8899

Counsel for Defendant:
Marc Rievtvelt
Office of the Attorney General
General Litigation Division-019
P.O. Box 12548
Austin, TX 78711
(512) 463-2120

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

None.

- 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.

Baldonado v. Texas Dept. of Health and Human Services Com'n, No. 2008-08-4696-I (copy previously supplied in response to 13d), *rev'd* 2012 WL 1073278 (Tex.App.—Corpus Christi, March 29, 2012, No. 13-11-00167).

In this age discrimination suit brought by Mr. Baldonado against the Texas Health and Human Services Commission (“HHSC”), the HHSC filed a concurrent motion for summary judgment and motion to dismiss for lack of jurisdiction. I denied the summary judgment motion, but granted the state’s jurisdictional motion. I concluded that the court lacked jurisdiction because although the suit had been timely filed on the last day of the applicable deadline, service of process was not effectuated until after the time to do so had expired. I noted that any due diligence requirements as to tolling the statute of limitations had been met by the plaintiff, but that the plaintiff had not presented any legal basis for the theory that due diligence as to service of process may toll jurisdictional requirements. The 13th Court of Appeals reversed and remanded, concluding that service of process can only occur after suit has been filed,

and therefore cannot be a jurisdictional prerequisite.

State of Texas v. Rodriguez, No. 99-CR-1044-B, *rev'd*, 218 S.W.3d 837 (Tex.App.—Corpus Christi March 15, 2007).

In March 2005, the original judge assigned to this case granted the defendant's request for post-conviction DNA testing. The 13th Court of Appeals denied the appeal from this motion for lack of jurisdiction. During the pendency of this appeal, the original judge retired, and I was assigned to the case. I denied the State's motion to reconsider the March 2005 order. On considering the State's subsequent writ of mandamus, the 13th Court of Appeals reversed the previous judge's March 2005 order, concluding that because the defendant's identity was not at issue, the defendant's request for DNA testing should have been denied. On remand, I executed an order August 3, 2006, denying the defendant's post-conviction DNA application. Copy supplied.

Lawson v. Cameron Appraisal Dist., No. 2000-07-3059-E (copy supplied), *rev'd sub. nom. Rourk v. Cameron Appraisal Dist.*, 131 S.W.3d 285 (Tex.App.—Corpus Christi March 4, 2004), *rev'd in part*, 194 S.W.3d 501, 49 Tex. Sup. Ct. J. 660 (Tex. June 2, 2006).

Mr. Rourk and 33 other plaintiffs with similar claims brought a class action requesting a declaratory judgment that the travel trailers in which they lived at respective mobile home parks were recreational vehicles, that said vehicles should be classified as personal property, and that they be deemed exempt from taxation under the Texas Tax Code and the Texas Constitution. I granted summary judgment in favor of appellee Cameron Appraisal District. The 13th Court of Appeals reversed and remanded, holding that the plaintiffs/appellants were not required to exhaust their administrative tax remedies because they alleged constitutional violations; the subject travel trailers were recreational vehicles; and the plaintiffs' class definition was sufficient. The Texas Supreme Court then held the 13th Court of Appeals erred in two of the three above listed rulings. The Texas Supreme Court affirmed the partial dismissal based upon the plaintiffs' failure to exhaust their administrative tax remedies and further affirmed that class certification was not proper based upon said failure to exhaust. However, the court held that a fact issue existed as to whether the taxpayers' vehicles were manufactured homes or recreational vehicles and remanded to the trial court based on that issue.

Levitas v. Barraza, No. 2001-10-4369-E (copy supplied), *rev'd*, 2004 WL 1687884 (Tex.App.—Corpus Christi, July 29, 2004).

Prior to the proceedings at issue, the subject real estate was foreclosed upon twice during two different bankruptcy cases, each of which were dismissed without any record of any automatic stay violations. The plaintiff debtor subsequently filed suit against defendant creditors seeking declaratory judgment that the prior foreclosures

were void because said foreclosures were conducted in violation of the automatic stay provision of the bankruptcy code. I granted summary judgment in favor of the defendant creditors. The 13th Court of Appeals reversed, concluding that the foreclosures and subsequent sales of the property violated the bankruptcy automatic stay, and were void.

- 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 state district judge, it is extremely rare that I issue substantive written opinions in any case. I would estimate less than 1% of my orders contain language that could be considered an opinion. The standard operating procedure set forth in the Cameron County Local Rules, which governed all of my state judicial positions, has been for each party to submit an order granting or denying the relief requested in conjunction with the party's respective pleading. I may make minor revisions, but the bulk of the language in any prospective order is from a standard template form submitted by the prevailing party. Any and all executed orders are public records, and filed with the Cameron County District Clerk.

As a municipal judge, I issued no orders containing opinions. My role was merely to set criminal bonds, and preside over traffic citation cases. Any and all executed orders are public records, and filed with the City of Brownsville.

- 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.

As a state district judge with a docket comprised predominantly with felony criminal matters, I routinely render decisions and orders related to due process, search and seizure, and right to counsel issues derived from the Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and similar provisions of the Texas Constitution. However, I have not written any significant opinions on such 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.

None.

- 14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to

an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a state district judge, I follow the recusal requirements set forth in the Texas Code of Judicial Conduct and Rule 18b, Texas Rules of Civil Procedure. I decide each recusal determination on a case-by-case basis; if my impartiality may reasonably be questioned based upon any association with the litigants or attorneys, I recuse myself sua sponte. None of the courts in which I have presided employed an automatic system. The below list is exclusive to the 445th District Court because I have no records for any of my prior state district court benches, and I do not recall any prior motions to recuse from either bench. As to my municipal bench duties, recusal was never an issue.

I recused myself sua sponte in the following cases:

Bonner v. City of Harlingen, et al., No. 2010-DCL-6559-I. The plaintiff was a practicing attorney before my court.

Carduco, Inc., D/B/A Cardenas Metroplex v. Mercedes-Benz, USA, LLC, Holt, Dearing, and Oswald, No. 2011-DCL-3754-I. The owners of the plaintiff were former clients and friends.

Cowen v. Cameron County and Sheriff Omar Lucio in His Official Capacity, No. 2011-DCL-04402. Defendant Cameron County pays a judicial supplement to every district judge in the county.

Delta Steel, Inc. vs. Descon & Travelers Surety, No. 11-DCL-8054-I. The plaintiff was a former client.

Guillen v. Gulf Stream Marine, Inc., No. 2011-DCL-6144-I. The defendant was a former client.

Hernandez v. Staff Force, Inc., No. 2009-10-5731-I. The plaintiff was the wife of my former associate.

Jansen International, LLC v. Cameron County, No. 2012-DCL-6783-I. Defendant Cameron County pays a judicial supplement to every district judge in the county.

Law Office of Bobby Garcia, P.C. v. Luz A. Williamson D/B/A Williamson Law Firm, No. 2011-DCL-4109-I. Both parties have practicing attorneys before my court.

Lopez v. Luis Saenz, County and District Attorney of Cameron County, Texas, No. 2013-DCL-00210-I. The defendant was the District Attorney for Cameron County.

Ozuna v. Deutsche Bank National Trust Company as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2007-NC4 Successor to: Saxon Mortgage Services, Inc., No. 2012-DCL-05513. The plaintiff was a former employee.

Rodriguez v. JP Morgan Chase, National Association, No. 2010-DCL-5909-I. The plaintiff was a practicing attorney before my court.

There have only been two motions to recuse filed against me. In both instances, the criminal defendants cited my pretrial rulings against them as the basis for recusal. I referred the motions for a hearing. The Chief Justice assigned a new judge to hear the motions, and in both instances, the respective motions were denied:

State of Texas v. Barrera, No. 10-CR-572-I, 10-CR-573-I, 10-CR-574-I, 10-CR-575-I, 10-CR-1992-I

State of Texas v. Rubio, No. 2011-DCR-2619-I, 11-CR-1007-I, 09-CR-2178-I, 08- CR-2314-I

In addition, there are instances in which a motion to recuse is filed against another judge in a different court (“referring judge”) that is subsequently referred to me in my capacity as presiding judge of the Fifth Administrative Judicial Region, wherein the factors in the subject motion are also applicable to me, although the referring judge is the only judge referenced in the subject motion. In such cases, the motion is referred to the Chief Justice of the Texas Supreme Court for hearing either by himself or a newly assigned judge from outside Cameron County. The following are cases that I referred to the Chief Justice for assignment of a judge from outside my home county:

Castillo-Hamm v. Cameron & Willacy Counties Community Supervision & Corrections Department, No. 2012-DCL-8361-G. The defendant is administratively overseen by every district judge and county court at law judge in Cameron County, collectively referred to as the Board of Judges.

In re: Castro, No. 12-5AJR-301. The defendant was and is a practicing attorney in Cameron County.

In re: Gonzalez, No. 12-5AJR-300. The defendant was and is a practicing attorney in Cameron County.

In re: Oliveira, No. 12-5AJR-302. The defendant was and is a practicing attorney in Cameron County, in addition to being one of two state representatives for the county.

In re: Nelson, No. 12-5AJR-303. The defendant was and is the current district judge for the 138th District Court in Cameron County.

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.

From 2009 to 2011, I served as a Director of the Texas Youth Commission after I was appointed by Governor Rick Perry. From 2003 to 2005, I served as a Commissioner of the Texas Lottery Commission after I was appointed by Governor Rick Perry.

In the November 2006 general election, I lost a retention election for a position on the 138th State District Court, to which I had been appointed in 2005. In the November 2002 general election, I lost a retention election for a position on the 357th State District Court, to which I had been appointed in 2001.

- 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.

Aside from my own judicial campaigns, from approximately January to March 1996, I served as the treasurer for Michael Rodriguez in his unsuccessful bid for State Representative for District 37. My duties were limited to assisting with fundraising.

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 never served as a clerk to a judge.

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

2003
Rolando Olvera, P.C.
1650 Paredes Line Road
Brownsville, TX 78520
Attorney/Mediator

2007 – 2008
Law Office of Rolando Olvera
35 Holly Lane
Brownsville, TX 78520
Attorney/Mediator

- 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.

1990 – 1993
Atlas & Hall LLP
818 Pecan Boulevard
McAllen, TX 78501
Associate

1994
Fleming & Hewitt
1650 Paredes Line Road
Brownsville, TX 78520
Associate

1995 – 1997
Fleming, Hewitt & Olvera
1650 Paredes Line Road
Brownsville, TX 78520
Attorney/Partner

1998 – 2000
Fleming & Olvera PC
1650 Paredes Line Road

Brownsville, TX 78520
Attorney/Partner

2003
Rolando Olvera PC
1650 Paredes Line Road
Brownsville, TX 78520
Attorney/Mediator

2004
Spain & Olvera
103 East Price Road
Brownsville, TX 78521
Attorney/Mediator/Partner

2007 – 2008
Law Office of Rolando Olvera
35 Holly Lane
Brownsville, TX 78520
Attorney/Mediator

- 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.

From 2003 to 2004, and 2007 to 2008, I served as a mediator in countless civil and family law cases. The family cases were contested divorce proceedings, primarily related to negotiating property distribution and support, although occasionally also including child custody issues. The civil cases were primarily personal injury, commercial and labor. The majority of the personal injury cases I mediated were “soft tissue/car wreck” cases with insurance policy limits of \$20,000, the minimum limit required by the State of Texas. However, I also mediated complex personal injury cases that included severe physical injury or death, with mediated settlements arriving at six or seven figures. In addition, I also mediated commercial cases involving business disputes, and labor cases where employees alleged some form of harassment and/or discrimination against their employer.

Unfortunately, I no longer have any records of any of my mediated cases, except for the following docket information obtained from the federal PACER system: *Renteria v. Union Pacific RR Co.*; 1:02-CV-00229. To the best of my recollection, the suit involved a personal injury incurred by a Mexican national citizen injured at a railroad crossing.

b. Describe:

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

From 1990 to 2000, the general character of my law practice was broad based and diverse. My practice areas included business/commercial law and litigation, admiralty and maritime law, creditor bankruptcy, banking law, corporate law, insurance law, international law, and general civil practice. From 1990 to 1994, I served as an associate, and was typically second chair in both my involvement with clients and cases. From 1995 to 2000, my duties as a partner expanded, as I was required to generate business, maintain client relations, and manage cases on my own. Subsequent to my first term as a state district judge, from 2003 to 2008, I concentrated in alternative dispute resolution as a certified mediator and arbitrator.

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

Initially, my typical clients were business entities because the bulk of my practice was in business/commercial litigation. However, subsequent to each judicial term, attorneys continued to seek me out as a mediator, and ADR became the bulk of my practice.

- 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.

From 1990 to 2000, I would describe my appearances in court as occasional. As an attorney, I tried cases at the trial court level, state and federal, and also argued as an appellate attorney twice before the United States Court of Appeals for the Fifth Circuit.

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 99% |
| 2. criminal proceedings: | 1% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather

than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I would estimate that I tried approximately 60 cases to verdict, judgment, or final decision. Of these cases, I tried approximately a third as sole counsel, a third as co-counsel, and a third as associate counsel.

- i. What percentage of these trials were:
 1. jury: 10%
 2. non-jury: 90%

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

I have not 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.

The ten most significant litigation matters I handled as an attorney were from 1990 to 2000. One of my major areas of practice was creditor bankruptcy. I represented numerous clients/creditors and litigated a vast amount of bankruptcy cases before the United States Bankruptcy Court Southern District of Texas (Brownsville Division), the Hon. Richard Schmidt presiding. In addition, I litigated a general cross-section of cases at the U.S. District Court level (Brownsville Division) and in state court. Unfortunately, due to the passage of time, change in career to the judiciary, and the dissolution of my prior law firm, I no longer have access to any files litigated in the state or federal forums. However, I have produced the below list based on the dockets available in the federal PACER system, and the best of my recollection.

1. *United States of America v. Mancillas*, 1:93-CV-00153 (S.D. Tex.).

The government sued my firm's client, Dr. Mancillas, for breach of contract. As part of his financial aid from the government, he was required to serve five years in an underprivileged area. Dr. Mancillas moved to Brownsville, Texas, which was one of the designated cities, to comply with said requirement. Approximately three years into his service, however, Brownsville was removed from the government's designated list, and the lawsuit ensued as to whether Dr. Mancillas would now have to move to a new city. I served as second chair in this case. After trial commenced, the parties came to an agreement to allow Dr. Mancillas to finish his service in Brownsville, and the case was dismissed

Dates of Representation: 1992 – 1994

U.S. District Court Brownsville Division: Judge Filemon Vela

Co-Counsel:

Tom Fleming
Fleming & Fleming PLLC
144 Landa Street, Suite 152
New Braunfels, TX 78130
(830) 627-9278

Counsel for Plaintiff United States:

Nancy Lynn Masso
U.S. Attorney's Office for the Southern District of Texas
600 East Harrison Street, Suite 201
Brownsville, TX 78520
(956) 548-2554

2. *Izegbu, et al v. Luger, et al.*, 1:93-CV-00095 (S.D. Tex.).

My client, Mr. Izegbu, filed suit for the payment of a commercial debt for airplane repairs. I served as second chair during the litigation, and I coordinated the seizure of the defendant's airplane through the U.S. Marshal's Office. After the defendants failed to answer or contest the debt, the magistrate court granted a default judgment.

Date of Representation: 1993

U.S. Magistrate Court Brownsville Division: Judge Stewart A. Newblatt

Co-Counsel:

Tom Fleming
Fleming & Fleming PLLC
144 Landa Street, Suite 152
New Braunfels, TX 78130
(830) 627-9278

3. *Zimco Marine, Inc. v. Lady M, in rem, et al.*, 1:93-CV-00098 (S.D. Tex.).

My client, Zimco Marine Inc., filed suit in admiralty against the defendants for maritime repairs incurred on the subject vessel. I served as first chair and coordinated the seizure of the defendant vessel through the U.S. Marshal's Office. The defendants failed to answer and did not dispute the validity or enforceability of the maritime liens. The district court granted default judgment.

Dates of Representation: 1993

U.S. District Court Brownsville Division: Judge Filemon Vela

Co-Counsel:

Tom Fleming

Fleming & Fleming PLLC

144 Landa Street, Suite 152

New Braunfels, TX 78130

(830) 627-9278

4. *Ciclon Negro, Inc., et al v. Texas Gulf Trawling Inc. et al.*, 1:95-CV-00133 (Bankruptcy S.D. Tex.); *Don Vicente, Inc. v. Zimco Marine Inc., et al.*, 1:96-CV-00018 (Bankruptcy S.D. Tex.); *Ciclon Negro Inc. v. Texas Gulf Trawling Inc., et al.*, 1:96-CV-00021 (S.D. Tex.); *Don Vicente Inc. v. Texas Gulf Trawling, et al.*, 1:96-CV-00022 (S.D. Tex.); and *In re Don Vicente Inc.*, 168 F.3d 209 (5th Cir. 1999).

My firm represented Marine Railway Inc., RCA Trawlers Inc., Texas Gulf Trawling Inc., and Zimco Marine Inc. (hereafter collectively referred to as the "clients"). I was co-lead counsel in the initial state court cause of action and the subsequent bankruptcy proceedings, and I was lead counsel in all of the subsequent federal appeals at the district court level and the Fifth Circuit. Our clients entered into a joint venture with Ciclon Negro Inc. and Don Vicente, Inc. The joint venture formed a Mexican corporation in Mexico and borrowed approximately \$1 million from Texas Commerce Bank ("the bank") to commence the business related to the operation of shrimp boats. Each of our clients was required to deliver a \$100,000 certificate of deposit as collateral to the bank. Ciclon Negro Inc. and Don Vicente Inc. granted a priority lien to the bank in two of the shrimp boats. After the business failed, the bank seized the boats, collected the clients' certificates of deposit, and required payment on the remainder of the note. Ciclon Negro Inc. and Don Vicente Inc. (hereafter collectively referred to as the "debtors") generally denied the debt and refused to deliver the two shrimp boats previously granted as collateral.

In late 1994, our clients filed suit against the debtors in the 103rd State District Court, and the bank intervened. In 1995, the debtors filed for bankruptcy before the United States Bankruptcy Court (Brownsville Division) under Chapter 11 reorganization, and they commenced an adversary proceeding in each respective Chapter 11 case disputing the proof of claim filed by our clients and the bank. The bankruptcy court

approved our clients' proof of claim in the amount of \$300,000, and ruled in our clients' favor in each respective adversary proceeding via a final order in December 1995. In 1996, the debtors attempted to file their respective appeals from the adversary proceedings to the district court, but failed to timely file the appeals. After oral argument, the district court dismissed the appeals in May 1997. Only Don Vicente Inc. filed an appeal to the Fifth Circuit. After oral argument, the Fifth Circuit affirmed the district court's dismissal of the appeal in 1999. In 2000, the cases were sent back to the bankruptcy court to finalize the Chapter 11 reorganization in accordance with the appellate rulings. In addition, the miscellaneous state causes of action were remanded to state court. My representation of the clients ended in 2000, as I left the firm for the 357th State District bench in 2001.

Dates of Representation: 1994 – 2000

Bankruptcy Court: Judge Richard Schmidt

U.S. District Court Brownsville Division: Judge Filemon Vela

Fifth Circuit Panel: Judges Edith Jones, Emilio Garza, and Jerry Smith

Co-Counsel:

Tom Fleming
Fleming & Fleming PLLC
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(830) 627-9278

Appellate Counsel for Don Vicente Inc.:

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Solo Practitioner
3423 West Alberta Road
Edinburg, TX 78539
(956) 686-7039

Counsel for Don Vicente Inc.:

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Law Offices of Richard S. Hoffman
611 South Congress Avenue, #210
Austin, TX 78704
(512) 322-9800

Counsel for Ciclon Negro Inc.:

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Law Office of Antonio Villeda
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McAllen, TX 78504
(956) 631-9100

Counsel for Texas Commerce Bank as Successor in Interest to Texas Commerce
Bank-Rio Grande Valley NA:
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Jordan Hyden Womble Culbreth & Holze PC
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Corpus Christi, TX 78401
(361) 884-5678

Co-Counsel for Texas Commerce Bank as Successor In Interest to Texas Commerce
Bank-Rio Grande Valley NA:
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Law Office of William Rentfro PC
302 East Queen Isabella Boulevard, Suite E
Port Isabel, TX 78578
(956) 943-2720

5. *Murra, et al v. The Crown Life Ins, et al.*, 7:95-CV-00293 (S.D. Tex.).

The plaintiffs filed suit against defendant Crown Life Insurance Co. for damages incurred resulting from the sale of insurance policies in Mexico. The annuities paid by said policies were based on floating interest rates; as said rates declined, the policies ended up being worthless. In addition to suing the company, the plaintiffs also sued several of the individual sales agents. My firm's client was one of the defendant sales agents. I was counsel for Mr. Cortez. Eventually, most of the individuals were nonsuited, including my client.

Dates of Representation: 1995 – 1998

U.S. Magistrate Court Brownsville Division: Judge Norman Black

Co-Counsel for Plaintiffs:

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Branton Hall Rodriguez & Cruz PC
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Counsel for Defendants:

Counsel for R. W. Wilson International Inc.:
Gerald L. Benadum
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Counsel for Arthur S. Hicks Inc.:
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Co-Counsel for The Crown Life Insurance Company:
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Counsel for E. Dohrenburg:
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The Lee Firm PC
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Corpus Christi, TX 78401
(361) 882-4444

Counsel for J. Schwarz:
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Atlas Hall LLP
818 Pecan Boulevard

McAllen, TX 78501
(956) 682-5501

6. *TK-USA Inc. v. Chiao Tung Bank*, 1:96-AP-02007 (Bankruptcy S.D. Tex.); *In re TK-USA Inc. v. Chiao Tung Bank*, 1:97-CV-00008 (S.D. Tex.); *In re TK-USA Inc. v. Chiao Tung Bank*, 192 F.3d 127 (5th Cir. 1999).

My firm represented Chiao Tung Bank (“Chiao”), a Taiwanese bank with U.S. offices in California, in this bankruptcy adversary proceeding, and the subsequent appellate proceedings. I was lead counsel for Chiao throughout, including appellate oral argument before the Fifth Circuit. TK-USA Inc. (“TK”) was a Texas corporation that owned real estate and an in-bond manufacturing or maquila plant in Mexico. TK executed a commercial loan with Chiao and granted the real estate and plant in Mexico as collateral. In addition, the shareholder owners of TK individually guaranteed the note. TK subsequently defaulted and filed for Chapter 11 Bankruptcy. TK filed a bankruptcy adversary proceeding (lawsuit) disputing the enforcement of the note, the value of the collateral, and the proof of claim filed by Chiao. TK alleged the secured value of Chiao’s claim should be the assessed higher dollar value of the collateral at the time the loan documentation was executed. Chiao countered that the correct value of the collateral was the fair market value at the time of default immediately prior to TK filing for bankruptcy. The bankruptcy court approved Chiao’s valuation and proof of claim via a final judgment. The primary argument on appeal was TK’s attempted application of the dirt for debt rule under reorganization, and TK’s objection to the valuation of the real estate collateral entered by the bankruptcy court. In order to minimize or avoid individual guarantor liability of TK’s shareholders, the higher the real estate amount credited to Chiao under the Chapter 11 reorganization, the less prospective liability exposure of the individual guarantors. The Fifth Circuit affirmed the bankruptcy court’s real estate valuation in Chiao’s favor.

Dates of Representation: 1996 – 1999

Bankruptcy Court: Judge Richard Schmidt

U.S. District Court Brownsville Division: Judge Hilda Tagle

Fifth Circuit Panel: Judges Edith Jones, Jacques Wiener, and F.A. Little (District Judge, Western District of Louisiana, sitting by designation)

Co-Counsel:
Tom Fleming
Fleming & Fleming PLLC
144 Landa Street, Suite 152
New Braunfels, TX 78130
(830) 627-9278

Counsel for TK-USA Inc.:
Michael Colvard
Martin & Drought PC
300 Convent Street, Suite 2500
San Antonio, TX 78205
(210) 227-7591

7. *USA v. Hernandez-Balderas*, 1:97-CR-00315-1 (S.D. Tex.).

My client, Mr. Hernandez-Balderas, was one of numerous illegal aliens captured by the U.S. Border Patrol. I was his court appointed attorney. In exchange for his testimony against the human smugglers, he was granted a plea bargain in which he was sentenced to probation and deported back to Mexico.

Date of Representation: 1997

U.S. District Court Brownsville Division: Judge Filemon Vela

Counsel for the United States:
Jody Young
U.S. Attorney's Office for the Southern District of Texas
600 East Harrison Street, Suite 201
Brownsville, TX 78520-7114
(956) 548-2554

8. *Pan American Maritime, Inc. v. Esco Marine, Inc. et al*, 1:04-CV-00188 (S.D. Tex.).

My client was Esco Marine Inc. The plaintiff filed suit claiming a maritime lien for work performed as a subcontractor in the scrapping of a vessel. The case settled before trial.

Date of Representation: 2004

U.S. District Court Brownsville Division: Judge Hilda Tagle

Co-counsel for Pan American Maritime, Inc.:
Lynne Chupp Finley
Finley & Associates
P.O. Box 860362
Plano, TX 75086
(972) 489-4304

Lynne C. Rentfro
Solo Practitioner
7610 North Stemmons Freeway, Suite 300

Dallas, TX 75247
(214) 634-6611

9. *USA v. Oropeza*, 1:07-CR-01018 (S.D. Tex.).

This was a criminal case against the Oropeza family. Mr. Oropeza was charged with drug smuggling and running a major drug enterprise. Mrs. Oropeza was a co-defendant charged exclusively with money laundering. I was lead counsel for Mrs. Oropeza. In exchange for her cooperation and testimony, I was able to negotiate a plea with minimal jail time. At the sentencing hearing, the judge sustained my objections to the presentence investigation report, which resulted in my client being entitled to a lower range of punishment.

Dates of Representation: 2007 – 2008

U.S. District Court Brownsville Division: Judge Andrew Hanen

Counsel for Co-defendant Oscar Oropeza:

Ernesto Gamez, Jr.
Law Offices of Ernesto Gamez, Jr. PC
777 East Harrison Street
Brownsville, TX 78520
(956) 541-3820

Counsel for the United States:

Oscar Ponce
U.S. Attorney's Office for the Southern District of Texas
600 East Harrison Street, Suite 201
Brownsville, TX 78520-7114
(956) 548-2554

10. *Mercedes Independent School District v. Carolyn Munoz*, 941 SW2d 215 (Tex. App.-Corpus Christi 1996).

I was lead counsel for Ms. Munoz, in both the underlying district court case and appellate argument. The case was a bench trial for breach of an employment contract with the school district. The case raised a jurisdictional question regarding whether Ms. Munoz failed to exhaust her administrative remedies pursuant to the terms of her contract. Of relevance to this question, it was undisputed that the school district failed to send a notice of termination pursuant to the contract. Thus, Ms. Munoz argued that the exhaustion of administrative remedies was not applicable when only issues of law remained, and that the school district was attempting to enforce the terms of a contract that it had breached. The district court denied the school district's jurisdictional motion, and rendered judgment in Ms. Munoz' favor. The appellate court reversed and remanded the decision. Ms. Munoz declined to pursue the case further.

Dates of Representation: 1994 – 1996

92nd State District Court: Judge Fernando Mancillas

13th Court of Appeals Panel: Justices C.J. Seerden, Linda Yanez, and J.J. Chavez

I have been unable to locate the case number or opposing counsel at the state district court level.

Co-Counsel:

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Fleming & Fleming PLLC
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New Braunfels, TX 78130
(830) 627-9278

Co-Counsel for Appellant Mercedes Independent School District:

Harolyn Denise Nance Pierce
Texas Charter Schools Association
700 Lavaca Street, Suite 930
Austin, TX 78701
(512) 584-8272

James Belton
Associate Judge, Child Protection Court
974 East Harrison Street, 1st Floor
Brownsville, TX 78520
(956) 574-8730

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.)

Since 2011, as the presiding judge of the Fifth Administrative Judicial Region, I administratively supervise every judge in the eleven counties commonly referred to as South Texas, and assist in the efficient management of every docket. In addition, upon receipt of a recusal motion from a referring judge, I appoint a different judge to hear said motion. I also am responsible for the appointment of active or visiting judges to courts that need assistance or request a different judge via a sua sponte recusal. I serve as a resource to our judges in terms of providing input, advice, or research.

From 2009 to 2011, I was appointed to serve as one of seven Directors to the Texas Youth Commission (“TYC”), the governmental entity that was in charge of the juvenile prison system for the entire state until it merged into the Texas Juvenile Justice Department in 2012. The TYC board provided oversight to the juvenile prisons, rehabilitation centers, the TYC budget, and TYC staff. During my tenure, TYC made major advances in facility security, and investigating complaints regarding potential staff violations, and making internal auditing and budgetary policies current.

I have not performed any lobbying activities.

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.

At present, my sole retirement income will be derived from potential judicial retirement from the State of Texas and the County of Cameron. I have no other arrangements to be compensated in the future.

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.

No, I have no such plans.

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.

I am aware of no present potential conflict of interest. Hypothetically, I would recuse myself sua sponte from any case involving a family member, former client, or any other party required by law.

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

I would follow the recusal statutes and the Code of Conduct for United States Judges in resolving any potential conflict of interest.

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 an active judge, I am prohibited from practicing law as an attorney, including pro bono work as an attorney. I have, however, continued participate in community service to aid the disadvantaged through my work as a board member of numerous non-profit organizations and commissions. From 2009 to 2011, I was a Director of the Texas Youth Commission, which managed the juvenile prison system of the state with the primary goal of rehabilitation. From 2007 to 2008, I was a Director of the Brownsville Community Foundation, which was formed to enhance the community for the citizens of Brownsville via the development of business, education, and natural resources. From 2003 to 2005, I agreed to serve as a Commissioner of the Texas Lottery Commission because all the net lottery profits are required to be deposited in the Texas Education Fund, the fund which finances every public school in the state. From 1999 to 2005, I was a Director of the Children's Museum of Brownsville, Inc. During my term, the museum, which was the first of its kind in Cameron County, was completed and it continues to serve as an invaluable resource to all the children in the county. From 1998 to 2004, I was a Director for the United Way "Success by Six" Program, which was intended to develop and promote successful educational programs for our local youth under the age of six.

Consistent with local rules, I also volunteer routinely to hear "Pro Bono Divorce Court", a program organized by the Cameron County Bar Association which provides indigent parties the opportunity to finalize their divorce before a court of record.

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 September 10, 2013, I submitted an application to the Federal Judiciary Evaluation Committee (FJEC) convened by Senators John Cornyn and Ted Cruz. On December 13, 2013, I interviewed with the FJEC in Houston, Texas. On May 20, 2014, I interviewed separately with Senators Cornyn and Cruz in Washington D.C. Since May 17, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 23, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 18, 2014, 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, JOSE ROLANDO OLVERA, JR., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

September 22, 2014

(DATE)

JROJ

(NAME)

Karen R Ballard

(NOTARY)

