

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Britt Cagle Grant
Elizabeth Britt Cagle (maiden name)

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

United States Circuit Judge for the Eleventh Circuit

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.

The Supreme Court of Georgia
Judicial Building
40 Capitol Square, Southwest
Atlanta, Georgia 30342

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

1978; Atlanta, Georgia

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.

2004 – 2007: Stanford Law School; J.D. (2007)

1996 – 2000: Wake Forest University; B.A. (2000)

1998: Institute for European Studies, Vienna, Austria; no degree sought or received

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.

2017 – present

Supreme Court of Georgia
Judicial Building
40 Capitol Square, Southwest
Atlanta, Georgia 30342
Justice

2012 – 2016
Office of the Georgia Attorney General
Judicial Building
40 Capitol Square, Southwest
Atlanta, Georgia 30342
Solicitor General (2015 – 2016)
Counsel for Legal Policy (2012 – 2014)

2008 – 2012
Kirkland & Ellis LLP
655 15th Street, Northwest
Washington, D.C. 20005
Associate Attorney

2007 – 2008
United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman Federal Courthouse
333 Constitution Avenue, Northwest
Washington, D.C. 20001
Law Clerk to the Honorable Brett M. Kavanaugh

Summer 2006
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, Northwest
Washington, D.C. 20036
Summer Associate

Summer 2006
Kirkland & Ellis LLP
655 15th Street, Northwest
Washington, D.C. 20005
Summer Associate

January 2006
U.S. Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue, Northwest
Washington, D.C. 20530
Law Clerk

2005 – 2006
Stanford Law School
Crown Quadrangle
559 Nathan Abbott Way
Stanford, California 94305
Research Assistant to Professor Mariano-Florentino Cuellar

Summer 2005
Kirkland & Ellis LLP
555 California Street
San Francisco, California 94104
Summer Associate

2001 – 2004
The White House
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20500
Deputy Associate Director, Office of Cabinet Affairs (2003 – 2004)
Special Assistant to the Director, USA Freedom Corps (2002 – 2003)
Executive Assistant to the Director, Domestic Policy Council (2001 – 2002)

2000 – 2001
Office of Congressman Nathan Deal
United States House of Representatives
Rayburn House Office Building
45 Independence Avenue, Southwest
Washington, D.C. 20515
Communications Director (2001)
Legislative Correspondent (2000 – 2001)

Other Affiliations (uncompensated)

2018 – present
GeorgiaForward
84 Walton Street, Northwest, Suite 500
Atlanta, Georgia 30303
Member, Board of Directors

2017 – present
Emory University
201 Dowman Drive
Atlanta, Georgia 30322
Member, Board of Visitors

2004 – present
The Federalist Society for Law and Public Policy

1776 Eye Street, Northwest #300

Washington, D.C. 20006

Member, Atlanta Chapter Advisory Board (2017 – present)

Member, Federalism and Separation of Powers Practice Group Executive Committee (2016 – present)

Member, Atlanta Chapter Executive Board (2013 – 2017)

President, Stanford Law School Chapter (2006 – 2007)

2010 – 2012

First Baptist Church of the City of Washington, D.C.

1328 16th Street, Northwest

Washington, D.C. 20036

Deacon

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 United States military. I was not required to register for selective service.

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

Daily Report, “Rising Star” Attorney (2014)

Stanford Law School

Degree conferred with distinction (2007)

Managing Editor, *Stanford Journal of International Law* (2005 – 2006)

Senior Articles Editor, *Stanford Law and Policy Review* (2005 – 2006)

Wake Forest University

Degree conferred *summa cum laude* (2000)

Phi Beta Kappa (1999 – 2000)

Wake Forest Honor Scholarship (1996 – 2000)

Dean’s List (1996 – 2000)

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 Law Institute (2018 – present)

District of Columbia Bar Association (2009 – 2012)

Joseph Henry Lumpkin Inn of Court, University of Georgia School of Law
Master (2017 – present)

State Bar of Georgia (2008 – present)
Appellate Practice Section (2015 – present)

Supreme Court of Georgia Committees (2017 – present)
Member, Chief Justice’s Commission on Professionalism
Member, Commission on Dispute Resolution
Liaison, Access, Fairness, Public Trust and Confidence Committee
Member, Committee on Interpreters

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.

Georgia (2008). There has been no lapse in membership.

District of Columbia (2008). I resigned in 2012 when I moved to Georgia.

- 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.

U.S. Court of Appeals for the Sixth Circuit (2015 – present)
U.S. Court of Appeals for the Eleventh Circuit (2014 – present)
U.S. Court of Appeals for the District of Columbia Circuit (2015 – present)
U.S. District Court for the Middle District of Georgia (2013 – present)
U.S. District Court for the Northern District of Georgia (2014 – present)
U.S. District Court for the Southern District of Georgia (2015 – present)
Supreme Court of Georgia (2014 – present)
Court of Appeals of Georgia (2013 – present)
All Superior and State Courts of Georgia (2008 – present)

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.

Emory University Board of Visitors (2017 – present)

The Federalist Society for Law and Public Policy (2004 – present)

Atlanta Chapter Advisory Board (2017 – present)

Federalism and Separation of Powers Practice Group Executive Committee (2016 – present)

Atlanta Chapter Executive Board (2013 – 2017)

Stanford Law School Chapter President (2006 – 2007)

First Baptist Church of the City of Washington, D.C. (2001 – 2012)

Deacon (2010 – 2012)

GoingForward (2018 – present)

Member, Board of Directors

High Point Elementary Parent-Teacher Association (2015 – 2017)

Leadership Georgia (2017– present)

Parents Association of the Westminster Schools (2017 – present)

Teneo (2013 – present)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

I have not written or edited any books, articles, reports, letters to the editor, editorial pieces, or other published material, including material published only on the Internet.

As a candidate for elective judicial office, I created an official website:
<http://justicebrittgrant.com>.

- 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.

In my capacity as a liaison to the Access, Fairness, Public Trust and Confidence Committee of the Supreme Court of Georgia, I reviewed and edited an ADA-compliance position statement for inclusion in a handbook entitled "A Meaningful Opportunity to Participate." Copy supplied.

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

Testimony: Hearing Before the Georgia House Judiciary Subcommittee, February 2, 2015 (testimony given as Solicitor General on behalf of Attorney General Olens). I discussed sovereign immunity. An article describing my testimony is supplied. I have no notes, transcript, or recording. The address is Georgia State Capitol, 206 Washington Street, Southwest Atlanta, Georgia, 30334.

Testimony: Hearing Before the Joint Senate and House Appropriations Committee, approximately January 2015 (testimony given as Solicitor General on behalf of Attorney General Olens). I discussed the Law Department budget proposal. I have no notes, transcript, or recording. The address is Georgia State Capitol, 206 Washington Street Southwest, Atlanta, Georgia, 30334.

- 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.

Since I began working in the Office of the Attorney General, and subsequently became a judge, I have spoken to many classes, civic groups, and legal groups. I compiled the list below by reviewing my records and searching publically available databases, although there may be additional events that I am unable to recall.

March 29, 2018: Panelist, “Professionalism Panel – A View From the Bench” (Part 3), Not Your Typical CLE Seminar – What We Have Here Is A Failure To Communicate, Institute for Continuing Legal Education, State Bar of Georgia. Video available at <https://bcove.video/2It0p8W>.

May 22, 2018: Panelist, “Professional and Ethical Dilemmas in Litigation” (Part 3), Institute for Continuing Legal Education, State Bar of Georgia. Video available at <https://bcove.video/2GD1fQ0>.

March 2, 2018: Speaker, Professionalism and Ethics Update CLE, “Professionalism: What It Looks Like From The Other Side – From The Bench,” State Bar of Georgia, Atlanta, Georgia. Video available at <https://bcove.video/2GHnww4>.

February 23, 2018: Panelist, “Emerging Trends in Georgia Appellate Practice,” 25th Annual Criminal Practice CLE, Institute for Continuing Legal Education & General Practice & Trial Law Sections of the Georgia Bar Association. I discussed appellate practice before the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of the State Bar of Georgia is 101 Marietta Street, Atlanta, Georgia 30303.

February 8, 2018: Speaker, Leadership Bartow Tour of the Supreme Court of Georgia. I discussed the Supreme Court. I have no notes, transcript, or recording. The address of Leadership Bartow is Post Office Box 307, Cartersville, Georgia 30120.

February 1, 2018: Speaker, Kirkland Womens’ Leadership Initiative, “Views from the Top: Conversations with Accomplished Alumnae.” I discussed my career path. I have no notes, transcript, or recording. The address of Kirkland & Ellis LLP is 655 15th Street, Northwest, Washington, D.C. 20005.

January 26, 2018: Speaker, Fundraiser Event, Atlanta, Georgia. While a candidate for re-election to the Supreme Court of Georgia, I had a fundraiser event at Fellows LaBriola, LLP. I discussed my candidacy. I have no notes, transcript, or recording. The address of Fellows LaBriola, LLP is 225 Peachtree Street, Northwest #2300, Atlanta, Georgia 30303.

January 22, 2018: Speaker, Welcoming Remarks to New Members of the Supreme Court of Georgia Bar, Atlanta, Georgia. Notes supplied.

January 16, 2018: Speaker, JanTerm Rule of Law Seminar, the Westminster Schools, Atlanta, Georgia. Slides provided.

December 14, 2017: Panelist, "Professionalism: Chief Justice's Commission on Professionalism and Expectations for Attorneys" (Part 1), Consumer and Business Bankruptcy Institute, Bankruptcy Section of the State Bar of Georgia and the W. Homer Drake, Jr. Georgia Bankruptcy American Inn of Court. Video available at <http://www.iclega.org/online/confirmation/yd9H8iTehvNT6hqusQu4ZExu/index.html>.

December 7, 2017: Speaker, Georgia Trial Lawyers Association, LEAD Class Tour. I discussed practice before the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of the Georgia Trial Lawyers Association is 101 Marietta Street, Atlanta, Georgia 30303.

December 6, 2017: Speaker, Riverdale High School Tour of the Supreme Court of Georgia. I spoke to high school students about the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of Riverdale High School is 160 Roberts Drive, Riverdale, Georgia 30274.

December 5, 2017: Speaker, Fundraiser Event, Rome, Georgia. While a candidate for re-election to the Supreme Court of Georgia, I had a fundraiser event at Brinson Askew Berry. I discussed my candidacy. I have no notes, transcript, or recording. The address of Brinson Askew Berry is the Omberg House, 615 West 1st Street, Rome, Georgia 30161.

December 5, 2017: Speaker, the Darlington School Honor Speaker Series. I discussed my career path. I have no notes, transcript, or recording. The address of the Darlington School is 1014 Cave Spring Road Southwest, Rome, Georgia 30161. Press report supplied.

November 28, 2017: Speaker, Fundraiser Event, Atlanta, Georgia. While a candidate for re-election to the Supreme Court of Georgia, I had a fundraiser event at Capital City Club. I discussed my candidacy. I have no notes, transcript, or recording. The address of the Capital City Club is 7 John Portman Boulevard, Atlanta, Georgia 30303.

November 9, 2017: Speaker, Sandy Springs Bar Association. I discussed my career path and judicial philosophy. I have no notes, transcript, or recording. The address of the Sandy Springs Bar Association is Post Office Box 76383, Sandy Springs, Georgia 30358. Press report supplied.

October 30, 2017: Speaker, Fundraiser Event, Atlanta, Georgia. While a candidate for re-election to the Supreme Court of Georgia, I had a fundraiser event at Smith, Gambrell & Russell, LLP. I discussed my candidacy. I have no notes, transcript, or recording. The address of Smith Gambrell & Russell, LLP is

1230 Peachtree Street, Northwest, #3100, Atlanta, Georgia 30309.

October 25, 2017: Speaker, Fundraiser Event, Atlanta, Georgia. While a candidate for re-election to the Supreme Court of Georgia, I had a fundraiser event at King & Spalding, LLP. I discussed my candidacy. I have no notes, transcript, or recording. The address of King & Spalding, LLP is 1180 Peachtree Street Northwest, Atlanta, Georgia 30309.

October 23, 2017: Speaker, Fundraiser Event, Atlanta, Georgia. While a candidate for re-election to the Supreme Court of Georgia, I had a fundraiser event at Schillings on the Square. I discussed my candidacy. I have no notes, transcript, or recording. The address of Schillings on the Square is 19 North Park Square, Marietta, Georgia 30060.

October 18, 2017: Speaker, Washington-Wilkes Comprehensive High School Tour of the Supreme Court of Georgia. I spoke to high school students about the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of Washington-Wilkes Comprehensive High School is 1182 Tignall Road, Washington, Georgia 30673.

October 13, 2017: Speaker, Douglas County Bar Association Lunch, Douglasville, Georgia. I discussed the Supreme Court of Georgia's jurisdiction and workload. Notes supplied.

September 27, 2017: Speaker, Fundraiser Event, Atlanta, Georgia. While a candidate for re-election to the Supreme Court of Georgia, I had a fundraiser event at Knight & Johnson, LLC. I discussed my candidacy. I have no notes, transcript, or recording. The address of Knight & Johnson, LLC is 1360 Peachtree Street, Northwest, #1201, Atlanta, Georgia 30309.

September 13, 2017: Speaker, Marietta Rotary Club Meeting, Marietta, Georgia. I discussed my career path and experiences. Notes supplied.

August 7, 2017: Panelist, Georgia Association for Women Lawyers Leadership Academy Supreme Court Tour. I discussed my career path and the Supreme Court of Georgia. I have not notes, transcript, or recording. The address of the Georgia Association for Women Lawyers is Post Office Box 79308, Atlanta, Georgia 30357.

June 28, 2017: Speaker, Tour of the Supreme Court of Georgia. Video available at <https://www.gasupreme.us/court-information/history/>.

June 27, 2017: Speaker, Fundraiser Event, Atlanta, Georgia. While a candidate for re-election to the Supreme Court of Georgia, I had a fundraiser event at the Commerce Club. I discussed my candidacy. I have no notes, transcript, or recording. The address of the Commerce Club is 191 Peachtree Street, Northeast,

49th Floor, Atlanta, Georgia 30303.

June 27, 2017: Speaker, Office of the Georgia Attorney General Summer Intern Speaker Series. I discussed my career path. I have no notes, transcript, or recording. The address of Office of the Georgia Attorney General is 40 Capitol Square, Southwest, Atlanta, Georgia 30334.

June 27, 2017: Panelist, "Lunch with Georgia's Newest Appellate Jurists," Appellate Practice Section of the State Bar of Georgia, Atlanta, Georgia. The panel gave practical tips for appellate practitioners. I have no notes, transcript, or recording. The address of the Appellate Practice Section of the State Bar of Georgia is 104 Marietta Street, Northwest, Suite 100, Atlanta, Georgia 30303.

June 2, 2017: Speaker, Georgia Piedmont Technical College, Law Enforcement Academy Tour of the Supreme Court of Georgia. I spoke to participants about the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of Georgia Piedmont Technical College is 495 North Indian Creek Drive, Clarkston, Georgia 30021.

May 18, 2017: Speaker, Administrative Office of the Courts. I discussed my career path. I have no notes, transcript, or recording. The address of the Administrative Office of the Courts is 244 Washington Street, Suite 300, Atlanta, Georgia 30334.

May 15, 2017: Speaker, Welcoming Remarks to New Members of the Supreme Court of Georgia Bar, Atlanta, Georgia. Notes supplied for event on January 22, 2018.

May 11, 2017: Speaker, Georgia Association for Women Lawyers Annual Dinner. I swore in the incoming officers of the organization during an investiture ceremony. I have no notes, transcript, or recording. The address of the Georgia Association for Women Lawyers is Post Office Box 79308, Atlanta, Georgia 30357.

April 28, 2017: Speaker, Gwinnett County Bar Association Law Day Dinner, Lawrenceville, Georgia. Notes supplied.

April 26, 2017: Speaker, Washington-Wilkes Comprehensive High School, Legal Environment of Business Class Tour of the Supreme Court of Georgia. I spoke to high school students about the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of Washington-Wilkes Comprehensive High School is 1182 Tignall Road, Washington, Georgia 30673.

April 10, 2017: Panelist, "Panel Discussion on Appellate Practice," The University of Georgia School of Law Student Chapter, the Federalist Society. I have no notes, transcript, or recording. The address of the University of Georgia

School of Law is 225 Herty Drive, Athens, Georgia 30602. Draft moderator questions supplied.

March 30, 2017: Panelist, General and Trial Practice Section CLE, "Professional and Ethical Dilemmas in Litigation" (Session 2). Video available at <https://bcove.video/2orYUiY>.

March 23, 2017: Panelist, Professional Liability Section CLE, "Houston We Have a Problem: Not Your Typical Legal Malpractice CLE" (Session 7). Video available at <https://bcove.video/2CgPvUI>.

March 22, 2017: Speaker, Bartow County Government Clubs Supreme Court of Georgia Tour. I discussed the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of the Cartersville-Bartow County Chamber of Commerce is Post Office Box 307, Cartersville, Georgia 30120.

March 15, 2017: Speaker, Young Lawyers' Division (War Stories Series), State Bar of Georgia, Atlanta, Georgia. Notes supplied.

February 28, 2017: Speaker, Warren Technical School Tour of the Supreme Court of Georgia. I spoke to students about the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of the Warren Technical School is 3075 Alton Road, Atlanta, Georgia 30341.

February 24, 2017: Speaker, Rome Bar Association. I discussed the workload and jurisdiction of the Supreme Court of Georgia. I have no notes, transcript, or recording. The address of the Rome Bar Association is c/o Matson & Matson, P.C., 1 West 4th Avenue, Suite 300, Rome, Georgia 30161.

February 6, 2017: Speaker, Welcoming Remarks to New Members of the Supreme Court of Georgia Bar, Atlanta, Georgia. Notes supplied for event on January 22, 2018.

January 10, 2017: Speaker, Western Circuit Bar Association Lunch Meeting, Athens, Georgia. I discussed my career path. I have no notes, transcript, or recording. The address of the Western Circuit Bar Association is c/o Judge Benjamin Makin, 325 East Washington Street, Suite 240, Athens, Georgia 30601.

December 7, 2016: Speaker, Investiture of Justice Britt C. Grant, Atlanta, Georgia. Draft remarks supplied.

October 27, 2016: Panelist, "A Conversation with State Solicitors General," Eleventh Circuit Appellate Practice Institute, State Bar of Georgia. I have no notes, transcript, or recording. The address of the State Bar of Georgia is 104 Marietta Street Northwest, Suite 100, Atlanta, Georgia 30303.

October 5, 2016: Speaker, "Attorney General's issuance of opinions, process, history, and interaction with the Georgia General Assembly," 2016 Legislative Branch Continuing Legal Education. I discussed the Attorney General's interaction with the General Assembly. I have no notes, transcript, or recording. The address of the State Bar of Georgia is 104 Marietta Street Northwest, Suite 100, Atlanta, Georgia 30303.

September 15, 2016: Panelist, "U.S. Supreme Court Review," the Atlanta Lawyers' Chapter of the Federalist Society. I discussed recent Supreme Court cases. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, D.C. 20006.

June 24, 2016: Panelist, "Environmental Law: State Challenges to Federal Regulations," State Solicitors General & Appellate Chiefs Conference, National Association of Attorneys General. I discussed environmental and administrative law issues. I have no notes, transcript, or recording. The address of the National Association of Attorneys General is 1850 M Street Northeast, 12th floor, Washington, D.C. 20036.

April 17, 2016: Panelist, Berkeley Federalist Society Symposium on State Solicitors General. I discussed my experience as the Georgia Solicitor General. I have no notes, transcript, or recording. The address of the University of California, Berkeley School of Law is 225 Bancroft Way, Berkeley, California 94720.

December 1, 2015: Panelist, "Key U.S. Supreme Court Decision in 2015," Georgia Legislative Branch CLE. I discussed recent Supreme Court cases. I have no notes, transcript, or recording. The address of the Senate Research Office is 2014 Coverdell Legislative Office Building, 18 Capitol Square, Atlanta, Georgia 30334.

October 28, 2015: Speaker, "Judicial Panel Discussion: Nuts and Bolts of Civil Appellate Practice," Institute of Continuing Legal Education. I have no notes, transcript, or recording. The address of the Institute of Continuing Legal Education, State Bar of Georgia is 101 Marietta Street, Atlanta, Georgia 30303.

October 14, 2015: Panelist, "Nuts and Bolts of Georgia Appellate Practice," Emory Law School Student Chapter, the Federalist Society. Panelists discussed best practices before the Court of Appeals of Georgia and the Supreme Court of Georgia. I have no notes, transcript, or recording. The address is Emory University School of Law is 1301 Clifton Road, Atlanta, Georgia 30322. Draft moderator questions supplied.

September 29, 2015: Panelist, "U.S. Supreme Court Review," the Atlanta Lawyers' Chapter of the Federalist Society. I discussed recent Supreme Court cases. I have no notes, transcript, or recording. The address of the Federalist

Society is 1776 Eye Street Northwest, Suite 300, Washington, D.C. 20006.

May 21, 2015: Moderator, "Solicitors General Review the Supreme Court," Atlanta, Georgia. I moderated a panel of state solicitors general discussing the United States Supreme Court. I have no notes, transcript, or recording. The address of the Rule of Law Defense Fund is 1747 Pennsylvania Avenue, Northwest, Washington, D.C. 20006.

March 24, 2015: Speaker, Appellate Practice Section of the State Bar of Georgia. I discussed the role of the Solicitor General. I have no notes, transcript, or recording. The address of the State Bar of Georgia, 104 Marietta Street Northwest, Atlanta, Georgia 30303.

March 18, 2015: Panelist, "States' Priorities Under Their False Claims Acts: Georgia, Texas and California Share Their Approaches," Institute for Continuing Legal Education Whistleblower Law Symposium. I have no notes, transcript, or recording. The address of the State Bar of Georgia, 104 Marietta Street Northwest, Atlanta, Georgia 30303.

February 18, 2015: Speaker, "Leadership Cobb Politics Day." I discussed the Office of the Attorney General. I have no notes, transcript, or recording. The address of the Cobb Chamber of Commerce is 240 Interstate North Parkway, Atlanta, Georgia 30339.

October 8, 2014: Panelist, "Developments in Government Defense: Administrative Remedies, Sovereign Immunity, etc.," Government Law CLE, the Seminar Group. I have no notes, transcript, or recording. The address of the Seminar Group is Am Post Office Box 523, 18850 103rd Avenue, Vashon, Washington 98070.

February 3, 2014: Speaker, Lowndes Middle School Capitol Day. I discussed the Office of the Attorney General. I have no notes, transcript, or recording. The address of Lowndes Middle School is 2379 Copeland Road, Valdosta, Georgia 31601.

Approximately January 2013: Speaker, State Capitol Complex. I discussed "Pill Mill" legislation supported by the Office of the Attorney General in my capacity as Counsel for Legal Policy. I have no notes, transcript, or recording. The address of the State Capitol Complex is Floyd Building, 200 Piedmont Avenue, Atlanta, Georgia 30334.

- 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.

“What I Learned in 60 Minutes With Justice Britt Grant,” State Bar of Georgia Young Lawyers Division: The YLD Review, February 2018. Copy supplied.

“Meet Your New Appellate Judges and Justices,” Verdict, Spring 2017. Copy supplied.

“Grant’s Journey to Becoming a Justice Started with a Key First Job,” Fulton County Daily Report, December 30, 2016. Copy supplied.

“On the Rise: Rising Lawyers Under 40,” Daily Report (Fulton County, Georgia), August 18, 2014. Copy supplied.

“Georgia Has No Plans to Join Other States’ Pursuit of S&P,” ATLaw, February 11, 2013. 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.

2017 – present: Justice, The Supreme Court of Georgia. I was appointed by Governor Nathan Deal. The Supreme Court of Georgia is the State’s highest appellate court. The Court has statewide original jurisdiction over all appeals involving the construction of the federal or state constitutions, all murder appeals, all death penalty appeals, all habeas corpus cases, and all election contest appeals. The Court also has certiorari jurisdiction over other cases, predominantly from the Georgia Court of Appeals. In addition, the Supreme Court of Georgia regularly addresses questions of state law certified by federal courts, and handles all attorney discipline cases.

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

Because I have not served as a trial judge, I have not presided over any cases that have gone to verdict or judgment. As a Justice on the Supreme Court of Georgia, I have participated in over 2,200 cases, including over 475 that resulted in written opinions, 42 of which I authored, including concurrences and dissents.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	0%
civil proceedings:	45%
criminal proceedings:	55%

For the purposes of the calculation above, I have included habeas corpus cases in the criminal category even though they are technically civil in nature.

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

Citations for all of my opinions, including concurrences and dissents, are attached.

- 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).

1. *Chrysler Grp. LLC v. Walden*, – Ga. –, 2018 WL 1323992 (Mar. 15, 2018).

I authored the unanimous majority opinion addressing for the first time the interaction between Georgia Rules of Evidence 622 (addressing evidence of bias) and 403 (modeled on federal rule 403), as well as Georgia’s common law bar on party-wealth evidence. Our opinion concluded that the admission of compensation evidence for the defendant company’s CEO was not reversible error because the objection below had been based on party-wealth evidence and relevance, rather than Rule 403 as was required under Georgia’s new Evidence Code. Our opinion also rejected the Court of Appeals’s conclusion that evidence of witness bias is always admissible under Rule 622, both because Rule 403 presumptively applies under the new Evidence Code and because precedents for the old Rule 622 demonstrate that even prior to the introduction of the Rule 403 test the Rule had not functioned to allow evidence in without regard for unfair prejudice.

Our opinion also found for the first time that plain error review applies in Georgia for civil as well as criminal cases under the new Evidence Code. I wrote for a plurality of the Court a comparison between the sources of authority for state and federal plain error review in civil cases, as well as an application of those principles in the case.

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2. *Barnett v. Caldwell*, 809 S.E.2d 813 (Ga. 2018).

I authored the majority opinion affirming the trial court's grant of summary judgment on official immunity grounds. After a high school student died following horseplay with another student while his teacher had left the classroom, his parents sued the teacher in her individual capacity for negligent supervision of her students. The case turned on official immunity, which is available under Georgia law if the teacher's actions were discretionary in nature, but not if they

were ministerial. The decision below from the Georgia Court of Appeals was one in a long line of cases declaring that student supervision was inherently discretionary. After a lengthy analysis of the nature of discretionary and ministerial actions, our opinion affirmed the finding of official immunity, but clarified that, while student supervision often is discretionary, it can be ministerial in certain contexts where a law or policy is so definite as to require a simple and absolute action on the part of the teacher.

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3. *Manner v. State*, 808 S.E.2d 681 (Ga. 2017).

I authored the unanimous majority opinion affirming the appellant's convictions for malice murder and related offenses. Our opinion analyzed several

complicated issues of criminal procedure, including the first interpretation of an amendment to the Georgia First Offender Act. One testifying witness had pled guilty as a first offender to a felony charge of giving a false statement to police. He was sentenced to a term of probation without an adjudication of guilt pursuant to Georgia's First Offender Act, which allows a felony first offender to enter a guilty plea and provides for the offender's full discharge and exoneration upon successful completion of his sentence. As a condition of his sentence, the witness testified for the State at the appellant's trial. In light of the witness's guilty plea, the appellant requested a jury instruction on impeachment by prior conviction under OCGA § 24-6-609, arguing that the new Evidence Code requires discharge of a first offender sentence before a first offender is shielded from impeachment by conviction.

Our opinion concluded that the new Rule—like the former statute—did not permit use of a first offender guilty plea as general impeachment evidence where there had been no adjudication of guilt, and thus no “conviction” within the meaning of the statute. We explained that the new language in Rule 609 applied in circumstances where there had been *both* an adjudication of guilt *and* subsequent discharge under any first offender statute. Rather than subjecting first offenders who had not yet completed their sentence to impeachment by prior conviction, the amendment ensures that the exemption from impeachment by prior conviction will also apply to those who had actually been adjudicated guilty (and thus convicted) of a felony offense before subsequently being categorized as a first offender and completing the required programming.

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4. *Lebis v. State*, 808 S.E.2d 724 (Ga. 2017).

I wrote the majority opinion in this case, affirming the defendant's convictions for possessing various firearms and dangerous weapons and for felony murder predicated on one of those possession counts after the defendant and her husband hid in a motel room for over a week with a stockpile of firearms and other dangerous weapons in an effort to evade the husband's arrest. When law enforcement officers attempted to arrest the husband, he shot and killed one of the officers before being killed himself by another officer. Our opinion clarified that earlier cases permitting felony murder convictions predicated on joint possession instead should have been based on party to the crime or conspiracy. We also explained and clarified the standard for joint possession, and addressed other issues raised by the defendant on appeal.

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5. *Diversified Holdings, LLP v. City of Suwanee*, 807 S.E.2d 876 (Ga. 2017).

I authored the unanimous majority opinion in this case, which presented a complex issue of statutory interpretation relating to appellate procedure and a significant readjustment of past precedents that were inconsistent with federal and state takings provisions. The core of the appeal was a claim that failure to rezone appellant's property constituted a violation of due process as well as an inverse condemnation. Appellant filed both a direct appeal and an application for discretionary review because of uncertainty regarding Georgia law on the proper approach.

Our opinion first concluded that discretionary appeal was appropriate rather than direct appeal because the decision by a zoning board not to rezone was properly characterized as an "adjudicative" decision rather than a legislative one, meaning that the case fell within the contours of Georgia's discretionary appeal statute. This decision was a significant one for the bar in Georgia because the question had been open after the Court began to reconsider the bounds of the statute a few years before.

Turning to the merits, our opinion clarified that Georgia's cases setting out a due process inquiry to determine if a rezoning constitutes an inverse condemnation or "taking" have been in error. Our opinion explained that the "substantially advances" test that has been used to decide claims of regulatory takings is not really a takings test at all because it evaluates whether an action was arbitrary and capricious rather than whether property has been taken for public use without just compensation. Our opinion explained that the claim on appeal was not one for inverse condemnation, and applied the "substantially advances" test to conclude that the zoning regulation in question did not violate the constitutional due process interests of the plaintiffs.

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6. *Jones v. Peachtrader Inc.*, 807 S.E.2d 840 (Ga. 2017).

I authored the unanimous majority opinion vacating the trial court's dismissal of the Joneses' notice of appeal, but dismissing the appeal for lack of jurisdiction. This case involved two detailed statutory interpretations. In the first, our opinion analyzed the plain language and context of the statute providing for the dismissal of appeals, and held that the trial court had exceeded its statutory authority when it dismissed the appeal; Georgia's Appellate Practice Act reserves to the appellate courts the sole authority to determine whether a notice of appeal is sufficient to invoke appellate jurisdiction. Our opinion noted several prior consistent holdings and disapproved other precedents to the extent they suggested that the dismissal of an appeal was within the authority of the trial court. After concluding that the trial court did not have the authority to dismiss petitioners' notices of appeal, we held for the first time that the current statutory scheme requires a certificate of immediate review to appeal from an order modifying or partially dissolving an interlocutory injunction. In order to reach that conclusion, we analyzed the text of Georgia's law on injunctions from 1869 through the present, as well as appellate procedures during that time period.

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7. *Williams v. State*, 807 S.E.2d 350 (Ga. 2017).

I authored the unanimous opinion in this case affirming the defendant's convictions of malice murder and related crimes. The defendant stabbed his ex-girlfriend's brother to death and was in the process of stabbing his ex-girlfriend when a neighbor intervened. Our opinion, an early interpretation of Georgia's new Rule 404(b) provision, made clear that the limitations in that Rule on "other acts" evidence do not apply to intrinsic evidence. We also held that statements the defendant made to a nurse who treated him after he was taken into custody were admissible because the nurse spoke with him for the sole purpose of providing medical assistance and treatment, and "*Miranda* does not govern questioning by private citizens who are not acting at the behest of law enforcement."

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8. *Schumacher v. City of Roswell*, 301 Ga. 635 (2017) (Grant, J., concurring).

I authored a special concurrence in this appeal involving a challenge by property owners to a local development code. The superior court dismissed the property owners' lawsuit, and the Court of Appeals dismissed their direct appeal, holding that an application for discretionary review was required. The 6-3 majority concluded that direct review was available.

In a concurrence joined by another justice, I reviewed previous decisions from the Court on the question of what kinds of appeals require an application for discretionary review under OCGA § 5-6-35, noting the ambiguity in the statutory language, as well as the resulting disagreements between members of the Court and between opinions issued by the Court, about the appropriate interpretation of the text. I noted the Court's recent effort to establish clear rules of interpretation for the statute, but suggested that the General Assembly was in the best position to clarify the meaning of the statute, and concluded by counseling that, when a litigant is uncertain whether a direct appeal is authorized or an application is required under Georgia's Appellate Practice Act, the safer path is to file an application for discretionary review.

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9. *Martin v. Six Flags over Georgia II, L.P.*, 301 Ga. 323 (2017).

I wrote the unanimous majority opinion in this case, which affirmed the Court of Appeals in part and reversed in part. The case was a tort action in response to the severe injury of a young man beaten while standing at a bus stop near an amusement park. The jury awarded \$35 million, apportioning the damages 92% to the amusement park, and 2% each against four assailants who had been criminally convicted. The trial court refused to include potential assailants who had not been criminally convicted on the verdict form. The en banc Court of Appeals determined that the amusement park could face liability because the bus stop, although not on the park's property, was part of its "premises and approaches." Regarding apportionment, however, the Court of Appeals held that the exclusion of potential assailants from the verdict form was an error that necessitated a complete retrial.

Our opinion agreed that the amusement park was liable for the attack under ordinary premises liability law because the evidence showed that Six Flags had not demonstrated ordinary care to prevent its patrons from an attack that was reasonably foreseeable and actually began on the property. We also noted that Six Flags did not exercise sufficient control over the bus station for it to assume liability under a "premises and approaches" theory.

Regarding apportionment, we reversed the Court of Appeals, finding that Georgia's common law on correction of trial errors that affect less than the whole of a judgment was not in conflict with the apportionment statute. Accordingly, we held that the jury's findings on liability or its calculation of damages sustained by the plaintiff should not be disturbed where correction of an apportionment error involves only the identification of tortfeasors and assessment of relative shares of fault among them. We remanded the case for a retrial on apportionment of damages only.

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10. *State v. Cohen*, 807 S.E.2d 861 (Ga. 2017) (Grant, J. concurring specially in part).

In this case, the Court, among other things, reinstated criminal charges for conspiracy to commit unlawful surveillance and conducting unlawful surveillance. I agreed with the judgment that the charges should be reinstated, but in a special concurrence, joined by two other justices, rejected the majority opinion's application of Fourth Amendment standards to the statutory framework

for unlawful surveillance. I argued that the privacy interest against private parties is distinct from the interest against search and seizure by the government, and that nothing in the text of the statute demanded like treatment for the two.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Chrysler Grp. LLC v. Walden*, – Ga. –, 2018 WL 1323992 (Mar. 15, 2018).

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4. *Lebis v. State*, 808 S.E.2d 724 (Ga. 2017).

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5. *Diversified Holdings, LLP v. City of Suwanee*, 807 S.E.2d 876 (Ga. 2017).

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6. *Jones v. Peachtrader Inc.*, 807 S.E.2d 840 (Ga. 2017).

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8. *Schumacher v. City of Roswell*, 301 Ga. 635 (2017) (Grant, J., concurring).

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9. *Martin v. Six Flags Over Georgia II, L.P.*, 301 Ga. 323 (2017).

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10. *State v. Cohen*, 807 S.E.2d 861 (Ga. 2017) (Grant, J. concurring specially in part).

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

Mancuso v. TGDA, 301 Ga. 671, *cert. denied*, 2018 WL 1460807 (Mar. 26, 2018).

Scott v. Georgia, S17D1696, *cert. denied*, 2018 WL 1369250 (Mar. 19, 2018).

Brewner v. Georgia, 302 Ga. 6 (2017), *cert. denied*, 138 S. Ct. 1014 (Feb. 20, 2018).

Jones v. Georgia, 300 Ga. 814 (2017), *cert. dismissed*, 138 S. Ct. 990 (Feb. 20, 2018).

Ledford v. Sellers, S17E0955, *cert. denied*, 138 S. Ct. 983 (Feb. 20, 2018) (Grant, J. recused).

Smith v. Kennedy, S17H0370, *cert. denied*, 138 S. Ct. 934 (Jan. 22, 2018).

Odion v. Varon, S17C2005, *cert. denied*, 138 S. Ct. 741 (Jan. 16, 2018).

Wright v. Wright, S17A2002, *cert. denied*, 138 S. Ct. 668 (Jan. 8, 2018).

Middleton v. Payne, S17H1688, *cert. denied*, 138 S. Ct. 520 (Dec. 4, 2017).

Dobbs v. Georgia, S17C1297, *cert. denied*, 138 S. Ct. 481 (Nov. 27, 2017).

Thomas v. Northstar Mortg. Grp., S17C0023, *cert. denied*, 138 S. Ct. 393 (Oct. 30, 2017).

McGee v. Georgia, 301 Ga. 169 (2017), *cert denied*, 138 S. Ct. 362 (Oct. 16, 2017).

Hill v. Williams, S16H1318, *cert. denied*, 138 S. Ct. 237 (Oct. 2, 2017).

Teasley v. McLaughlin, S16H1346, *cert. denied*, 138 S. Ct. 126 (Oct. 2, 2017).

Barnett v. Georgia, 300 Ga. 551 (2017), *cert. denied*, 137 S. Ct. 2279 (June 19, 2017).

Ledford v. Sellers, S17W1622, *cert. denied*, 137 S. Ct. 2156 (May 16, 2017) (Grant, J. recused).

- 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.

None of my opinions have been reversed by a reviewing court or affirmed with significant criticism.

- 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.

All of my opinions have been published.

- 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.

Brewner v. State, 302 Ga. 6, *cert. denied*, 138 S. Ct. 1014 (Feb. 20, 2018).

Barnett v. Caldwell, 2018 WL 575994 (Jan. 29, 2018).

Norris v. State, 2018 WL 575936 (Jan. 29, 2018).

Glenn v. State, 302 Ga. 276 (2017).

Johnson v. State, 301 Ga. 707 (2017).

Bailey v. State, 301 Ga. 476 (2017).

Waye v. State, 301 Ga. 469 (2017).

Anthony v. State, 807 S.E.2d 891 (Ga. 2017).

Diversified Holdings, LLP v. City of Suwanee, 807 S.E.2d 876 (Ga. 2017).

Williams v. State, 807 S.E.2d 350 (Ga. 2017).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

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

As a Justice on the Supreme Court of Georgia, I have not been asked to recuse by a party or by an attorney, with one exception:

In the Matter of Sam Louis Levine, S18Y0348, a disciplinary matter in which the Respondent moved to disqualify all of the members of the Supreme Court of Georgia. Respondent asserted that I could not be impartial in the case because I had previously worked for Governor Deal when he was in Congress, and Respondent had sought assistance from Deal when he was Governor. Like my colleagues, for whom different justifications for recusal were asserted, I denied the motion as to my participation.

Additionally, recusing Justices are not required to provide an explanation for their recusal. Rule 2.11 of the Georgia Code of Judicial Ethics sets out standards for recusal, which I follow.

In keeping with Rule 2.11, I recuse from any civil case that was on appeal by lawyers in the Office of the Georgia Attorney General while I was serving there. The exception to this rule is for murder appeals, death penalty appeals, and habeas cases, because I did not provide general supervision to attorneys on those matters; I still recuse from any particular case that I worked on relating to those areas of the law. I also recuse from any case in which I had any involvement at the trial level during my time in the Office of the Georgia Attorney General, or from any case that is directly related to a case that I worked on.

The Supreme Court of Georgia has also developed a policy of informing all attorneys in a case when any counsel in the case serves as a campaign official for any Justice. The letter that transmits this information to the attorneys is consistent with Comment 2 to Rule 2.11 of the Georgia Code of Judicial Conduct, which states that “[j]udges should disclose on the record . . . information that the court believes the parties or their lawyers might consider relevant to disqualification.”

I recused in the following cases in which the Court has issued opinions:

White v. Adams, S16A1655

Riley v. Southern LNG, Inc., S16A1659

Smith v. Northside Hosp., Inc., S16G1463

McConnell v. Georgia Dep’t of Labor, S16G1786

Abramyan v. State, S17A0004

The Merchant Law Firm, P.C. v. Emerson, S17A0039

Sexual Offender Registration Review Bd. v. Berzett, S17A0082

Gaddy v. Georgia Dep’t of Revenue, S17A0177

Georgia Dep’t of Revenue v. Gaddy, S17X0178

Lathrop v. Deal, S17A0196

Georgia Motor Trucking Ass’n v. Georgia Dep’t of Revenue, S17A0430

Dawkins-Haigler v. Anderson, S17A0441

Women's Surgical Center, LLC v. Berry, S17A1317

New Cingular Wireless PCS, LLC v. Georgia Dep't of Revenue et al., S17G1256

Berry v. Women's Surgical Center, LLC, S17X1318

Oxendine et al. v. Gov't Transparency & Campaign Fin. Comm'n, S18A0730,
S18A0964, S18D0702, S18D0704

Parker v. Leeuwenburg, S16A1505

Redmon v. Johnson, S16H1197

Baez v. Flanders, S17A0099

G.B.A. Assocs., LLC v. Sabal Trail Transmission, LLC, S17A0975

Ledford v. Sellers, S17E0955

In re Gerald W. Fudge, S17Y1653

AR Motor Sports, Inc. v. City of Lawrenceville, S18D0550

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

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

I have held no public office other than my current judicial seat. I have not had any unsuccessful candidacies or nominations.

- 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 participated as an unpaid volunteer for the Georgia Republican Party's Get Out the Vote effort in support of Senator Saxby Chambliss's 2002 campaign for the United States Senate.

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

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

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

From 2007 to 2008, I served as a law clerk to the Honorable Brett M. Kavanaugh, United States Court of Appeals for the District of Columbia Circuit.

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

I have never 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.

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Solicitor General (2015 – 2016)
Counsel for Legal Policy (2012 – 2014)

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.

2008 – 2012: As an associate attorney at Kirkland & Ellis, I represented clients in complex commercial litigation before state courts, federal district courts, federal courts of appeals, and the United States Supreme

Court in matters including antitrust, products liability, class-action defense, contracts, defamation, securities, and multi-district litigation. I also maintained an active pro bono practice.

2012 – 2014: As Counsel for Legal Policy, I managed appellate litigation on certain matters, including multi-state environmental challenges before the U.S. Court of Appeals for the District of Columbia Circuit. I also served as counsel on significant litigation matters at the trial level, including for challenges to the Savannah Harbor Expansion Project and in the first Medicaid Fraud civil lawsuit in which the State of Georgia intervened prior to intervention by the federal government. In addition, I directed legislative and policy initiatives for the Office of the Attorney General and served as a legal advisor to the Attorney General.

2015 – 2016: As the chief appellate litigator for the State, I worked closely with other state solicitors general to lead and participate in multi-state litigation, primarily at the federal level. I briefed and argued cases in both federal and state courts relating to constitutional issues, administrative law, qui tam actions, statutory interpretation, environmental law, sovereign immunity, and a range of other issues.

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

2008 – 2012: As an associate attorney at Kirkland & Ellis, I represented individuals and business entities in antitrust, products liability, class-action defense, contracts, defamation, securities, and multi-district litigation.

2012 – 2016: During my practice in the Office of the Georgia Attorney General, both as Counsel for Legal Policy and as Solicitor General, I represented the State of Georgia and its agencies and officials in a wide variety of cases.

- 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.

2008 – 2012: During my time at Kirkland & Ellis, I focused almost exclusively on litigation. I appeared in court infrequently.

2012 – 2016: When I served in the Office of the Attorney General, approximately 85 percent of my practice was litigation, and I appeared in court frequently, particularly after I was appointed Solicitor General.

- 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: 90%
- 2. criminal proceedings: 10%

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.

In my legal career I have focused primarily on appeals, especially in recent years. I have not tried a case to verdict, judgment, or final decision in a trial court. During my time at Kirkland & Ellis, I worked on fact and expert discovery, interviewed witnesses, took and defended depositions, drafted a wide variety of pleadings, motions, and briefing, participated in meet-and-confer negotiations, participated in mediation, and performed other litigation-related legal work.

In *Florida v. Georgia*, Original Action No. 142, I supervised a litigation team that included attorneys from the state government as well as private practice. The Supreme Court of the United States appointed a Special Master, and the case moved through fact and expert discovery, culminating in a five-week trial. The Special Master filed a report recommending dismissal of Florida's case, but the Supreme Court has not yet issued a decision.

To the best of my recollection, I personally have argued ten times in state and federal courts.

i. What percentage of these trials were:

- 1. jury: 0%
- 2. non-jury: 0%

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.

While practicing at Kirkland & Ellis I worked on one case before the Supreme Court of the United States, *Shady Grove Orthopedic Assocs. v. Allstate Ins. Co.*, 559 U.S. 393 (2010). See Brief of Respondent, 2009 WL 2777648.

While practicing in the Office of the Georgia Attorney General, my United States Supreme Court practice was more substantial. I frequently reviewed, and sometimes edited, amicus briefs circulated by other states. For civil cases where

Georgia was the only party, I either drafted or edited the briefing. A significant part of my United States Supreme Court practice was the *Florida v. Georgia* case.

A list of documents that I drafted, reviewed, or edited, and that were filed in the United States Supreme Court, is included below. This list was compiled based on my own recollection, internal records from the Office of the Attorney General of Georgia, and publicly available sources.

Shelby County v. Holder, 2012 WL 3683458, Brief of Arizona, Alabama, Georgia, South Carolina, South Dakota, and Texas as Amici Curiae in Support of Petitioner.

Sec'y of the Indiana Family and Soc. Svcs. Admin. v. Planned Parenthood of Indiana, Inc., 2013 WL 1247967, Brief of Amici Curiae States of Michigan, Alabama, Alaska, Arizona, Georgia, Kansas, Nebraska, Ohio, Texas, and Utah in Support of Petitioners.

Indiana Family and Soc. Svcs. Admin. v. Bontrager, 2013 WL 1247966, Brief of Amici Curiae States of Michigan, Alabama, Alaska, Arizona, Georgia, Hawaii, Kansas, Nebraska, Ohio, Texas, and Utah in Support of Petitioners.

Burt v. Titlow, 2013 WL 3588323, Brief of Amici Curiae Connecticut and 34 Other States in Support of Petitioner.

Town of Greece v. Galloway, 2013 WL 4072518, Brief of Indiana, Texas, and Twenty-One Additional States as Amici Curiae in Support of the Petitioner.

Conesta Wood Specialties Corp. v. Sebelius, 2013 WL 5740266, Brief of Amici Curiae State of Michigan, Ohio, and 16 Other States for Petitioners.

N.L.R.B. v. Noel Canning, 2013 WL 6213259, Brief of Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Kansas, Michigan, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Virginia and West Virginia as Amici Curiae Supporting Respondent Noel Canning.

Sebelius v. Hobby Lobby Stores, Inc., 2014 WL 333885. Brief of Amici Curiae States of Michigan, Ohio, and 18 Other States for Conestoga, Hobby Lobby, Mardel.

Kobach v. U.S. Election Assistance Comm'n & Project Vote, Inc., 2014 WL 3556145, Brief of Amici Curiae States of Georgia and Alabama in Support of Appellees and Affirmance of the District Court's Decision.

Carroll v. Carman, 2014 WL 4467732, Brief of Amici Curiae State of Michigan and Twenty Other States in Support of Petitioner.

Alabama Dep't of Revenue v. CSX Transp., Inc., 2014 WL 4681796, Brief of the States of Tennessee, Arizona, Georgia, Hawai'i, Idaho, Indiana, Iowa, Minnesota, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming as Amici Curiae in Support of Petitioners.

Reed v. Town of Gilbert, 2014 WL 4804053, Brief of Amici Curiae State of West Virginia and Nine Other States in Support of Petitioners.

Oklahoma v. Burwell, 2014 WL 6847194, Brief of Amici Curiae State of West Virginia and 11 Other States in Support of Petitioner.

Friedrichs v. California Teachers Ass'n, 2015 WL 8305840, Brief of Amici Curiae State of Michigan and Eight Other States for Petitioners.

United States v. Texas, 2015 WL 9592291, Brief in Opposition to Certiorari.

United States v. Texas, 2016 WL 1213267, Brief of Respondents Texas, et al.

Obergefell v. Hodges, 2015 WL 1608213, Brief of Louisiana, Utah, Texas, Alaska, Arizona, Arkansas, Georgia, Idaho, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, and West Virginia as Amici Curiae Supporting Respondents.

Glossip v. Gross, 2015 WL 1776082, Brief for Alabama, Arizona, Arkansas, Colorado, Connecticut, Georgia, Idaho, Louisiana, Nevada, Tennessee, Texas, Utah, and Wyoming as Amici Curiae Supporting Respondents.

Franchise Tax Bd. of California v. Hyatt, 2015 WL 1939076, Brief of Amici Curiae State of West Virginia and 39 Other States in Support of Petitioner.

Franchise Tax Bd. of California v. Hyatt, 2015 WL 5345832, Brief of Amici Curiae State of West Virginia and 43 Other States in Support of Petitioner.

Foster v. Chatman, 2015 WL 5302540, Brief of Respondent Chatman.

Nevada v. Torres, No. 15-5, Brief of Amici Curiae of Michigan, and Twenty Other States in Support of Petitioner. Copy supplied.

Friedman v. City of Highland Park, 2015 WL 5139322, Brief of Amici Curiae State of West Virginia and 23 Other States in Support of Petitioners.

Alves v. Bd. of Regents of the Univ. Sys. of Georgia, 2016 WL 1298204, Brief in Opposition to Certiorari.

Nat'l Ass'n of Mfrs. v. U.S. Dep't of Defense, 2017 WL 1629227, Brief Of State Respondents Ohio, Alabama, Alaska, Arizona, Arkansas, Colorado, Florida,

Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, The New Mexico State Engineer, The New Mexico Environment Department, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, And Wyoming In Support Of Petitioner.

Building Ind. Ass'n of the Bay Area v. Dep't of Commerce, 2016 WL 3136680, Brief for Alabama, and 22 Other States as Amici Curiae Supporting Petitioners.

Pena-Rodriguez v. Colorado, 2016 WL 4709482, Brief of Indiana, Alabama, Arkansas, Georgia, Idaho, Louisiana, Maine, Nevada, Pennsylvania, South Dakota, Texas, and Wyoming as Amici Curiae in Support of the Respondent.

Gloucester Cty. Sch. Bd. v. G.G., By His Next Friend and Mother, Deirdre Grimm, 2016 WL 554336, Brief of Amici Curiae the State of West Virginia, 18 Other States, and the Governors of Kentucky and North Carolina Supporting Petitioner.

Alaska Oil & Gas v. Jewell, 2016 WL 7190378, Brief of Amici Curiae Alabama, Wyoming, Arkansas, Colorado, Georgia, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico Department of Game and Fish, North Dakota, South Carolina, Texas, Utah, West Virginia, and Wisconsin in Support of Petitioners.

Shady Grove Orthopedic Assocs., P.A., v. Allstate Ins. Co., 2009 WL 2777648, Brief for Respondent.

Florida v. Georgia, Original Action No. 142. I have supplied copies of (1) Georgia's Opposition to Florida's Motion for Leave to File a Complaint; and (2) Supplemental Brief for The State of Georgia. Additional briefs, including those listed below, are available at www.pierceatwood.com/floridavgeorgia142original.

State of Georgia's Motion to Dismiss for Failure to Join a Required Party

Reply Brief in Support of Georgia's Motion to Dismiss for Failure to Join a Required Party

Georgia's Response to Florida's Memorandum of Authorities Regarding Georgia's Request to Depose the Commissioner of Agriculture and Consumer Services

Georgia's Response to Florida's Memorandum of Authorities Regarding Georgia's Request to Depose the Commissioner of Agriculture and Consumer Services

State of Georgia's Response to State of Florida's Motion for An Extension on Expert Discovery

State of Georgia's Proposed Trial Plan June 6, 2016

Witness List of The State of Georgia September 9, 2016

Georgia's Motion to Exclude Opinions and Testimony by Florida Based on The Lake Seminole Model

Georgia's Motion to Submit Trial Exhibits Under Seal or Within Redactions

Georgia's Reply Brief in Support of Its Motion to Exclude Opinions and Testimony By Florida Based On the "Lake Seminole" Model

State of Georgia's Pretrial Brief

State of Georgia's Post-Trial Brief

State of Georgia's Response to State of Florida's Post-Trial Brief

I have not presented oral argument before the Supreme Court.

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. *Florida v. Georgia*, No. 142 Orig., United States Supreme Court.

I represented the State of Georgia in its defense of an original jurisdiction action filed in the United States Supreme Court by the State of Florida. In its lawsuit, which is ongoing, Florida seeks an equitable apportionment of the waters of the Apalachicola-Chattahoochee-Flint River Basin. Florida sought leave from the Supreme Court on October 1, 2013 to file its Complaint, and leave was granted on November 3, 2014 over

the opposition of Georgia.

After the Supreme Court appointed a Special Master, the case moved through fact and expert discovery, culminating in a five-week trial during the Fall of 2016. As Solicitor General, I supervised a litigation team that included attorneys from the state government as well as private attorneys hired as Special Assistant Attorneys General for the case. I provided strategic oversight and budget management, edited briefs, represented the State in status conferences, worked with State officials on discovery issues, and participated in trial preparation. The Special Master recommended that the United States Supreme Court deny Florida's request for relief, and exceptions to that Report have been filed. Oral argument was held on January 8, 2018, but a decision has not yet been issued.

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2. *Georgia v. McCarthy*, No. CV 215-79, 2015 WL 5092568 (S.D. Ga. Aug. 27, 2015) (Judge Lisa Godbey Wood), *appeal held in abeyance sub nom. Georgia ex. rel. Olens v. McCarthy*, 833 F.3d 1317 (11th Cir. 2016) (Chief Judge Ed Carnes, Judge Jill

Pryor and Visiting Judge Danny Reeves); *see also* In re: United States Department of Defense and United States Department of Environmental Protection Final Rule: Clean Water Rule: Definition of “Waters of the United States,” 80 Fed. Reg. 37,054 (June 29, 2015). The Sixth Circuit stayed petitions filed by eighteen states in 803 F.3d 804 (2015) (Judge McKeague and Judge Griffin, with Judge Keith in dissent); 817 F.3d 261 (2016) (direct review of final rule in circuit courts) (Judge McKeague, Judge Griffin concurring in judgment only, Judge Keith in dissent), *rev’d Nat’l Ass’n of Mfrs. v. Dep’t of Defense*, 138 S. Ct. 617 (2018); *see also* In re Clean Water Rule: Definition of “Waters of the United States”, 140 F. Supp.3d 1340 (U.S. Jud. Pan. Mult. Lit. 2015).

In 2015, the Environmental Protection Agency and the U.S. Army Corps of Engineers promulgated a new rule defining the “Waters of the United States.” I served as lead counsel for Georgia and ten other states in one of several lawsuits challenging the rule as inconsistent with the Clean Water Act, in violation of the Administrative Procedure Act, and unconstitutional. Georgia and the other states filed a motion for a preliminary injunction in the Southern District of Georgia. At our request, the district court ordered expedited briefing and argument on the motion, and I argued the case on behalf of the eleven States in a ninety-minute hearing. After the district court concluded that direct review of the Rule was committed to the circuit courts rather than to the district courts, the states appealed that decision to the Eleventh Circuit.

The Sixth Circuit also considered the jurisdictional issue in a parallel proceeding to which Georgia was a party and in which I assisted in briefing and oral argument preparation, and concluded that the circuit courts had jurisdiction to consider such challenges. Following the Sixth Circuit’s ruling, the Eleventh Circuit requested expedited briefing on six separate jurisdictional questions. I led that briefing and represented the states in oral argument. The Eleventh Circuit held the case in abeyance after argument. Georgia, along with other state coalitions, filed an amicus brief with the United States Supreme Court in support of another party’s request for certiorari to the Sixth Circuit. I participated in drafting the states’ certiorari briefing, but had been appointed to the Supreme Court of Georgia by the time the merits briefing and argument took place. The United States Supreme Court held in a unanimous opinion that the states’ jurisdictional argument was correct. *See Nat’l Ass’n of Mfrs. v. Dep’t of Defense*, 138 S. Ct. 617 (2018).

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3. *United States ex rel. Williams v. Health Mgmt. Assocs., Inc.*, No. 3:09-CV-130 CDL, 2014 WL 2866250 (M.D. Ga. Jun. 24, 2014) (Judge Clay Land).

I served as lead counsel for the State of Georgia in a qui tam lawsuit against Tenet Healthcare and Health Management Associates. The State of Georgia intervened for the first time in a Medicaid Fraud False Claims Act case in which the federal government had not yet intervened, alleging that the defendants had paid kickbacks to a set of clinics in exchange for patient recruitment and referral to generate Emergency Medicaid-eligible childbirth patients. The United States also intervened in 2014.

At the time that Georgia intervened in the case, the State did not have a civil team in the Medicaid Fraud Control Unit of the Attorney General's office. I educated state attorneys on civil procedure and discovery issues, and assisted in hiring the State's first civil litigators for the unit. I led Georgia's briefing and oral argument in the successful opposition to a motion to dismiss filed on behalf of the defendants.

The parties settled with Health Management Associates in June of 2015, and proceeded to discovery against the remaining defendants. I managed fact discovery for the State and worked with experts. Discovery was stayed several times to allow settlement negotiations to proceed. I served as the State's chief negotiator, and the parties resolved the case in a global resolution that included civil settlement and criminal forfeiture totaling over \$500 million. Georgia recovered over \$100 million dollars.

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4. *In re B.R.F.*, 788 S.E.2d 416 (Ga. 2016); *see also In re B.R.F.*, 770 S.E.2d 912

(Ga. App. 2015).

In March of 2015, the Georgia Court of Appeals concluded that a parent could be permitted to file an out-of-time application for discretionary review of the juvenile court decision terminating parental rights. The application in that particular case was filed nearly 14 months after the termination decision. The court concluded that the parent's denial of counsel on appeal was not "consistent with the requirements of fair procedure guaranteed by the Due Process Clause." The court's decision concerned the State of Georgia because permitting delayed appeals threatened the State's interest in permanency for deprived children, but the decision also presented broader risks to the State's procedural expectations (and those of other litigants). Contrary to prior Georgia Supreme Court holdings, it permitted an out-of-time application for appellate review to the Court of Appeals in the absence of a constitutional violation.

I took over the case after the Court of Appeals issued its decision. The State moved for reconsideration, and I drafted a brief that persuaded one judge to shift from the majority to the dissent. Still, the ruling stood in a 4-3 vote. I drafted the State's petition for certiorari to the Supreme Court of Georgia, which was granted. I briefed and argued the case before the Supreme Court of Georgia, which unanimously adopted the State's position, confirming that failure to file a timely application for discretionary review is a jurisdictional defect, and that parental termination proceedings do not automatically invoke a constitutional right to counsel.

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5. *McKinney v. Fuciarelli*, 785 S.E.2d 861 (Ga. 2016); *see also McKinney v. Fuciarelli*, 787 S.E.2d 317 (Ga. App. 2016).

The Georgia Taxpayer Protection and False Claims Act, although similar to the federal false claims act in many respects, has a unique section providing that civil actions may be brought by private persons “upon written approval by the Attorney General.” In a challenge to the Board of Regents under the whistleblower provision, the Georgia Court of Appeals determined that sovereign immunity bars False Claims Act lawsuits against the State, both because of the nature of the claims – the State would, in effect, be suing itself – and because the Act contains no waiver of sovereign immunity. The court, however, did not dismiss the claims against the individual defendants, and found that the attorney-general approval requirement did not apply in the whistleblower context. The Court of Appeals’ view, in a 4-3 decision, was that it would be absurd to require that the Attorney General approve whistleblower actions brought under the False Claims Act.

I drafted a petition for certiorari to the Supreme Court of Georgia, which was granted. In the merits briefing and oral argument, I argued for the State that the plain language of the statute required that the Attorney General approve all False Claims Act actions before they could be filed, whether they were based on the qui tam provision or whistleblower provision of the Act. The Supreme Court agreed, and unanimously found that Attorney General approval was required out of “deference to the legislative prerogative of the General Assembly and adherence to the plain language of the TPFCA.”

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6. *Shady Grove Orthopedic Assocs. v. Allstate Ins. Co.*, 130 S. Ct. 1431 (2010).

Shady Grove Orthopedics challenged a Second Circuit decision that New York Civil Practice Law § 901(b) applied to block its proposed class action suit, which was in federal court on diversity grounds. The Second Circuit had concluded that because § 901(b) was a “substantive” rule under *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938), Shady Grove’s suit against Allstate Insurance was barred in federal court just as it would have been in state court. Kirkland & Ellis began representing Allstate after Shady Grove sought certiorari. I assisted in legal research and drafting for the brief in opposition to certiorari and the merits brief, as well as argument preparation. The Supreme Court concluded in a 4-1-4 decision that Shady Grove’s lawsuit was not barred by state law because Rule 23 governed the question and was consistent with the Federal Rules Enabling Act. The concurrence concluded that, while New York’s law was displaced by Rule 23 in the Shady Grove case, it may be that in future cases state law would displace federal procedural rules where the state law was sufficiently “intertwined” with the substance of state-created right or remedy. The dissent argued that New York’s law should have operated to bar Shady Grove’s federal class action lawsuit because it did not actually conflict with Rule 23, and because the law was best interpreted as “substantive” under the Erie doctrine.

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7. *Alves v. Bd. of Regents*, 136 S. Ct. 1838 (2016).

Petitioners sought certiorari after the Eleventh Circuit concluded that they had not raised an employee speech claim under *Garcetti v. Ceballos*, 547 U.S. 410 (2006). They argued that three separate circuit splits existed. The first related to the breadth of employee speech that could be considered separate from citizen speech because it was related to job concerns rather than public concerns. The second related to whether the *Pickering* test for defining matters of public concern applied when not all of the employee speech at issue was related to matters of public concern. The third was regarding the relative importance of the content of an employee's speech and the purpose of that speech. I led the briefing team for the state, and argued that the splits identified by petitioners were in outcome rather than analysis, as each of the cited cases represented an application of *Garcetti's* fact-intensive inquiry. We also argued that the case was a poor vehicle because of parallel state proceedings. The Supreme Court denied certiorari.

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8. *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015) (preliminary injunction issued) (Judge Andrew S. Hanen), 787 F.3d 733 (5th Cir. 2015) (stay pending appeal denied) (Judges Smith, Elrod, and Higginson), 809 F.3d 134 (5th Cir. 2015) (preliminary injunction affirmed) (Judges Smith, Elrod, and King), 136 S. Ct. 2271 (2016) (preliminary injunction affirmed by an equally divided Court).

This litigation represented a 27-state challenge to the executive action known as “Deferred Action for Parents of Americans.” The states argued that the action was unlawful, both because it violated the Administrative Procedure Act and because it was contrary to existing immigration statutes and to the United States Constitution. The states’ efforts resulted in a stay of the executive action by the district court, a decision that was affirmed by the Fifth Circuit. The United States sought and was granted certiorari, but the stay remained in place when the Supreme Court affirmed by virtue of an equally divided Court.

I led Georgia’s efforts on the case, coordinating with Texas as the lead state in the litigation, as well as other participating states. My work included strategic planning, participating in briefing and editing, and coordinating with other attorneys in the Georgia Attorney General’s Office to ensure consistent litigation strategy and arguments in related cases.

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9. *In re Chocolate Confectionary Antitrust Litig.*, 749 F. Supp. 2d 224, 229 (M.D. Pa. 2010) (Judge Conner); *see also* 2011 WL 6981200 (Dec. 12, 2011); 470 Fed. App'x 67 (3d Cir. 2012) (Judges Fuentes, Greenaway, and Nygaard); 289 F.R.D. 200 (M.D. Pa. 2012); 999 F. Supp. 2d 777 (M.D. Pa. 2014), *amended*, 2014 WL 4104474 (M.D. Pa. Aug. 19, 2014), and *aff'd*, 801 F.3d 383 (3d Cir. 2015).

I represented the Hershey Company, which was sued for an alleged price-fixing agreement with competitors in the United States market. The case was a multi-district litigation with three consolidated classes of plaintiffs: direct purchasers, indirect purchasers for resale, and indirect purchasers for individual consumption. Individual plaintiffs, mostly large retail corporations or wholesalers were also part of the lawsuit.

Plaintiffs alleged that the conspiracy was connected to a price-fixing agreement in the Canadian market. The case involved extensive expert testimony relating to market conditions and pricing algorithms, as well as detailed fact discovery. I oversaw experts, interviewed witnesses, took and defended depositions, developed case strategy, negotiated discovery disputes, and drafted several briefs including on summary judgment. The United States District Court for the Middle District of Pennsylvania certified the class of direct purchasers, but later dismissed the case on summary judgment, concluding there was no evidence that executives responsible for pricing decisions in the United States were aware of any anticompetitive activity in Canada or otherwise engaged in any anticompetitive conduct in the United States.

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10. *Boeing/Turkish Airways Cases*, Docket No. 09-L-13791, Circuit Court of Cook County, Law Division, Consolidated for discovery purposes with other cases. Several jurisdictional decisions related to the Class Action Fairness Act were issued by judges on the U.S. District Court for the Northern District of Illinois. *See Kaya v. Boeing Co.*, 2011 WL 52425 (N.D. Ill. Jan. 3, 2011); *Kalan-Suna v. Boeing Co.*, 2010 WL 4928941 (N.D. Ill. Nov. 30, 2010); *Er v. Boeing Co.*, 2010 WL 4659547 (N.D. Ill., Nov. 8, 2010); *Cesur v. Boeing Co.*, 2010 WL 4638175 (N.D. Ill., Nov. 5, 2010); *Ledford v. Boeing Co.*, 2010 WL 4638409 (N.D. Ill., Nov. 5, 2010); *Koral v. Boeing Co.*, 2010 WL 4116730 (N.D. Ill., Oct. 18, 2010). The Seventh Circuit ultimately accepted review of, and ruled on, the jurisdictional issue. *See Koral v. Boeing Co.*, 628 F.3d 945 (7th Cir. 2011).

In 2009, a Turkish Airlines 737 crashed on approach to Schiphol Airport in Amsterdam on a flight from Istanbul, Turkey. Nine of the 135 people on board died, and many others

were injured. Forty-three separate cases were filed on behalf of 124 plaintiffs against Boeing, and they were consolidated for discovery purposes. The cases were removed and remanded twice; the second time after the Seventh Circuit ruled on a novel issue arising under the Class Action Fairness Act (“CAFA”). After remand, a motion to dismiss on preemption grounds was denied and a motion to dismiss on forum non conveniens grounds was briefed and argued. The parties then, by agreement, engaged in focused damage-related discovery, including the depositions and medical examinations of numerous plaintiffs, and mediated dozens of cases. After several years of this consensual process, all 124 plaintiffs’ cases were resolved by settlement. I worked on fact discovery issues in the case, including but not limited to deposing witnesses. I also drafted the briefing for the Seventh Circuit CAFA appeal.

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

While practicing at Kirkland & Ellis, I became involved in a pro bono partnership in Southwest D.C. with Jeremiah Circle of Friends, a 501(c)(3) organization that provided food, clothing, job training, and youth programs. As part of this initiative, and along with Legal Aid, Kirkland lawyers volunteered to help clients with free legal services in areas including housing and eviction, disability benefits, foreclosure scams, custody, divorce, and child support.

While practicing in the Office of the Georgia Attorney General, especially as Counsel for Legal Policy, I was involved in a number of non-litigation matters. First, I was the office's chief lobbyist, working with the General Assembly on the legislative priorities of the Attorney General. We shepherded a bill through that implemented important new restrictions on so-called "pain clinics" that were prescribing opioids with impunity; supported new penalties for human trafficking perpetrators and new protections and rehabilitation opportunities for human trafficking victims; transferred the Office of Consumer Protection to the Office of the Attorney General; and protected Georgia's federal Medicaid Fraud match.

Regarding the latter legislative initiative, I also worked with the federal government to

obtain an extension for Georgia's legislative amendments to our Medicaid False Claims Act, and to ensure that we had clarity regarding what changes were necessary in the eyes of the United States.

I was also involved in mediation and negotiation. I was the chief negotiator for the State of Georgia in the *United States v. Tenet Healthcare* Medicaid fraud case that resulted in a total settlement of over \$500 million. I also represented Georgia in a successful mediation to ensure that the Savannah Harbor Expansion Project could move forward after litigation had stalled the project for years.

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.

Other than my interest in the Georgia Employee Retirement System (not vested) for my services as a Justice on the Supreme Court of Georgia, I do not expect to receive any deferred income or future benefits from previous business relationships, professional services, firm memberships, former employers, clients, or customers. I still retain my 401(k) accounts from the Georgia Department of Law, Kirkland & Ellis, and the United States Government, but no contributions are being made to these accounts.

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 do not have any plans, commitments, or agreements to pursue outside employment.

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).

Please refer to the attached financial disclosure report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in

detail (add schedules as called for).

Please see the attached statement of net worth.

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 not aware of any such conflicts.

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

I will follow the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and other relevant recusal guidelines. Although unlikely, I would recuse myself from any case in which I presided as a judge on the Supreme Court of Georgia.

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.

While working at Kirkland & Ellis LLP from 2008 to 2012, I maintained an active pro bono practice, including but not limited to volunteering at Jeremiah's Circle of Friends to assist residents of Southwest D.C. with legal support. I also successfully represented a mother seeking full custody of her child, including an evidentiary hearing before the Circuit Court of Baltimore County. Additionally, I worked with a pro bono client to help draft legislation to aid women in Africa suffering from fistula, a serious and life-altering injury relating to childbirth.

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 approximately June 21, 2017, I spoke with one of the lawyers vetting potential judicial nominees for the U.S. Senators from Georgia. He informed me that I was included on the list that the Senators were planning to send to the White House for consideration should a vacancy arise on the U.S. Court of Appeals for the Eleventh Circuit.

On July 3, 2017, attorneys from the White House Counsel's Office and the Department of Justice interviewed me in Washington, D.C. In January 2018, I was advised that the President was considering nominating me should a vacancy arise, and officials from the Department of Justice later contacted me about filling out nomination forms. Since then, I have communicated regularly with the Office of Legal Policy.

On April 10, 2018, 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.