

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert Austin Huffaker, Jr.

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

United States District Judge for the Middle District of Alabama

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.

Rushton, Stakely, Johnston & Garrett, P.A.
184 Commerce Street
Montgomery, Alabama 36104

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

1973; Montgomery, Alabama

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.

1996 – 1999, University of Alabama School of Law; J.D., 1999 (*magna cum laude*)

1992 – 1996, Vanderbilt University; Bachelor of Engineering, 1996 (*cum laude*)

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.

Affiliations (Compensated):

2016 – Present
Alabama Securities Commission
RSA Dexter Avenue Building

445 Dexter Avenue, Suite 12000
Montgomery, Alabama 36104
Commissioner

1999 – Present; Summer 1998; Summer 1997
Rushton, Stakely, Johnston & Garrett, P.A.
184 Commerce Street
Montgomery, Alabama 36104
Treasurer (2017 – Present)
Board Member (2010 – Present)
Shareholder (2005 – Present)
Attorney (1999 – Present)
Summer Intern (Summer 1998; Summer 1997)

Summer 1997
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
Regions Harbert Plaza, Suite 2400
Birmingham, Alabama 35203
Summer Intern

Summer 1996
Rust Engineering & Construction, Inc.
100 Corporate Parkway
Birmingham, Alabama 35242
Electrician Helper

Other Affiliates (uncompensated):

2019 – Present
Marsh Ventures LLC
2527 Gunster Road
Montgomery, Alabama 36111
Sole Member/Manager

2017 – Present
St. John's Episcopal Church
113 Madison Avenue
Montgomery, Alabama 36104
Vestry Member

2017 – Present
Clef Works, Inc.
P.O. Box 242307
Montgomery, Alabama 36124
Advisory Board (2017 – Present)

2016 – Present
Alabama Pattern Jury Charge Instructions Committee-Civil
2000A SouthBridge Parkway, Suite 400
Birmingham, Alabama 35209
Board Member

2014 – Present
Middle District of Alabama-Federal Bar Center
184 Commerce Street
Montgomery, Alabama 36104
President/Board Member

2010 – Present
Huffaker River Farms LLC
1649 St. Elizabeth Square
Montgomery, Alabama 36117
Co-Manager

2010 – Present
Alabama State Bar-Federal Practice Section
415 Dexter Avenue
Montgomery, Alabama 36104
Secretary (2013 – Present)
Treasurer (2011 – 2013)

2010 – Present
The Rai, Nina & Railey Steele Civic Endowment, Inc.
221 South Rust Street
Gentry, Arkansas 72734
Board Member

2006 – Present
Federal Bar Association-Montgomery Chapter
P.O. Box 270
Montgomery, Alabama 36101
President (2008 – 2010)
Vice President (2007 – 2008)
Secretary (2006 – 2007, 2013 – 2014)
Treasurer (2013 – Present)

2006 – Present
Landmarks Foundation, Inc.
434 North McDonough Street
Montgomery, Alabama 36104
Board Member (2006 – Present)

Legal Counsel, *pro bono* (2006 – Present)

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

I did not serve in the military. I registered for the selective service upon turning 18.

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.

Alabama Law Institute, Committee Member, Revisions to Article VI (Judiciary) of the Alabama Constitution of 1901 (2017 – Present)

Best Lawyers: The Best Lawyers in America for Appellate Practice (2014 – 2019)

Best Lawyers: Lawyer of The Year, Appellate Practice (2018)

Super Lawyers 2012[®] to 2018[®]: Civil Litigation Defense (2012 – 2018)

Fellow, Alabama Law Foundation (2016)

AV Rated, *Martindale-Hubbell*[®] (2003 – Present)

Delegate, Eleventh Circuit Judicial Conference (2016)

Committee Chair, Middle District of Alabama, Select Committee to Select New Magistrate Judge (2015)

J.D., University of Alabama School of Law, awarded *magna cum laude* (1999)

Junior & Senior Editor, Alabama Law Review (1997 – 1999)

Recipient of Four “Book Awards”; CALI, Excellence for the Future, University of Alabama School of Law (1996 – 1999)

John A. Campbell Moot Court Bd., University of Alabama School of Law (1998 – 1999)

Hugo L. Black Scholar, University of Alabama School of Law (1998)

Bench & Bar Legal Honor Society, University of Alabama School of Law (1998)

Phi Delta Phi, legal fraternity (1998)

B.E., Vanderbilt University, awarded *cum laude* (1996)

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.

Alabama Defense Lawyers Association (1999 – Present)
Amicus Committee (2018 – Present)

Alabama Law Foundation, Fellow (2016 – Present)

Alabama Law Institute
Committee Member, Revisions to Article VI (Judiciary) of the Alabama
Constitution of 1901 (2017 – Present)

Alabama Pattern Jury Instructions Committee–Civil (2016 – Present)
Board Member (2016 – Present)

Alabama Securities Commission, Commissioner (2016 – Present)

Alabama State Bar (1999 – Present)
Unauthorized Practice of Law Committee (2014 – Present)
Task Force: Determine Feasibility of Federal Practice Section (2009)
Volunteer Lawyers Program (2005 – Present)
Federal Practice Section
Secretary (2013 – Present)
Treasurer (2011 – 2013)

American Bar Association (1999 – 2010)

Defense Research Institute (2001 – Present)

Eleventh Circuit Historical Society (2012 – Present)

Federal Bar Association (2005 – Present)
Montgomery Chapter (2006 – Present)
President (2008 – 2010)
Vice President (2007 – 2008)
Secretary (2006 – 2007; 2013 – 2014)
Treasurer (2013 – Present)

M.D. Alabama-Federal Bar Center
President/Board Member (2014 – Present)

Montgomery County Bar Association (2000 – Present)

United States District Court for the Middle District of Alabama, Magistrate Judge Selection Committee, Chair (2015)

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.

Alabama, 1999

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 Supreme Court (2002)

United States Court of Appeals for the Sixth Circuit (2013)

United States Court of Appeals for the Eleventh Circuit (2001)

United States District Court for the Middle District of Alabama (1999)

United States District Court for the Southern District of Alabama (2000)

United States District Court for the Northern District of Alabama (2000)

Tribal Court, Poarch Band of Creek Indians (2005 – 2012)

There have been no lapses in membership, except that I allowed my membership in the Tribal Court for the Poarch Band of Creek Indians to expire due to a lack of cases in tribal court.

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.

Alabama Farmers Federation (2003 – Present)

Alabama Forest Owner's Association (2007 – Present)

Alpha Tau Omega – Alumni Association (1997 – Present)

Blue Gray Colonels Association, Inc. (2014 – Present)

Capital City Young Republications (2000 – 2004 approximate)

ClefWorks, Inc. (2017 – Present)

Krewe of Athenians (2011 – Present)

Krewe of Harlequins (2007 – Present)

Landmarks Foundation, Inc. (2006 – Present)

Lions Club (2001 – 2012)

Lockwood Homeowners Association (2017 – Present)

Montgomery Academy – Alumni Association (1996 – Present)

Montgomery Country Club (2002 – Present)

National Association of Dealer Counsel (2016 – Present)

Red Elephant Club (2010 – 2015)

St. John’s Episcopal Church, Vestry Member (2017 – Present)

University of Alabama School of Law – Farrah Law Society (2013 – Present)

Vanderbilt University- Alumni Association (1997 – Present)

YMCA (2011 – 2016)

- 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.

Alpha Tau Omega Alumni Association is an organization of alumni of Alpha Tau Omega, a fraternal organization that restricts its membership to men. It is my understanding that Blue Gray Colonels Association, Inc. previously restricted membership to men but has ceased that practice. Krewe of Athenians and Krewe of Harlequins are both local social organizations that restrict their membership to men. Lions Club is a service organization that previously restricted its

membership to men, although I understand that the organization eliminated that restriction long before I joined. It is my current understanding that the Montgomery Country Club has previously excluded members on a discriminatory basis, although I understand that the organization eliminated that restriction before I joined. It is my understanding that many YMCA organizations previously discriminated on the basis of race and sex decades before I became involved in the organization. To my knowledge, none of the other organizations listed in response to 11a currently discriminate or formerly discriminated on the basis of sex, race, 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.

Alabama Pattern Jury Instructions Civil 2018 – 2019 (Thomson Reuters 3d ed. 2018). Copy supplied.

Alabama Pattern Jury Instructions Civil 2017 – 2018 (Thomson Reuters 3d ed. 2017). Copy supplied.

Alabama Pattern Jury Instructions Civil 2016 – 2017 (Thomson Reuters 3d ed. 2016). Copy supplied.

President's Corner, FBA Today, Spring 2010. Copy supplied.

President's Corner, FBA Today, Fall 2009. Copy supplied.

President's Corner, FBA Today, Summer 2009. 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 serve on an Alabama Law Institute committee whose purpose is to propose revisions and updates to Article VI of the Alabama Constitution of 1901, which governs the state judiciary. Our committee issued a final report in 2018. A copy of the report is supplied.

I serve as a Commissioner (one of seven members) on the Alabama Securities

Commission. In that capacity, I review and approve various ASC documents, such as annual reports to the Governor of the State of Alabama. Copies of the 2018, 2017, and 2016 reports are 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.

May 3, 2019: Speaker, Hall of Fame Induction, Alabama State Bar, Montgomery, Alabama. Notes supplied.

June 23, 2016: Moderator, Common Mistakes Lawyers Make in Motion Practice – A Bench Perspective, Alabama State Bar Annual Meeting, Destin, Florida. I moderated a panel of judges who discussed legal practice. I have no notes, transcript, or recording. The address of the Alabama State Bar is 415 Dexter Avenue, Montgomery, Alabama 36104.

November 12, 2012: Panelist, Employment Law Seminar: Keeping It Strong In The Fourth Quarter, Rushton, Stakely, Johnston & Garrett, P.A., Montgomery, Alabama. I spoke about immigration law relevant to employers. I have no notes, transcript, or recording. The address of Rushton, Stakely, Johnston & Garrett, P.A. is 184 Commerce Street, Montgomery, Alabama 36104.

November 10, 2011: Panelist, Recent Changes in Labor and Employment Law, Rushton, Stakely, Johnston & Garrett, P.A., Montgomery, Alabama. I spoke about recent changes in employment law. I have no notes, transcript, or recording. The address of Rushton, Stakely, Johnston & Garrett, P.A. is 184 Commerce Street, Montgomery, Alabama 36104.

December 15, 2005: Lecturer, Deposition Boot Camp, Alabama Defense Lawyers Association, Montgomery, Alabama. Notes supplied.

Spring 2001: Lecturer, Avoiding Legal Malpractice/Legal Ethics, Alabama

Defense Lawyers Association, Big Sky, Montana. I spoke about legal ethics. I have no notes, transcript, or recording. The address for the Alabama Defense Lawyers Association is P.O. Box 680148, Montgomery, Alabama 36068.

- 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.

Role of Paralegal Profession Debated, Montgomery Advertiser, July 24, 2005. Copy supplied.

Trying to Hide Mistakes, Huntsville Times, Feb. 7, 2002. Copy supplied.

Fee: I Didn't Violate 'Sunshine Law,' Huntsville Times, July 19, 2000. Copy supplied

I recall giving an interview to the Mobile Press Register regarding an open meeting question in approximately 2001 or 2002. I have been unable to locate a copy of any news article that may have resulted from that interview.

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 not 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 not held judicial office.

- 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.

Commissioner, Alabama Securities Commission (2016 – Present)
Appointed by Governor Robert Bentley
Confirmed by the Alabama State Senate

I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

I previously was a member of the Capital City Young Republicans from approximately 2000 to 2003. I also was “on-call” to local Republican Party representatives during the 2000 election cycle.

I have served on host committees for various local judicial candidates in the Montgomery County area over the 20-year period in which I have practiced law in Montgomery, Alabama. Based on currently available records, this has included Judge William Shashy, Judge Burt Smithart, Judge Greg Griffin, Judge Ben Fuller, Judge Roman Shaul, Judge Adrian Johnson, Judge Jimmy Pool, Judge Monet Gaines, Judge JR Gaines and Judge Brook Reid, all of whom are or were sitting state judges in the Montgomery County area. I have not maintained a list of the host committees, but generally, when I have been asked, I have agreed to serve as a host.

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 a 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.

1999 – Present
Rushton, Stakely, Johnston & Garrett, P.A.
184 Commerce Street
Montgomery, Alabama 36104
Treasurer (2017 – Present)
Board Member (2010 – Present)
Shareholder (2005 – Present)
Attorney (1999 – Present)

2016 – Present
Alabama Securities Commission
RSA Dexter Avenue Building
445 Dexter Avenue, Suite 12000
Montgomery, Alabama 36104
Commissioner

- 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.

Since 1999, my practice primarily has focused on civil litigation defense in a broad range of matters, with a primary focus on professional malpractice (attorneys and engineers), lender liability, product defect, employment, and general casualty matters. I also regularly advise clients in employment and contract matters. I regularly handle appeals in state and federal courts.

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

Over the span of my legal career, my clients primarily have included law firms, local businesses, state agencies, insurance companies, mortgage

loan originators, servicers and investors, and automobile dealerships.

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

I appear regularly and routinely in court for clients.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 45% |
| 2. state courts of record: | 50% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

- 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.

I have tried approximately 16 cases to verdict or judgment in state and federal courts and administrative proceedings. These have included approximately 6 cases where I was sole counsel for my client, 3 cases where I was chief counsel, and 7 cases where I was associate counsel. I have also participated in several cases that settled during trial and therefore were not tried to verdict, judgment or final decision.

I have also tried over 20 cases in private arbitrations conducted by private arbitrators. I was sole counsel for my clients in all of them.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 95% |
| 2. non-jury: | 5% |

- 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. *Wanda Verrett, et al. v. Alabama Dept. of Mental Health, et al.*, Case No. 2:03-cv-012301-MEF-CSC, Middle District of Alabama, Judge Mark Fuller (2003 – 2007).

This was a wrongful death case involving the alleged murder of a mental health patient by a mental health worker employed with the Alabama Department of Mental Health. I represented the mental health worker who was tasked with monitoring the patient under a 1-to-1 observation protocol at the time of the patient's death. The state medical examiner opined the cause of death was due to homicide by strangulation and blunt force trauma. We tried the case to a federal jury in Montgomery. My client asserted his 5th Amendment right against self-incrimination on the witness stand. We defended the allegations with a medical examiner expert who rebutted the state medical examiner expert as to the cause of death. We received a defense verdict after a 7-day trial in which the plaintiff estate requested damages in excess of \$3 million. I was chief defense counsel for the mental health worker. During the case, there were several reported court orders and decisions that can be found at the following citations: 2007 WL 2609777 (M.D. Ala. Sept. 9, 2007); 511 F. Supp. 2d 1166 (M.D. Ala. 2007); 2007 WL 3441246 (M.D. Ala., Nov. 15, 2007).

Opposing Counsel:

Kenneth J. Mendelsohn
Jemison & Mendelsohn
1772 Platt Place
Montgomery, Alabama 36117
334-213-2323

David E. Allred
Allred & Allred, P.C.
7030 Fain Park Drive, Suite 9
Montgomery, Alabama 36117
334-396-9200

Co-Defense Counsel:

Christopher A. Bottcher
McGlinchey Stafford PLLC

505 North 20th Street, Suite 800
Birmingham, Alabama 35203
205-725-6401

Counsel for Defendants Alabama Department of Mental Health, Kathy Sawyer, Anne Evans, G. Allen Fortson, Ross Hart, Kimberly Ingram, Beatrice McLean and Michael Carlton.

Hon. Collins Pettaway, Jr.
(Formerly with Chestnut, Sanders, Sanders, Pettaway LLC)
4th Judicial District, Alabama
102 Church Street, 2nd Floor
Selma, Alabama 36701
334-874-2510
Criminal Counsel for Defendant Zerick Pritchett

Thomas Grant Sexton, Jr.
Rushton, Stakely, Johnston & Garrett, P.A.
184 Commerce Street
Montgomery, Alabama 36104
334-834-8480
Associate Counsel for Defendant Zerick Pritchett

Joseph L. Reese, Jr.
Starnes Davis Florie LLP
100 Brookwood Place, 7th Floor
Birmingham, Alabama 35209
205-868-6000
Attorney for Defendant Daveta Dozier, M.D.

Jeffrey Wilson Smith
Ryals & Agricola, P.C.
60 Commerce Street
Montgomery, Alabama 36104
334-834-5290
Attorney for Defendant Rhonda Cade Waters, R.N.

2. *Alabama One Credit Union, et al. v. David Byrne, et al.*, Case No. 7:15-cv-1089, Northern District of Alabama, Judge Scott Coogler (2015 – Present).

This is one of three cases concerning the 2015 conservatorship of Alabama One Credit Union in Tuscaloosa, Alabama and the termination of the credit union's senior leadership. The former credit union C.E.O. filed several lawsuits over his previous suspension, the conservatorship, and his subsequent termination. In this case, the plaintiff asserted a variety of constitutional and tort claims against, among others, two private practice attorneys for whom I was chief counsel. According to the plaintiff, the two private practice attorneys utilized their personal connections with the Alabama Governor's Office to

impose improper regulatory pressure on the credit union and its management for the purpose of obtaining lucrative financial settlements in civil litigation against the credit union. The case was vigorously litigated, and involved complex issues regarding the attorney-client privilege, the executive privilege, the common-interest privilege, and the regulatory privilege, and included depositions of the former Governor of the State of Alabama, the Governor's Legal Advisor, and the Administrator of the Alabama Credit Union Administration. After extensive briefing by the parties, the court granted summary judgment in my clients' favor on all claims in 2018. That decision is now on appeal to the Eleventh Circuit Court of Appeals. I have handled all aspects of the case at the district court level and on appeal. The case is under seal, but there is one reported judicial decision: *John Dee Carruth v. Justice D. Smyth, III*, 2018 WL 804272 (N.D. Ala. Feb. 9, 2018).

Opposing Counsel:

Jeven Robinson Sloan
Loewensohn Flegle Deary Simon LLP
12377 Merit Drive Suite 900
Dallas, Texas 75251
205-986-5027

Co-Defense Counsel:

Robert Reynolds
Gilbert C. Steindorff, IV
Reynolds, Reynolds & Little
2115 11th Street
Tuscaloosa, Alabama 35403
205-391-0073
Counsel for Defendants Sarah Moore and the Alabama Credit Union Administration

William J. Donald, III
Donald, Randall & Donald
600 Lurleen Wallace Boulevard, 290
Tuscaloosa, Alabama 35401
205-758-2585
Counsel for Defendant Bobby Cockrell

Terri Olive Tompkins
Phelps, Jenkins, Gibson & Fowler
1201 Greensboro Avenue
Tuscaloosa, Alabama 35402
205-345-5100
Attorney for Defendant Larry Morgan

Jason Matthew Bledsoe
Office of the Alabama Attorney General
501 Washington Avenue
Montgomery, Alabama 36130

334-242-7443

Attorney for Defendant Senator Gerald Allen

John C. Neiman, Jr.

Mark David Foley, Jr.

Robert Harris Fowlkes

Thomas W.H. Buck, Jr.

Maynard, Cooper & Gale

1901 Sixth Avenue North, Suite 2400

2400 Regions Harbert Plaza

Birmingham, Alabama 35203

Counsel for Defendants David Byrne, Governor Robert Bentley and Carrie McCollum

J. Douglas McElvy

McElvy Law Firm

2470 Zelda Road, 4th Floor

Montgomery, Alabama 334-293-0567

Counsel for Defendant Doug Key

3. *Glenn Construction Company LLC v. Bell Aerospace Services, Inc., Barge Waggoner, Sumner & Cannon, Inc.*, Case. No. 1:09-cv-00250-MEF-TFM, Middle District of Alabama, Judge Mark Fuller (2009 – 2012).

This was a construction dispute case that was tried to a federal jury in 2012 for approximately two weeks. We represented the plaintiff contractor who alleged that the defendant engineering firm had committed fraud, intentional interference with contractual relationships, negligence and wantonness in connection with faulty designs and construction management of a helicopter hanger near Fort Rucker, Alabama. The defendant engineering firm's actions caused our client delays and expenses that almost forced our client out of business. I was associate lead counsel. The case involved complex design, engineering and construction issues. The federal jury agreed with us, and awarded a judgment of \$1,657,520.15 for our client. After the trial, the court denied the defendant's motion for new trial. *See* 2012 WL 13001794 (M.D. Ala. Aug. 16, 2012). The case was settled after the defendant appealed to the Eleventh Circuit Court of Appeals. Additional reported district court rulings can be found at 2009 WL 5174209 (M.D. Ala. Dec. 21, 2009); 785 F. Supp. 2d 1258 (M.D. Ala. 2011); and 2011 WL 2118750 (M.D. Ala. May 27, 2011).

Opposing Counsel:

Hugh Cannon Lawley

Clark, May, Price, Lawley, Duncan & Paul LLC

2100 Southbridge Parkway, Suite 650

Birmingham, Alabama 35209

205-414-7577

Counsel for Defendant Bell Aerospace Services, Inc.

Christopher S. Rodgers
Lanier, Ford, Shaver & Payne P.C.
2101 Clinton Avenue West
Huntsville, Alabama 35805
256-535-1100
Counsel for Defendant Bell Aerospace Services, Inc.

John M. Laney, Jr.
Laney & Foster PC
Two Perimeter Park South
Birmingham, Alabama 35243
205-298-8440
Counsel for Defendant Barge, Waggoner, Sumner & Cannon

Co-Counsel:

Dennis. R. Bailey
J. Evans Bailey
Rushton, Stakely, Johnston & Garrett, P.A.
184 Commerce Street
Montgomery, Alabama 36104
334-834-8480
Counsel for Plaintiff Glenn Construction Company LLC

4. *Land Ventures for 2 LLC v. Fritz, et al.*, Case No. 2:12-cv-00240-WKW-SRW; BK. Misc. 00302, Middle District of Alabama, Judge William Sawyer, Judge W. Keith Watkins (2012 – 2015); 2014 WL 10590295 (Bank. M.D. Ala. July 18, 2014), *aff'd*, 551 B.R. 846 (M.D. Ala. 2015), *aff'd*, 668 F. App'x 862 (11th Cir. 2016) (B. Pryor, Martin, Anderson).

This was a legal malpractice case arising out of a failed Chapter 11 bankruptcy reorganization proceeding that resulted in the complete liquidation of the debtor entity. The debtor entity filed suit against its bankruptcy attorney and claimed damages in excess of \$3 million. I was lead counsel for the defendant bankruptcy attorney and his law firm. The malpractice case was referred to the bankruptcy court for all pre-trial matters. After significant discovery, which included numerous depositions and the use of damages and legal malpractice expert witnesses, the bankruptcy court granted summary judgment in my clients' favor on all claims. That decision was appealed and briefed to the district court, which affirmed. The debtor entity appealed to the Eleventh Circuit Court of Appeals, which also affirmed.

Opposing Counsel:

Nicholas H. Wooten
Nick Wooten LLC
17200 Central Parkway, Suite 300
Little Rock, Arkansas 72223
334-887-3000

Lynn W. Jinks, III
Christina D. Crow
Jinks, Crow & Dickson
219 Prairie Street
Union Springs, Alabama 36089
334-738-4225

Co-Counsel:

Ronald G. Davenport
Retired

5. *Reese & Howell v. Alabama Dept. of Transportation*, Case No. Cv-04-2229, Circuit Court of Montgomery County, Alabama, Judge Eugene Reese (2004 – 2007); *Ex parte Alabama Department of Transportation*, 985 So.2d 892 (Ala. 2007).

This was a construction dispute filed by a roadbuilder against a state agency. I was co-lead counsel for the state agency, but authored all briefs, attended all depositions, and argued all motions. We filed for summary judgment based upon state sovereign immunity. At the time, Alabama law was unsettled as to whether state sovereign immunity applied to breach of contract actions against a state agency for nonperformance. The court denied our summary judgment motion. We filed a mandamus petition with the Alabama Supreme Court, which granted our petition and ordered the circuit court to dismiss the case against my client.

Opposing Counsel:

J. Doyle Fuller
Law Office of J. Doyle Fuller, P.C.
2851 Zelda Road
Montgomery, Alabama 36106
334-270-0020

Jonathan T. Holloway
McRae & Metcalf, P.A.
2612 Centennial Place
Tallahassee, Florida 32308
850-386-8000
Counsel for Anderson Columbia, Inc.

6. *Barbara Abel v. J. Brent Austin, et al.*, Case No. 07-CI-5178, Fayette County Circuit Court, Kentucky, Judge Pamela Goodwine (2007 – 2013); *Abel v. Austin*, 2009 WL 10452497 (Ky. Cir. Court) (Feb. 12, 2009), *aff'd*, 2010 WL 2132745 (Ky. Ct. App. May 28, 2010), *aff'd*, 411 S.W.3d 728 (Ky. 2013).

This was a legal malpractice case arising out of the misappropriation of settlement proceeds by three Kentucky attorneys who represented claimants in the mass tort action involving

the diet drug, Phen-Fen. I was chief lead counsel for an Alabama-based law firm that served as co-plaintiffs' counsel in the settlement of that litigation, although no allegation was made that my client had misappropriated any settlement funds. The case was vigorously defended on the issue of the Kentucky statute of limitations. Numerous depositions were taken and significant briefing and oral argument was conducted, the culmination of which was a summary judgment in favor of all defendants, including my client. The case was appealed to the Kentucky Court of Civil Appeals, and I orally argued the appeal on behalf of my client. The Kentucky Court of Civil Appeals affirmed. The case then was appealed to the Kentucky Supreme Court, which also affirmed.

Opposing Counsel:

Angela M. Ford
Chevy Chase Plaza
836 Euclid Avenue, Suite 311
Lexington, Kentucky 40502
859-268-2923

William C. Rambicure
Miller, Edwards Rambicure PLLC
300 E. Main Street, Suite 360
Lexington, Kentucky 40507
859-281-0077

Co-Defense Counsel:

Perry M. Bentley
Stoll Keegon Ogden PLLC
300 West Vine Street
Lexington, Kentucky 40507
859-231-3000
Counsel for Co-Defendant J. Brent Austin

David C. Trimble
Formerly with Frost, Brown Todd of Lexington, KY
Department of Professional Licensing
911 Leawood Drive
Frankfurt, Kentucky 40601
502-782-8823

Melissa Campbell Subit
7345 Willowood Drive
West Chester, Ohio
513-412-5400
Counsel for Langston, Sweet & Freese, P.A.

7. *Dale E. York, Sr., et al. v. Gilbert M. Sullivan, Jr., et al.*, Case No. CV-14-903554.00, Circuit Court of Jefferson County, Alabama, Judge Patrick Bentley (2014 – 2016).

The plaintiffs were distant cousins to a largely unknown wealthy individual who died intestate in 2007 without a surviving spouse, children, parents or siblings. His estate was valued at over \$3 million. An heir-hunting entity discovered that the decedent, in fact, had distant heirs who were entitled to the decedent's estate. The entity contacted and then entered into contracts with the distant family members/heirs to pursue the claim in exchange for a percentage of any recovery. The entity also retained an Alabama attorney to assist with the matter and represent the family members. During the probate proceeding, several of the heirs (the plaintiffs) became dissatisfied with the assigned attorney, and retained another Alabama law firm (my clients) to assist them in recovering their rightful proceeds. With the assistance of my clients, the estate proceeds were disbursed to the family members/heirs and the heir hunting entity in accordance with the entity's contract with the heirs. My clients and the heir hunting entity later were sued by four of the heirs who claimed that the contract was void and unenforceable as a matter of public policy because of the champerty doctrine. As against my attorney clients, the plaintiffs alleged that my clients should not have agreed to any estate settlement that resulted in payment of estate funds to the heir hunting entity because the contract, as a matter of law, was void. The parties briefed the legal issues via dueling summary judgment motions and orally argued summary judgment. The court agreed with the defendants that the doctrine of champerty did not apply, and granted summary judgment in the defendants' favor. The case ultimately was settled for a confidential sum after a subsequent appeal by the plaintiffs.

Opposing Counsel:

Jerry Blevins
7550 Halcyon Summit Drive
Montgomery, Alabama 36117
334-262-7600

Co-Defense Counsel:

Joseph Stott
Stott & Harrington PC
2637 Valleydale Road, Suite 100
Birmingham, Alabama 35244
205-573-0500
Counsel for Defendants Gilbert M. Sullivan, Jr. and Gilbert M. Sullivan, Jr., P.C.

Joe L. Leak
Leak, Douglas & Morano
17 Twentieth Street North
Birmingham, Alabama 35203
205-977-7099
Counsel for Defendant Kemp & Associates

8. *Eric McLean, et al. v. GreenPoint Credit, et al.*, Case No. 1:13-cv-925-WKW, Middle District of Alabama, Judge Sawyer, Judge Keith Watkins (2013 – 2015); *In re McLean*, 2013 WL 5963358 (Bank. M.D. Ala. Nov. 8, 2013), *aff'd*, *McLean v. GreenPoint Credit LLC*, 515 B.R. 841 (M.D. Ala. 2014), *rev'd*, *In re McLean*, 794 F.3d 1313 (11th Cir. 2015) (E. Carnes, J. Pryor & Black).

This case involved a novel issue concerning whether the filing of a proof of claim for a previously discharged debt violated the bankruptcy discharge injunction imposed by 11 U.S.C. § 524(a). The case began as an adversary proceeding filed in the United States Bankruptcy Court for the Middle District of Alabama. After a trial, the bankruptcy court concluded that the defendant creditors had willfully violated the Section 524 injunction and awarded the plaintiffs actual damages of \$25,000 and punitive sanctions of \$50,000. I was retained to represent the defendant creditors after this adverse result. The Middle District of Alabama affirmed the bankruptcy court's opinion and findings. I appealed to the Eleventh Circuit Court of Appeals and participated in oral argument before the appellate court. The Eleventh Circuit agreed with us on the issue of damages, and reversed. In particular, the Eleventh Circuit concluded that, while the creditors did violate the discharge injunction, the bankruptcy court erred in issuing punitive sanctions against the creditors without affording them appropriate criminal due process and in failing to follow the appropriate standard in awarding actual damages for emotional distress. After remand to the bankruptcy court, the case was settled. I was chief counsel for the defendant creditors after the trial and handled all briefing and oral argument.

Opposing Counsel:

Nicholas H. Wooten
Nick Wooten LLC
17200 Central Parkway, Suite 300
Little Rock, Arkansas 72223
334-887-3000

9. *The Mount LLC, et al. v. Rosen Harwood, P.A., et al.*, Case No. CV-15-00297, Circuit Court of Tuscaloosa County, Alabama, Judge John England (2015 – 2018).

This is a legal malpractice case involving environmental contamination of real estate that was purchased by the plaintiffs for redevelopment into residential housing. The complaint alleged that the defendant attorney, as part of the real estate closing process, owed a duty to examine title for potential environmental hazards and breached that duty when he failed to disclose that the property previously had been owned by companies affiliated with the petroleum-industry. The plaintiffs claimed damages of several million dollars. I was chief legal counsel for the defendants. The case ultimately settled for a confidential sum.

Opposing Counsel:

Don L. Hall
Hall & Tucker LLC
1616 Third Avenue

Bessemer, Alabama 35020
205-425-5711

10. *Donna Frazier, Individually and as Personal Representative of the Estate of Joseph Frazier v. Sidney Jackson, et al.*, Case No. 3:12-cv-564, Judge H. Bruce Guyton, 2013 WL 3789715 (E.D. Tenn. 2013), *aff'd*, 563 F. App'x 435 (6th Cir. 2014) (Cole, Sutton & Cleland) (2012 – 2014).

This was a legal malpractice action concerning an underlying mesothelioma lawsuit. The plaintiff claimed the underlying lawsuit was filed in an inappropriate forum and that it was filed too late. The plaintiff also claimed that the defendant attorneys had settled certain claims for inappropriately low amounts. I was chief counsel for one of the plaintiff law firms that represented the plaintiff in the underlying mesothelioma matter. The primary litigated issue was whether the statute of limitations had expired on the legal malpractice action. I primarily handled the case on behalf of my attorney client. All of the defendants moved for summary judgment based on the Tennessee statute of limitations. The district court agreed with the defendants that the plaintiff's claims were time-barred, and therefore granted summary judgment. The plaintiff appealed to the Sixth Circuit Court of Appeals, which affirmed. I handled the briefing for my client in that appeal.

Opposing Counsel:

Scott M. Hendler
Hendler Law P.C.
1301 West 25th Street, Suite 400
Austin, Texas 78705
512-439-3200

Forrest L. Watson
Gary Dawson Law
100 West Summit Hill Drive
Knoxville, Tennessee 37902
865-525-7113

Co-Counsel:

Kyle Eiselstein
Miller Martin PLLC
832 Georgia Avenue, Suite 1000
Chattanooga, Tennessee 37402
423-756-6600
Counsel for Sidney Jackson, Kevin Graham, Jackson, Foster & Richardson LLC

Darryl G. Lowe
Lowe, Yeager & Brown
Riverview Tower
900 South Gay Street
Knoxville, Tennessee 37902

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

The majority of my legal activities concern civil litigation which usually is settled or concludes via summary disposition before trial. I do, however, regularly advise clients on pre-litigation matters, such as pre-suit claims of professional malpractice, EEOC charges, and contract enforcement. Oftentimes, as to pre-suit claims of professional malpractice, I am able to provide assistance to my attorney clients and reach amicable resolutions for all involved. For business clients, I regularly provide them with guidance in handling employment related issues, and assist them in responding to and resolving EEOC charges.

Outside of the litigation context, I spend a considerable amount of time on two committees that I believe have significant benefit to the legal community. First, I serve as a board member on the Alabama Pattern Jury Charge Committee-Civil. The committee consists of judges and private practice attorneys, and is tasked with editing, revising and updating civil practice jury charges for use by the Bench and Bar. The committee's current project is translating jury charges into a plain-language format that is more understandable to the average person.

I also serve on an Alabama Law Institute committee whose purpose is to review and propose revisions and updates to Article VI of the Alabama Constitution of 1901, which governs the state judiciary. The committee consists of judges from all of Alabama's state courts, as well as four private practice attorneys. The committee has met extensively over the past two years, and recently has made recommendations to the Alabama Legislature for updates to Article VI.

I have never performed 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.

If confirmed, I will resign from Rushton, Stakely, Johnston & Garrett, P.A. The firm will repurchase my shares in the professional association pursuant to a pre-determined repurchase formula. I will also sell my membership interest in 184 Commerce Properties LLC which is the entity that rents office space to Rushton, Stakely, Johnston & Garrett P.A. Finally, I will resign from my position with the Alabama Securities Commission.

- 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.

I have no plans, commitments, or agreements to pursue outside employment in the future.

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

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

- 23. 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 do not anticipate that any family member might pose conflicts of interest, and I am not aware of any associations of mine or of the family members of my family that would present a conflict. I will take very seriously any actual or potential conflicts of interest and recuse myself as appropriate.

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

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current law firm and the Alabama Securities Commission represent a party. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case by case basis and determinate appropriate action, including recusal, where necessary, including those by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as any and all other laws, rules, and practices governing such circumstances.

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.

I participate in the volunteer lawyer program that is administered by the Alabama State Bar. This program provides legal services to those in need.

I also participate in the Middle District of Alabama's *pro se* party assistance program. This program is run by the M.D. Alabama-Federal Bar Center and receives assignments from the federal judges in the Middle District of Alabama when *pro se* plaintiffs request assistance in drafting complaints. The general purpose is to assist a *pro se* plaintiff to better articulate the basis for his or her claims in the complaint. I am an officer and founding member of the program.

Through our local Federal Bar Association chapter, I also provide assistance with the federal court's re-entry program. This usually involves attendance at program sessions, providing words of encouragement to participants in the program, and providing tokens of success as participants reach certain milestones within the program.

I also assist in the governance of two local federal bar organizations, including the Montgomery Chapter of the Federal Bar Association and the M.D. Alabama-Federal Bar Center. For the local FBA chapter, I have served as an officer for over 10 years. For the Federal Bar Center, I have served as an officer since its inception over 5 years ago.

I have not kept time records associated with my involvement and participation in pro bono programs.

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 2015, I sent a letter of interest and resume to Senator Richard Shelby and Senator Jeff Sessions regarding the open district court judgeship previously filled by Judge Mark Fuller in the Middle District of Alabama. On January 7, 2019, I participated in a telephone conference with Senator Shelby, who inquired of my interest in the seat held by Judge Keith Watkins of the Middle District of Alabama. In response, I voiced my interest. On January 13, 2019, I interviewed with Senator Shelby and on the following day, I interviewed with Senator Doug Jones in Washington, D.C. On January 17, 2019, I was informed that my name had been submitted to the White House. On January 24, 2019, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice, and since that time, I have been in contact with officials from the White House Counsel's Office, the Office of Legal Policy at the Department of Justice, and Senator Shelby's Office.

- 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.