

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jill Anne Pryor

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.

1201 West Peachtree Street, Northwest  
Suite 3900, One Atlantic Center  
Atlanta, Georgia 30309

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

1963; Harrisburg, Pennsylvania

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.

1985 – 1988, Yale Law School; J.D., 1988  
1981 – 1985, College of William & Mary; B.A., 1985

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1989 – present  
Bondurant, Mixson & Elmore, LLP  
1201 West Peachtree Street, Northwest  
Suite 3900, One Atlantic Center  
Atlanta, Georgia 30309

# BONDURANT MIXSON & ELMORE <sup>LLP</sup>

January 3, 2013

JILL A. PRYOR

Writer's Direct Dial  
(404) 881-4131  
pryor@bmelaw.com

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on February 16, 2012 to be United States Circuit Judge for the Eleventh Circuit Court of Appeals. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

## **Q. 6. Employment**

### Other Affiliations (Uncompensated)

November 2012 – present  
American Institute of Appellate Practice  
c/o Litigation Counsel of America  
641 Lexington Avenue, 15th Floor  
New York, New York 10022  
Chair Elect

If confirmed, I will resign my position with the American Institute of Appellate Practice.

August 2012 – present  
Attorney at Law Magazine  
4647 North 32nd Street  
Suite B 280  
Phoenix, Arizona 85018  
Atlanta Edition Advisory Board

## **Q. 8. Honors and Awards**

I was included in The Best Lawyers in America for 2012 and 2013.

I was recognized by Chambers USA again in 2012.

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**Q. 9. Bar Associations**

I became the Chair Elect of the Litigation Counsel of America's American Institute of Appellate Practice in November of 2012.

**Q. 12.d. Published Writings and Public Statements**

March 29, 2012 – Panel Discussion (moderator) on “Advanced Technologies That Will Change the Practice of Law Forever” for the Association of Corporate Counsel, Georgia Chapter's Value Challenge Event, Atlanta, Georgia. Outline supplied.

**Q. 17. Litigation**

(10) Summary judgment motions are currently pending in this case.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Very truly yours,



Jill A. Pryor

Enclosures

cc: The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

## Advanced Technologies That Will Change the Practice of Law Forever

### Intro

Last year at this event I moderated a breakout session on what drives the high costs of litigation. When I asked for the audience's thoughts on what the biggest cost-drivers are, almost in unison all of the corporate counsel answered, "Discovery." The amount of electronic information will only continue to increase, and without changes in the way cases are managed, the costs will continue to increase as well.

So what can be done about this?

While technology may have created this problem, it may also be able to help solve the problem.

There are new types of software being developed and used to not only reduce the amount of time discovery takes and the cost of it, but also improve the overall *quality* of discovery –meaning that it improves the chances of capturing all of the relevant, responsive documents with the smallest number of non-responsive ones.

As with any revolutionary technology, it requires that we re-think the way we've always done things. It inspires fear and skepticism. We think to ourselves, I don't understand how this works. Is it really better or even as good as the way we've always done document review & production? Will I get into trouble with the judge or opposing counsel for using it? Will my team be able to use it? How much does it cost, and will it really save me enough money to make the investment worthwhile?

Our goal today is to help you begin to answer some of these questions with the hope that you can then begin a dialogue, within your companies and with your outside counsel, about how this advanced technology could help you.

## **Introduction of panel**

Our panelists today represent three key players in the e-discovery arena: the expert consultant, the in-house lawyer/client and the outside counsel.

Our expert e-discovery consultant is Howard Sklar.

### **Howard Sklar, Recommind, Inc.**

Howard Sklar is Senior Corporate Counsel at Recommind, Inc. Howard represents Recommind to corporations and law firms. Prior to joining Recommind, Howard was Global Trade and Anti-Corruption Strategist at Hewlett-Packard Co., running HP's global anti-corruption compliance program and providing counsel on compliance with US sanctions laws. Before HP, Howard was Vice President, Compliance and Global Anti-Corruption Leader at American Express Co. Howard was the chief of compliance for three operating divisions at American Express comprising 22,000 employees in 40 countries. Howard is a member of the US Court of Appeals 7th Circuit eDiscovery Committee and is a participant in the Early Case Assessment and Education subcommittees. [Howard holds a Juris Doctor, *cum laude*, from the Washington College of Law at The American University and a BA in History from Tufts University.]

Representing the client's point of view is Skip Lockard.

### **Orlyn "Skip" Lockard, Siemens**

Skip Lockard is a Senior Counsel with Siemens Corporation based in Alpharetta, Georgia, and manages U.S. litigation for all divisions in the Siemens Industry Sector. His portfolio includes matters ranging from construction to product liability and complex commercial disputes. Prior to joining Siemens, Skip was a partner with Alston & Bird LLP in Atlanta, where he counseled Fortune 500 and other companies in the chemical, energy, mining, building product, and consumer product industries in complex litigation matters, including product liability, environmental, mass tort, and class action cases nationwide.

Our outside counsel representative is my partner Steven Rosenwasser.

Steven Rosenwasser represents both plaintiffs and defendants in business tort (breach of contract/fiduciary duty/partnership), fraud and antitrust matters. He is frequently called upon to represent individuals and classes in complex disputes at the trial court and appellate levels. His cases often involve vast amounts of electronic document discovery.

Steven has built a successful track record in the court room and as a negotiator. In 2008, along with colleagues from the firm, he obtained a \$281 million jury verdict against Turner Broadcasting System that was rated the No. 2 verdict in the United States by *LawyersUSA*. He has also successfully defended companies against multi-million dollar claims. Steven has been recognized as being “On The Rise” by the *Fulton County Daily Report*, a recognition given to only 12 attorneys in Georgia under the age of 40.

Steven is a frequent lecturer and author on business litigation topics including electronic discovery, effective trial techniques, and class actions.

## Questions

1. First we'll need to explain the technology we'll be talking about. Howard, what is it and how does it work? When is it used?
2. Skip, your company recently entered into a partnership with Howard's company, Recomind. Would you explain how the partnership works and the potential benefits of it for you as corporate counsel?
3. Steve, from the perspective of outside counsel, what do you see as some of the benefits this technology might possibly offer you or your firm? [Steve briefly discusses his background with handling large discovery cases, brief history of firm's investigation into PC, and potential benefits it offers litigators and law firms.]

Howard, do you have anything to add to what Skip and Steve said as far as the efficiencies this technology brings?

4. We will get to discovery, but one of the things I find intriguing about these products is their potential for use in early case assessment (ECA), before discovery even begins or pre-suit, for that matter. Let's say Skip's company is sued in a potentially large and complex antitrust case. He consults Howard on using the technology to evaluate the claims. Howard, what would you discuss with Skip?

Skip, what would you be concerned about at this point? [What is your assessment of the investment/return?]

[If not covered earlier: How did your company make the decision to partner with Recommind (cost vs. benefit)]?

5. Suppose Skip feels the claims are valid enough to retain outside counsel and retains Steve. The case proceeds and now we are preparing for discovery. Howard, would you explain how we move into the discovery process?

What are some ways that we can proactively seek to control or manage discovery by taking advantage of this technology? (Howard, Skip)

[If not covered --Who should do the first pass and how?]

6. Steve, what are some of your concerns about the use of this technology? Skip, do you have any concerns from your perspective?

Howard – response?

7. Do you need to get your opposing counsel's agreement to use PC to select your documents for production? What are your best arguments for getting opposing counsel to agree? (All)

If opposing counsel consents, do you also need the judge's approval?

What if opposing counsel does not consent? Do you go to the judge anyway?

How do you explain PC to a technology-challenged judge?

As you know, there has only been one court decision on the use of PC in discovery, and that is Magistrate Judge Peck's ruling in the *DaSilva* case. Howard, would you briefly explain what Judge Peck ruled?

Skip and Steve, what do you think other courts will do? What needs to happen to achieve wide spread approval for using PC?

What happens if the other side/judge doesn't consent in a given case? In our imaginary case, can Steve still use PC in any way on Skip's documents?

--Can use PC to suggest keywords to propose to other side/court.

[Going back to opposing counsel, what if opposing counsel wants to use its own PC software on Skip's original universe of documents? Howard, have you ever seen that happen? ]

8. Let's assume the judge approves, opposing counsel is on board and PC is used correctly, is there still a need to lay eyes on every document? Steve? [If so, what are you worried about missing?]

9. If PC does what it is supposed to do, how much money can it potentially save? Does it eliminate the need for outsourcing/contract reviewers? (All)

10. Who should foot the bill for PC in a standard hourly fee arrangement between the client and outside counsel? (All)

11. Will Skip force outside firms to use PC technology? Will he switch firms if they won't? (Skip)



12. Are there litigation situations where PC won't work or is impractical? Can a case be too small? (Howard, then others)

13. Howard, how do you answer potential client or firms who don't want to be the first to use this? I assume most clients will not want to be the test case. How do you achieve a proof of concept?

14. Howard, what are some of the more unusual uses of the technology that you have seen?

15. Would you want to face an opponent who is using PC when you are not?

### **Audience questions/comments**

Partner (1997 – present)  
Associate (1989 – 1996)

(Since 2001, I have been the President, sole shareholder and sole employee of Jill A. Pryor, P.C., which is a partner in Bondurant, Mixson & Elmore, LLP.)

2007 – present  
6616 Midnight Pass Road, LLC  
1579 Monroe Drive, Suite F, # 511  
Atlanta, Georgia 30324  
Member (LLC was formed to own rental property, but currently owns none)

2007 – present  
Silver City Land Co., LLC  
1579 Monroe Drive, Suite F, # 511  
Atlanta, Georgia 30324  
Member (LLC owns undeveloped residential lots)

2006 – present  
1088 Country Lane, LLC  
1034 Robin Lane, Northeast  
Atlanta, Georgia 30324  
Member (LLC was formed to own rental property, but currently owns none)

2006 – present  
1933 Kilburn Drive, LLC  
1034 Robin Lane, Northeast  
Atlanta, Georgia 30324  
Member (LLC was formed to own rental property, but currently owns none)

2001 – present  
Sussex Properties, LLC  
1201 West Peachtree Street, Northwest  
Suite 3900, One Atlantic Center  
Atlanta, Georgia 30309  
Member (LLC owns rental property)

2005 – 2008  
Top Mall USA, LLC  
1579 Monroe Drive, Suite F, # 511  
Atlanta, Georgia 30324  
Member (Internet sales business)

2006 – present  
Zephyr Land Corporation  
c/o Butterfield Bank

Third Floor  
Montague Sterling Centre  
East Bay Street  
Post Office Box N-3242  
Nassau, Bahamas  
Director and President (Corporation owns residential beachfront lot)

1988 – 1989  
United States Court of Appeals for the Eleventh Circuit  
56 Forsyth Street, Northwest  
Atlanta, Georgia  
Judicial Clerk to Judge J.L. Edmondson

Summer 1988  
Bondurant, Mixson & Elmore, LLP  
1201 West Peachtree Street, Northwest  
Suite 3900, One Atlantic Center  
Atlanta, Georgia 30309  
Summer Associate

1987 – 1988  
Professor Akhil R. Amar  
Yale Law School  
127 Wall Street  
New Haven, Connecticut 06511  
Research Assistant (uncompensated)

Summer 1987  
Alston & Bird, LLP  
1201 West Peachtree Street, Northwest  
Suite 4200, One Atlantic Center  
Atlanta, Georgia 30309  
Summer Associate

Summer 1987  
Hunton & Williams, LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219  
Summer Associate

Summer 1986  
McGuireWoods LLP (formerly McGuire, Woods & Battle)  
One James Center  
901 East Cary Street

Richmond, Virginia 23219  
Summer Associate

Summer 1985  
The Ground Round  
1300 Taylor Bridge Bypass  
Camp Hill, Pennsylvania 17011  
Waitress

Other Affiliations (Uncompensated)

2011 – present  
Georgia Legal Services Program, Inc.  
104 Marietta Street, Suite 250  
Atlanta, Georgia 30303  
Board of Directors (State Bar Representative)

1997 – present  
Georgia Association for Women Lawyers  
3855 Spalding Bluff Drive  
Norcross, Georgia 30092  
Advisory Board (2004 – 2011)  
Immediate Past President (2001 – 2002)  
President (2000 – 2001)  
President-Elect (1999 – 2000)  
Vice President - Community (1997 – 1999)

January 20, 2012 – February 16, 2012  
Committee to Re-elect Judge Barnes, Inc.  
Post Office Box 78831  
Atlanta, Georgia 30357  
Treasurer and Secretary, Board of Directors

2003 – January 19, 2012  
Committee to Re-elect Judge Anne Elizabeth Barnes  
Post Office Box 78831  
Atlanta, Georgia 30357  
Treasurer

2007 – 2011  
Chastain Horse Park Non-profit Therapeutic Riding Program  
4371 Powers Ferry Road  
Atlanta, Georgia 30327  
Board of Directors

2002 – 2010  
Possible Woman Foundation International, Inc.  
1409 Peachtree Street  
Atlanta, Georgia 30309  
Advisory Board of Directors (2006 – 2010)  
Board of Directors (2002 – 2006)  
Secretary (2002 – 2004)

2004 – 2007  
State Bar of Georgia  
Appellate Practice Section  
104 Marietta Street, Northwest  
Suite 100  
Atlanta, Georgia 30303  
Chair (2006 – 2007)  
Vice Chair (2005 – 2006)  
Secretary-Treasurer (2004 – 2005)

2003 – 2007  
Northside Hospital Foundation  
1000 Johnson Ferry Road  
Atlanta, Georgia 30342  
Board of Directors

2000 – 2003  
Atlanta Women's Alliance  
Post Office Box 11548  
Atlanta, Georgia 30355  
Founding Board Member

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

I have not served in the military. I am not required to register for selective service.

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

Professional:

Recognized as a "Litigation Star" in Georgia in Benchmark Plaintiff (2012)

Included in The Best Lawyers in America (2009 – 2011)

Recognized as one of “America’s Leading Lawyers for Business.” Chambers USA (2008 – 2011)

Selected as one of “The Legal Elite: Georgia’s Most Effective Lawyers” for Business Litigation, *Georgia Trend* magazine (2004 – 2006, 2009 – 2010) (for 2007 – 2008, there was no Business Litigation section)

Selected as one of the “Top 100 Super Lawyers” (2010 – 2012) and one of the “Top 50 Female Super Lawyers” (2004 – 2012) in “Georgia Super Lawyers” published by Law & Politics Media and *Atlanta* magazine

Outstanding Woman in the Profession Achievement Award, Atlanta Bar Association Women in the Profession Committee (2006)

Kathleen Kessler Award, Georgia Association for Women Lawyers, given for “the highest degree of professionalism and dedication to service in the legal community” (2005)

Fellow, Litigation Counsel of America Trial Lawyer Honorary Society

Fellow, Lawyers Foundation of Georgia

Fellow, American Bar Foundation

Fellow, Atlanta Bar Foundation

Academic:

Senior Editor, *Yale Law Journal* (1987 – 1988)

Senior Editor, *Yale Law and Policy Review* (1987 – 1988)

Phi Beta Kappa

Omicron Delta Kappa

Mortar Board

Honors Program (multidisciplinary), College of William & Mary (1982)

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 Association for Justice (formerly American Trial Lawyers Association)

American Bar Association

Council of Appellate Lawyers

Executive Committee (2005 – 2007)

Membership Committee (2008 – 2010)

Programs Committee (2004 – 2005)

Rules Committee (2004 – 2005)

Host/Planning Committee for Annual Meeting Judges Dinner (2004)

Atlanta Host Committee, 2004 Annual Meeting

American Civil Liberties Union of Georgia

Legal Committee (1999 – 2005)

American Inns of Court, Joseph Henry Lumpkin Inn

Barrister (1992 – 1994)

Atlanta Bar Association

Chair, Judicial Selection and Tenure Committee (2008 – 2010)

Cobb County Bar Association

Court of Appeals of Georgia

Chair, Centennial Celebration High School Oratorical Contest (2006)

Centennial Celebration Committee (2005 – 2006)

Georgia Association for Women Lawyers

President (2000 – 2001)

Immediate Past President (2001 – 2002)

President-Elect (1999 – 2000)

Vice President - Community (1997 – 1999)

Advisory Board (2004 – 2011)

Scholarship Committee (1995 – 1996)

Georgia Trial Lawyers Association

Editorial Committee, *The Verdict* magazine (1996 – 2000)

Lawyers Foundation of Georgia

Strategic Planning Committee (2003 – 2010)

Development Task Force (2002)

Development Committee (2001)

Litigation Counsel of America Trial Lawyer Honorary Society

Co-Founder, American Institute of Appellate Practice (2012 – present)

National Association of Women Lawyers

State Bar of Georgia

Board of Governors (2009 – present)

Business Court Committee (2008 – present)

Appellate Practice Section

Chair (2006 – 2007)

Vice Chair (2005 – 2006)

Secretary-Treasurer (2004 – 2005)

Access to Justice Committee (2008 – 2011)

Vice Chair (2011 – present)

Long Range Planning and Bar Governance Committee

Vice Chair (2008 – 2011)

Chair, Drafting Subcommittee (to draft best practices policies for the Bar and its affiliated organizations) (2009 – 2010)

Advisor, Committee on Women and Minorities in the Profession (2004 – 2005, 2008 – 2009)

Mentor, Younger Lawyers Division Leadership Academy (2007)

Charter member, Business Litigation Committee, Business Law Section (2007 – present)

United States Court of Appeals for the Eleventh Circuit

Lawyers Advisory Committee (1995 – 2010)

Eleventh Circuit Judicial Conference Planning Committee (2005 – 2007)

Facilitator, Georgia Meeting, Eleventh Circuit Judicial Conference (2005, 2007)

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, 1989

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 1994

United States Court of Appeals for the Eleventh Circuit, 1990

United States District Court for the Northern District of Georgia, 1989

United States District Court for the Middle District of Georgia, 2004

There has been no lapse 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.

American Heart Association Legal Campaign Firm Chair (1995 – 2000)

Atlanta Women in Business (1995 – approximately 1998)

Atlanta Women’s Alliance  
Founding Board Member (2000 – 2003)

Chastain Horse Park Non-profit Therapeutic Riding Program  
Board of Directors (2007 – 2011)

Cystic Fibrosis Foundation Team Captain, Legal Division, “Great Strides Walk for the Cure” (1996, 1997)

Everybody Wins! Children’s Literacy and Mentoring Program Volunteer (2002 – 2003)

Federal Employees Credit Union  
Asset Liability Management Committee (1998, 2001)  
Supervisory Committee (2000)  
Credit Committee (1997 – 1999)  
Personnel Committee (1995 – 1997)  
Nominating Committee (1995)

Georgia Legal Services Program, Inc.  
Board of Directors (State Bar Representative) (2011 – present)

Law Association for Women Students, Emory Law School, Mentor (1994 – 1995)

Lawyers Club of Atlanta (1994 – present)

Leadership Atlanta, Class of 2007; member (2007 – present)

Local Montessori School  
Assistant Debate Coach (2007 – present)  
Phoenix Society (2005 – present)  
Parent Involvement Coordinator, Elementary 4 (2007 – 2008)  
Facilities & Programs Task Force (2006 – 2007)

Class Fundraising Committee Representative (2004 – 2005, 2005 – 2006)  
Silent Auction Committee (2004 – 2007)  
    Co-Chair, Silent Auction Committee (2003 – 2004)  
Fundraising Committee (2001 – 2009)  
Class Auction Project Committee (2001 – 2002)  
Volunteer, Telephone Campaign for Annual Fund (2001 – 2002)

National Association of Female Executives

Northside Hospital Foundation  
    Board of Directors (2003 – 2007)

Possible Woman Foundation International, Inc.  
    Board of Directors (2002 – 2006)  
    Secretary (2002 – 2004)  
    Chair, Silent Auction Committee, Starry Night Fundraiser (2002 – 2003,  
    2003 – 2004)  
    Advisory Board (2006 – 2010)

Wildwood Urban Forest Group, Steering Committee (2000 – 2001)

- 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 in response to 11a above currently discriminates or previously discriminated on the basis of race, sex, religion or national origin.

## 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.

J. Scott Key and Jill A. Pryor, *Selecting Witnesses; Preparing and Conducting Direct Examination*, in LexisNexis Practice Guide, Georgia Civil Trial Procedure (LexisNexis 2011). Copy supplied.

*Point of View: John McCain's Birth Revives a Constitutional Conundrum*, Legal Times, Apr. 14, 2008 (reprinted in multiple outlets). Copy supplied.

John E. Floyd and Jill A. Pryor, *State RICO Actions*, in 4 Georgia Jurisprudence, Business and Commercial Law, Business Torts and Trade Regulation (Thomson/West Publishing 2006). Copy supplied.

Ben E. Fox and Jill A. Pryor, *Trade Secrets*, in 4 Georgia Jurisprudence, Business and Commercial Law, Business Torts and Trade Regulation (Thomson/West Publishing 2006). Copy supplied.

*Summary of Electronic Filing in the Eleventh Circuit Court of Appeals and in the Appellate Courts of Georgia, Florida and Alabama*, The Appellate Review (Appellate Practice Section, State Bar of Georgia 2005). Copy supplied.

Co-Producer with Rebecca Godbey, *Paving the Way*, a video documentary of the history of women lawyers in Georgia, produced for the 75th Anniversary of the Georgia Association for Women Lawyers (2004). Video recording supplied.

*President's Update: Get Involved with GAWL*, Daily Report special supplement, July 2000. Copy supplied. I believe I wrote two or three more of these updates during my presidency from June 1, 2000 to May 31, 2001, but I have been unable to obtain copies of them from the publisher. I do have a draft of one that appears to have been created in October 2000 entitled, *President's Update: The Old (New?) Girls' Network*. Copy supplied.

Introduction for the Georgia Association for Women Lawyers (membership) Directory, October 2000. Copy supplied.

John E. Floyd and Jill A. Pryor, *State RICO Actions*, in 4 Georgia Jurisprudence, Business and Commercial Law, Business Torts and Trade Regulation (Lawyers Cooperative Publishing 1995). Copy supplied.

Note, *The Natural Born Citizen Clause and Presidential Eligibility: An Approach for Resolving Two Hundred Years of Uncertainty*, 97 Yale L.J. 881 (1988). Copy supplied.

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

On September 12, 2009, as Vice-Chair of the Long Range Planning and Bar Governance Committee of the State Bar of Georgia, I reported to the Bar's Board

of Governors on the Committee's draft Conflict of Interest, Confidentiality, Document Handling and Disclosure and Whistleblower Non-Retaliation policies proposed for adoption by the State Bar, which were adopted at that meeting as State Bar Standing Board Policies. Copies of the minutes of the Board of Governors meeting and of the policies are supplied.

On February 23, 2009, the State Bar's Business Court Committee on which I served recommended to the Bar's Board of Governors that it approve an amendment to Atlanta Judicial Circuit Rule 1004, the rule that established the Business Court. The Board of Governors approved the proposed amendment, which then went to the Supreme Court of Georgia for its consideration. The Supreme Court of Georgia adopted the amendment on September 1, 2010. Copies of the following are supplied: the Business Court Committee Chair's memorandum proposing the amendment that was published in the Board Book provided to the Board of Governors, the minutes of the Board of Governors meeting in which the amendment was approved, and Rule 1004 as amended.

I served on the Executive Committee for *It's About Time: Part-Time Practices and Policies in Atlanta Law Firms*, a survey published by the Georgia Association for Women Lawyers and the Atlanta Bar Association Women in the Profession Committee (2004). 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.

I have not testified before or given or provided to public bodies or public officials any official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation.

- 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.

November 18, 2011 – Panel discussion (moderator) on “Analyzing and Preparing a Civil RICO Case from a Defendant’s Perspective” for the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. Paper and notes supplied.

September 14, 2011 – Presentation with my partner Michael Terry on “The Evolution of Case Management” at an In-House Counsel CLE Seminar presented by the *Daily Report*, Atlanta, Georgia. Outline and recording supplied.

April 29, 2011 – Panel discussion on mentoring for the Georgia Association for Women Lawyers’ Leadership Academy. I have no notes, transcript or recording. The address of the sponsoring organization is 3855 Spalding Bluff Drive, Norcross, Georgia 30092.

November 16, 2010 – Panel discussion on mentoring for a lunch meeting of the Atlanta Bar Association’s Women in the Profession Section, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 229 Peachtree Street, Northeast, Suite 400, Atlanta, Georgia 30303.

November 9, 2010 – Presentation with my partner Nicole Iannarone on “Leveraging Technology in Litigation: How to Achieve Better Results and Reduce the Cost of Litigation” for the Association of Corporate Counsel, Georgia Chapter, Atlanta, Georgia. Slides and outline supplied.

December 10, 2009 – Panel discussion on “Recusal in Georgia Post-*Caperton*” for the Atlanta Bar Association CLE Committee’s “CLE by the Hour” series. Written materials and recording supplied.

October 29, 2009 – Panel discussion on direct and cross examination for the Atlanta Bar Association’s Council of Younger Lawyers’ “Life of a Trial” series, Atlanta, Georgia. Speaking notes supplied.

October 2, 2009 – Panel discussion (moderator) on “Analyzing and Preparing a Civil RICO Case from a Defendant’s Perspective” for the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is Post Office Box 1885, Athens, Georgia 30603.

October 1, 2009 – Presentation with my partner Nicole Iannarone on “The Enforceability of Releases for Negligence Claims under Georgia Law” to the judges and staff of the Business Court of Fulton County, Georgia, as part of an educational series presented by the Business Litigation Committee of the Business Law Section, State Bar of Georgia. Written materials supplied.

May 28, 2009 – Panel discussion entitled, “Confessions of a Female Trial Team” (describing lessons learned from January 2007 jury trial in *Kellett v. PricewaterhouseCoopers*, Superior Court of Cobb County, Georgia) for the Georgia Association for Women Lawyers, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 3855 Spalding Bluff Drive, Norcross, Georgia 30092.

April 15, 2009 – Lecture to legal drafting class at John Marshall Law School about a letter of intent that was central to a case I had tried, *McDavid v. Turner Broadcasting System, Inc.* Notes supplied.

May 8, 2008 – Panel discussion on “How to Transition from Associate to Partner: Learning to Think Like a Leader,” presented at the LexisNexis Women in the Legal Profession Summit: Rainmaking, Negotiating and Collaborative Development Seminar, Atlanta, Georgia, presented by Mealey’s (now known as “HB”) Litigation Conferences. Notes and recording supplied.

April 18, 2008 – Panel discussion on “Firm Politics: Navigating the Road to Partnership” for the Georgia Association for Women Lawyers’ Leadership Academy, Pine Mountain, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 3855 Spalding Bluff Drive, Norcross, Georgia 30092.

February 29, 2008 – Speaker introductions for the Georgia Appellate Practice Seminar jointly sponsored by the Institute of Continuing Legal Education in Georgia and the Appellate Practice Section of the State Bar of Georgia, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is Post Office Box 1885, Athens, Georgia 30603.

February 6, 2008 – Presentation with my partner John Floyd on Georgia RICO to the judges and staff of the Business Court of Fulton County, Georgia, as part of an educational series presented by the Business Litigation Committee of the Business Law Section, State Bar of Georgia. Outline and written materials supplied.

February 5, 2008 – Panel discussion on January 2007 jury trial in *Kellett v. PricewaterhouseCoopers*, Superior Court of Cobb County, Georgia, jointly presented by the Georgia Association for Women Lawyers and “Sisters In Law,” Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 3855 Spalding Bluff Drive, Norcross, Georgia 30092.

May 9, 2007 – Presentation on “Appealing Interlocutory Orders” for the Institute of Continuing Legal Education in Georgia’s Federal Appellate Practice Seminar, Atlanta, Georgia. Paper supplied.

March 2, 2007 – Speaker introductions for the Georgia Appellate Practice Seminar jointly sponsored by the Institute of Continuing Legal Education in Georgia and the Appellate Practice Section of the State Bar of Georgia, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is Post Office Box 1885, Athens, Georgia 30603.

December 8, 2006 – Presentation with my then-associate Nicole Iannarone, “Accountants and Lawsuits” (advice on how to prevent and defend accounting

malpractice lawsuits) at an in-house seminar for Frazier & Deeter, LLP, Atlanta, Georgia. Outline supplied.

November 28, 2006 – Speaker introduction at the Appellate Practice Section of the State Bar of Georgia’s luncheon lecture with Therese S. Barnes, Clerk of the Supreme Court of Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 104 Marietta Street, Northwest, Suite 100, Atlanta, Georgia 30303.

October 27, 2006 – Panel discussion on “Ethics and Professionalism on Appeal” at the Eleventh Circuit Appellate Practice Institute (ECAPI) sponsored by the Institute of Continuing Legal Education in Georgia and the Appellate Practice Sections of the Georgia, Florida and Alabama Bars in Atlanta, Georgia. Written materials and notes supplied.

October 6, 2006 – Speech at the Georgia Court of Appeals Centennial Celebration dinner about the High School Oratorical Contest that I chaired as a part of the Court’s Centennial Celebration. Notes supplied.

September 9, 2006 – Introductory remarks, explanation of rules, announcements, and awards presentation at the Georgia Court of Appeals’ High School Oratorical Contest for the Court’s Centennial Celebration. I have no notes, transcript or recording. The address of the sponsoring organization is Justice Served, 342 North Main Street, Suite 203, Alpharetta, Georgia 30009.

June 20, 2006 – Panel discussion on “Nanny 911,” childcare options for lawyers, for Georgia Association for Women Lawyers luncheon, Atlanta, Georgia. Outline and written materials supplied.

March 3, 2006 – Speaker introductions for the Georgia Appellate Practice Seminar jointly sponsored by the Institute of Continuing Legal Education in Georgia and the Appellate Practice Section of the State Bar of Georgia, Atlanta, Georgia. Notes, outline and remarks supplied.

November 4, 2005 – Panel discussion (moderator) on “Analyzing and Preparing a Civil RICO Case from a Defendant’s Perspective” for the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. Outline supplied.

October 7, 2005 – Presentation on “The 2005 Amendments to Georgia’s Class Action Statute: A Comparison with Former Georgia Law and Federal Law” for the Institute of Continuing Legal Education in Georgia’s Class Actions Seminar, Atlanta, Georgia. Paper and slides supplied.

March 3, 2005 – Speaker introductions for the Georgia Appellate Practice Seminar jointly sponsored by the Institute of Continuing Legal Education in

Georgia and the Appellate Practice Section of the State Bar of Georgia, Atlanta, Georgia. Outline and notes supplied.

June 14, 2004 – Panel discussion on *It's About Time: Part-Time Practices and Policies in Atlanta Law Firms*, a survey published by Georgia Association for Women Lawyers and Atlanta Bar Association Women in the Profession Committee (2004), Atlanta, Georgia. Panel questions with notes supplied.

April 16, 2004 – Panel discussion on “Effective Community Leadership” for the Georgia Association for Women Lawyers’ Leadership Training Seminar, Atlanta, Georgia. Outline supplied.

December 3, 2003 – Panel discussion (moderator) on “Effective Fundraising for Non-Profits” for the Atlanta Women’s Alliance, Atlanta, Georgia. Notes supplied.

September 9, 2003 – Panel discussion (moderator) on “Extraordinary Meetings and Events” for the Atlanta Women’s Alliance, Atlanta, Georgia. Remarks and panel questions supplied.

November 1, 2002 – Panel discussion (moderator) on “Analyzing and Preparing a Civil RICO Case from a Defendant’s Perspective” at the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is Post Office Box 1885, Athens, Georgia 30603.

October 8, 2002 – Presentation on “How to Hire a Lawyer.” I do not recall the sponsoring organization. Outline supplied.

April 2, 2002 – Panel discussion on “How to Succeed in the Practice of Law: Bridging the Cultural Gap from School to Practice,” Multi-Bar Leadership Council of Atlanta, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 229 Peachtree Street, Northeast, Suite 400, Atlanta, Georgia 30303.

May 31, 2001 – Outgoing President’s remarks at the Georgia Association for Women Lawyers Annual Meeting, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 3855 Spalding Bluff Drive, Norcross, Georgia 30092.

November 15, 2000 – Presentation entitled, “Introduction to Civil Litigation” for Atlanta Bar Association’s Legal Eagles Lunch and Learn Series. Outline supplied.

November 3, 2000 – Paper on “Defending RICO Claims: Using Motions to Dismiss and for Summary Judgment” and panel discussion (moderator) on



“Developing a Coherent Defense Strategy in Response to RICO Allegations” at the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. Outline and paper supplied.

October 6, 2000 – Introductory remarks at the Georgia Association for Women Lawyers Judicial Luncheon, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 3855 Spalding Bluff Drive, Norcross, Georgia 30092.

June 1, 2000 – Incoming President’s remarks at the Georgia Association for Women Lawyers Annual Meeting, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 3855 Spalding Bluff Drive, Norcross, Georgia 30092.

June 17, 1999 – Presentation of the Georgia Women of Achievement Awards given by the Georgia Association for Women Lawyers at the State Bar Annual Meeting in Savannah, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 3855 Spalding Bluff Drive, Norcross, Georgia 30092.

November 20, 1998 – Presentation with my then-associate David Brackett on “Closely Held Corporations: Litigating Minority Rights, Squeeze-Out Transactions, Battles for Control, and Piercing the Corporate Veil” for the Institute of Continuing Legal Education in Georgia’s Corporate Litigation Seminar, Atlanta, Georgia. Paper supplied.

November 13, 1998 – Presentation on “Motions to Dismiss and for Summary Judgment in State and Federal RICO Cases” at the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is Post Office Box 1885, Athens, Georgia 30603.

October 10, 1997 – Panel discussion on “Evaluation of a Potential RICO Case” at the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is Post Office Box 1885, Athens, Georgia 30603.

December 13, 1996 – Presentation at “Evidence in Trial Practice” Seminar for National Business Institute, Atlanta, Georgia. Paper supplied.

February 1, 1996 – Presentation on “Fundamentals of Federal Court Practice” at Federal Civil Practice Seminar for National Business Institute, Atlanta, Georgia. I have no notes, transcript or recording, but the paper was probably similar to the 1995 version supplied below. The address of the sponsoring organization is 1218 McCann Drive, Altoona, Wisconsin 54720.

October 20, 1995 – Presentation on “Using Georgia RICO” for the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. Paper supplied.

May 29, 1995 – Presentation on “Eleventh Circuit Appellate Practice” at Federal Litigation Seminar for Lorman Business Center, Atlanta, Georgia. Paper supplied.

February 1995 – Presentation on “Fundamentals of Federal Court Practice” at Federal Court Practice Seminar for National Business Institute, Atlanta, Georgia. Paper supplied.

November 22, 1994 – Presentation on “Ethical Considerations in the Representation of Organizations” at the Institute for Continuing Legal Education in Georgia’s Complex Litigation Seminar, Atlanta, Georgia. Paper supplied (labeled “The Distinction Between Direct and Derivative Claims”).

June 1994 – Presentation on “Eleventh Circuit Appellate Practice” at Federal Litigation Seminar for Lorman Business Center, Atlanta, Georgia. I have no notes, transcript or recording, but the paper was probably similar to the 1995 version supplied above. The address of the sponsoring organization is Lorman Education Services, 2510 Alpine Road, Eau Claire, Wisconsin 54703.

May 1994 – Presentation on “Innovative Applications of Georgia’s RICO Statute for the Civil Trial Lawyer” for the Georgia Trial Lawyers Association’s annual Torts Seminar, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is 3350 Centennial Tower, 101 Marietta Street, Atlanta, Georgia 30303.

October 8, 1993 – Panel discussion (moderator) on “Special Considerations in the Trial of a RICO Case” for the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. I have no notes, transcript or recording. The address of the sponsoring organization is Post Office Box 1885, Athens, Georgia 30603.

October 2, 1992 – Paper on “Georgia and Other State Little RICO Statutes” and panel discussion on “Special Considerations in the Trial of a RICO Case” for the Institute of Continuing Legal Education in Georgia’s RICO Seminar, Atlanta, Georgia. Paper supplied.

January 1992 – Presentation on “Other Motions, Including Motions to Compel, Motions for Sanctions, Motions for Temporary Injunctions and TROs, and Motions for Interlocutory Appeals” at the Institute for Continuing Legal Education in Georgia’s Motions Seminar, Atlanta, Georgia. I have no notes, transcript or recording, but the paper was probably similar to the 1995 version

supplied above. The address of the sponsoring organization is Post Office Box 1885, Athens, Georgia 30603.

- 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.

Robin M. Hensley, *Making It Rain: How to Develop and Motivate Office Managing Partners*, New York Law Journal, Oct. 17, 2011. Copy supplied.

Meredith Hobbs, *Fall Hiring Stable but Not Robust*, The Daily Report, Sept. 12, 2011. Copy supplied.

Robin M. Hensley, *Seeing through the Mist, BD Resolutions*, Managing Partner, July/Aug. 2011. Copy supplied.

Michelle Hiskey, *Encouraging One Another*, The Daily Report, Mar. 31, 2011. Copy supplied.

*Raising the Bar Testimonial*, Feb. 22, 2010. Video recording supplied.

*\$281 Million Rides on Judges' View of Deal*, The Daily Report, Nov. 18, 2009. Copy supplied.

R. Robin McDonald, *12 Young Lawyers to Watch*, The Daily Report, Aug. 17, 2009. Copy supplied.

Drew Zahn, *What Does "Natural-Born Citizen" Legally Mean?*, WorldNetDaily, Aug. 10, 2009. Copy supplied.

Colleen Magarian, *A 'Perry Mason' Moment in Fight over Teams*, National Law Journal, June 22, 2009. Copy supplied.

Nora Lockwood Tooher, *Verdicts and Settlements*, Lawyers Weekly USA, Jan. 13, 2009. Copy supplied.

Carl Hulse, *McCain's Canal Zone Birth Prompts Queries about Whether that Rules Him Out*, New York Times, Feb. 28, 2008. Copy supplied.

Jon Gillooly, *Defense Claims Fraud Case Win*, Marietta Daily Journal, Feb. 7, 2007. Copy supplied.

R. Robin McDonald, *PricewaterhouseCoopers Trial Enters Jury Deliberations Phase*, Corporate Counsel and In-House Counsel, Feb. 6, 2007. Copy supplied.

R. Robin McDonald, *Case Brings High Stakes. Big Players*, The Daily Report, Jan. 12, 2007 (reprinted in multiple outlets). Copy supplied.

Alyson M. Palmer, *Contest Winner Defends Courts*, The Daily Report, Sept. 12, 2006. Copy supplied.

Suzanne Wright, *Paradise Found at Work*, Atlanta Woman, Jan./Feb. 2005. Copy supplied.

John Hanusz, *Making Rain: Law Firms Are Turning to Sales Coaches to Shape Up Their Marketing Efforts*, The Daily Report, Sept. 13, 2004. Copy supplied.

Steven H. Pollak, *Dismissing the Judge Lest She Dismiss You*, The Daily Report, July 29, 2004. Copy supplied.

Ray Glier, *Robin Hensley Crafts Subtle Approach to Coaching Clients*, Atlanta Business Chronicle, June 11, 2004. Copy supplied.

Rhonda Cook, *High Court Will Hear Convict's Complaint*, Atlanta Journal and Constitution, Jan. 11, 2000. Copy supplied.

Eric Velasco, *Felons' Hopes for Earlier Releases Dim*, Macon Telegraph, Oct. 6, 1994. Copy supplied.

*DA Applauds Parole Ruling*, Rome News-Tribune, Oct. 6, 1994. Copy supplied.

*Parole Not Guaranteed*, The Augusta Chronicle, Oct. 6, 1994. Copy supplied.

Rhonda Cook, *Parole Board Can Go Against Own Guidelines, Court Says*, Atlanta Journal and Constitution, Oct. 5, 1994. Copy supplied.

Bill Rankin and Rhonda Cook, *Suit Could Lead to Release of 7,000 Inmates*, Atlanta Journal and Constitution, June 8, 1994. Copy supplied.

I was interviewed on the radio (National Public Radio, I think) in 1994 as part of a newscast about the *Sultenfuss v. Snow* case, in which I was appointed to represent a prisoner challenging the constitutionality of the Georgia Parole Board's application of its Parole Guidelines. I was informed by National Public Radio that it does not transcribe or archive newscasts.

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

I have not held judicial office.

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

i. Of these, approximately what percent were:

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

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

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

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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

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

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

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

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

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system

by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never been a judge.

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

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

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

I have never held political office or been a candidate or nominee for elective or appointed office.

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

Before my nomination, I was asked to and had agreed to serve as one of the Co-Chairs for the Committee to Re-elect Judge Yvette Miller, a judge on the Court of Appeals of Georgia, and had agreed to host a campaign event for Judge Miller. I was also asked to and agreed to co-host a re-election campaign event for Georgia Court of Appeals judge Stephen Dillard. Both judges are incumbents running for re-election in non-partisan elections. Upon my nomination, however, I have terminated my participation in these and all other judicial campaign activities and have asked the judges and Georgia Supreme Court justices running for re-election

who had previously requested my support to remove my name from any lists of supporters on their campaign websites or elsewhere.

From 2003 until my nomination, I served as the Treasurer of the Committee to Re-elect Judge Anne Elizabeth Barnes, a judge on the Court of Appeals of Georgia. Judge Barnes was re-elected without opposition in 2004 and 2010. As Treasurer, I maintained the Committee's bank account, collected and deposited campaign contributions, paid for or reimbursed campaign expenditures out of the campaign account and filed campaign financial disclosure reports. After the Committee was incorporated on January 20, 2012 as the Committee to Re-elect Judge Barnes, Inc., I served as the Treasurer and Secretary and on the Board of Directors, but substantively my duties did not change. Upon my nomination, I tendered my resignation from all positions with Judge Barnes' re-election campaign.

Over the years I have been asked by Georgia judges on the state and superior courts, as well as the Court of Appeals and Supreme Court, if they could include my name on their lists of supporters or campaign committees, and I have said yes; however, except for the campaigns listed above, I have not played an active role in those campaigns. I believe that the judicial candidates whom I have supported in this way include the following: The Honorable Kimberly Esmond Adams, the Honorable Robert Benham, the Honorable John Ellington, the Honorable Ural Glanville, the Honorable Carol Hunstein, the Honorable David Nahmias, the Honorable Hugh Thompson, and the Honorable Wendy Shoob. There may be others I cannot recall.

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

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

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

I served as a law clerk to the Honorable J.L. Edmondson, United States Court of Appeals for the Eleventh Circuit, from September 1, 1988 to August 31, 1989.

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

I have never practiced law alone.

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

Summer 1988  
Bondurant, Mixson & Elmore, LLP  
1201 West Peachtree Street, Northwest  
Suite 3900, One Atlantic Center  
Atlanta, Georgia 30309  
Summer Associate

1989 – present  
Bondurant, Mixson & Elmore, LLP  
1201 West Peachtree Street, Northwest  
Suite 3900, One Atlantic Center  
Atlanta, Georgia 30309  
Partner (1997 – Present)  
Associate (1989 – 1996)

(Since 2001, I have been the President and an employee of Jill A. Pryor, P.C., which is a partner in Bondurant, Mixson & Elmore, LLP.)

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

From 1992 to 1996 I served as a Certified Arbitrator for the Fulton County Court-Annexed Arbitration Program, Georgia Office of Dispute Resolution, on a pro bono basis. I specifically recall only one matter that I arbitrated, which was a medical malpractice case. I do not recall the parties or the outcome.

b. Describe:

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

The general character of my law practice is business or commercial litigation, both at trial and on appeal. Some examples of the types of cases I handle include breach of contract, business torts (such as unfair competition, misappropriation of trade secrets, tortious interference with contract, breach of fiduciary duty and breach of restrictive covenants), fraud, federal and state racketeering (RICO), class actions and corporate control or shareholder disputes. My cases are often complex, many times involving multiple parties and multiple claims, and they usually involve high dollar amounts or high stakes for the litigants. The character of my practice has not changed substantially over the years, other than that my level of responsibility increased as I became more senior and as I originated my own cases.



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

My typical clients throughout my career have been corporations, partnerships or other business organizations or high net worth individuals. My practice has tended to focus in the areas of fraud, RICO, contracts, corporate control and shareholder litigation, as well as class actions and appellate practice. Since the mid-2000s, I have defended a number of claims brought under or involving the federal Fair Credit Reporting Act.

- 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.

Virtually 100% of my practice has been in litigation and advice related to litigation. Throughout my career, I have appeared frequently in court for my type of practice. Presently, I have a higher percentage of cases in federal court than I have traditionally had. The current percentage is about 80% in federal court, 20% in state court.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 35%
- 2. state courts of record: 65%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 95%
- 2. criminal proceedings: 5%

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

I have tried eight cases to verdict, most of which have been multi-week trials. In one of these I was lead counsel; in the others I was "second chair" counsel to one of my firm's name partners. In addition, I have tried four cases in arbitration or special master proceedings (again as second chair to a name partner in the firm), for a total of 11 cases tried to conclusion.

- i. What percentage of these trials were:

- 1. jury: 60%
- 2. non-jury: 40%

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

I prepared an amicus brief at the request of and on behalf of the National Association for Criminal Defense Lawyers and the American Civil Liberties Union in the case of *Jones v. Garner*, 529 U.S. 244 (2000). Copy of brief supplied.

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) *McDavid v. Turner Broadcasting, Inc.*, Civ. Action File No. 2005CV101902, Superior Court of Fulton County, Georgia (Hon. Tom Campbell); 303 Ga. App. 593 (2010) (Hon. Debra Bernes, Hon. J.D. Smith, Hon. Herbert E. Phipps)

In this case, I served at trial as the second chair to my senior partner H. Lamar Mixson. We represented McDavid, a Texas businessman who claimed the breach of an oral contract to purchase the Atlanta Hawks and Atlanta Thrashers professional sports teams, along with the operating rights to Philips Arena, from defendant Turner Broadcasting System, Inc. ("TBS"). After many months of negotiations, including the preparation of extensive deal documentation, the parties were down to just a few issues. On a conference call, McDavid's chief negotiator proposed a resolution of these issues, which the Turner representatives accepted. The President of TBS then stated, "We have a deal." TBS subsequently announced that it had sold the assets to a group that included Ted Turner's son-in-law for the same price and on virtually the same terms as the deal that McDavid had negotiated. During the eight-week trial, I presented, among other witnesses, the direct examination of McDavid and of the damages expert upon whose testimony the jury's verdict appears to have been based. I also cross examined TBS's general counsel, who was a primary witness on whether an agreement had been reached, and TBS's primary damages expert. The jury found a binding agreement and awarded McDavid \$281 million based on the testimony of McDavid's experts, who testified to the difference between the contract price that McDavid had negotiated (described by Time

Warner executives as a “fire sale” price) and the fair market value of the teams at the time of the breach.

In *Turner Broadcasting System, Inc. v. McDavid*, 303 Ga. App. 593 (2010), the Court of Appeals of Georgia unanimously affirmed the jury’s verdict. I had final editing authority for the brief and argued the appeal. In its opinion, the Court of Appeals relied heavily on testimony adduced during my cross examination of TBS’s general counsel.

Opposing counsel

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June Ann Saunry  
Lynette Eaddy Smith  
Jaime L. Theriot  
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(appeal only)  
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Thomas G. Hungar  
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202-955-8500

(2) *Bassett v. PricewaterhouseCoopers, LLP*, Civil Action File No. 02-1-8314-35, Superior Court of Cobb County, Georgia (Hon. Tom Pope)

The plaintiffs in this case, the Kellett brothers and some trusts they had created, brought claims of accounting fraud, negligent misrepresentation and Georgia RICO against PricewaterhouseCoopers (“PwC”) arising out of a transaction in which the plaintiffs exchanged the stock of their nursing home company for stock in Mariner Healthcare Group, Inc. (“Mariner”), as part of an acquisition of the plaintiffs’ company by Mariner. PwC was the auditor for Mariner. The plaintiffs also sued four former members of Mariner’s management – Chief Executive Officer Stratton, Chief Financial Officer Hansen, Chief Operating Officer Diaz, and Senior Vice President for Reimbursement Stone -- for accounting fraud, breach of fiduciary duty, and Georgia RICO. The plaintiffs alleged that the defendants had fraudulently inflated the value of Mariner through improper accounting including, among other things, manipulation of the company’s reserves against Medicare and Medicaid reimbursement income. They sought over \$125 million in damages, trebled. I was lead counsel for Hansen, Diaz and Stone. The claims against Diaz were settled, and the case against the other defendants went to trial. At trial the plaintiffs were represented by the former Governor of the State of

Georgia, Roy Barnes, and the former Attorney General of Georgia, Michael Bowers. The trial, which took place in 2007, lasted for about five weeks. The jury awarded the plaintiff trusts for the Kelletts' children \$10 million (but not the Kelletts themselves, who each were awarded \$1) on the negligent misrepresentation claim. The jury rendered a defendants' verdict in favor of my clients and Stratton on all counts.

Co-counsel

For PwC:

Elizabeth V. Tanis (formerly a partner with Sutherland, Asbill & Brennan, LLP)  
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3) *Mariner Health Care, Inc. v. PricewaterhouseCoopers, LLP*, Civil Action File No. 02VS037631F (State Court of Fulton County, Georgia) (Hon. Susan B. Forsling); 282 Ga. 217 (2006) (Hon. Ed Johnson, Hon. Yvette Miller, Hon. John Ellington)

I was lead counsel for the same management defendants as in the *Bassett* case listed above, this time in a case brought by the company that acquired Mariner Health Group, Inc., after it merged with the Kelletts' company. After my clients unsuccessfully moved to dismiss based on a forum selection clause, all parties began to engage in the massive discovery that would be required to try a case of this magnitude. After a number of discovery missteps by the plaintiffs, defendants, led by PricewaterhouseCoopers, moved for sanctions (dismissal of the complaint with prejudice) for discovery abuse. The day before the hearing on the motion for sanctions, the plaintiffs dismissed the action and filed a renewal action in the Superior Court of Fulton County. The defendants moved to strike the renewal action on various grounds, which the trial court granted. The Court of Appeals reversed, considering a number of issues of first impression. After the *Kellett* trial, the case settled.

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For PwC:

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Elizabeth V. Tanis (formerly a partner with Sutherland, Asbill & Brennan, LLP)  
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For Stratton:

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(4) *Campos v. ChoicePoint Inc.*, 237 F.R.D. 478 (N.D. Ga. Mar. 27, 2006) (Hon. William S. Duffey)

I was lead counsel for ChoicePoint Inc. and ChoicePoint Services Inc. (now LexisNexis Risk Solutions Inc.) in the defense of a putative class action brought by two consumers under the Fair Credit Reporting Act (FCRA). ChoicePoint was in the business of compiling and selling consumer insurance claim history and information, employment background checks, and tenant screening information that constitutes “consumer reports” under the FCRA. The plaintiffs alleged that ChoicePoint’s policies and procedures requiring consumers to request their consumer reports separately from each of the various divisions of the company that compiled and sold the different types of reports violated the FCRA’s requirement that a consumer obtain, upon request, a copy of his or her “file.” The FCRA provides for the recovery of statutory damages up to \$1,000 plus punitive damages and attorneys’ fees to a consumer who succeeds in proving a “willful” violation. Plaintiffs sought to certify a class of all consumers who requested their files during the relevant time period. After a hearing, the district court certified a class of just over a thousand “curious” consumers who, like the plaintiffs, had requested their files to see what was in them. The district court refused, however, to certify a class of “adversely affected” consumers, who had been denied insurance or a job based on adverse information in a ChoicePoint consumer report. The adversely affected class was estimated to include 1 million people, making the potential statutory damages over \$1 billion if a willful violation was shown. After the court’s ruling on the class certification motion, the case was settled and the settlement was approved by the court.

Opposing Counsel

James M. Pietz (formerly associated with Malakoff, Doyle & Finberg, P.C.)  
Pietz Law Office, LLC

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Leo Bueno Attorney, P.A.  
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305-669-5260

(5) *LexisNexis Screening Solutions Inc. v. USVerify, Inc.*, Civil Action File No. 1:11-CV-02137-JEC (United States District Court for the Northern District of Georgia) (Hon. Julie E. Carnes)

I serve as lead counsel for LexisNexis Screening Solutions Inc. (“LexisNexis”) in this case, which was filed in June 2011. LexisNexis had a contract with defendant USVerify, Inc. (“USV”) to jointly provide, under the LexisNexis brand, a service that would permit LexisNexis’s employer customers to electronically create and store Form I-9 U.S. immigration forms for their employees and to communicate with the U.S. government’s “E-Verify” system. When the parties terminated their contract, USV refused to return to LexisNexis its customers’ I-9 and E-Verify forms, documents and other related data. LexisNexis filed an action in the Superior Court of Fulton County, Georgia for breach of contract along with a motion for interlocutory injunction to require USV to return immediately the customers’ data to LexisNexis. LexisNexis was concerned, among other things, about the irreparable harm that its customers might suffer if the Department of Homeland Security or other government agencies were to audit them and they did not have access to their data, which they would be required to provide upon very short notice under penalty of fines and other sanctions. When the Superior Court set a hearing for two days later, USV removed the case to federal court. Chief Judge Julie E. Carnes immediately set a hearing for a few days hence. After the hearing and a couple of follow-up hearings, Judge Carnes entered an injunction requiring USV to turn over the data to LexisNexis. She further appointed a technical consultant to review USV’s systems, determine the best method and format for transferring the data, and supervise the data transfer process and the subsequent deletion of the data from USV’s systems. LexisNexis’s remaining claims and USV’s counterclaims were subsequently settled.

Opposing Counsel:

Scott A. Frick  
The Frick Law Firm, PLLC  
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Memphis, Tennessee 38120  
901-260-4515

(6) *EnduraCare Therapy Management, Inc. v. Drake*, 298 Ga. App. 809 (2009) (Hon. Sara Doyle, Hon. Ala G. Blackburn, Hon. A. Harris Adams)

I was hired as appellate counsel by EnduraCare Therapy Management, Inc. (“ETM”) after a default judgment in the amount of \$2 million in compensatory damages and \$5 million in punitive damages had been entered against it. The case was a tragic one in which a woman had died in a nursing home as a result of what appeared to be a clear case of negligence in failing to diagnose and treat an infection. My client, however, was a physical therapy contract company that had not even entered into a contract with the nursing home until after the decedent’s death. But because it had failed to answer the complaint (despite having been served), it had not had an opportunity to assert this defense. When I came into the case, the trial judge had denied ETM’s motion to reopen the default. On appeal, we faced a very stringent standard for reversal: The pleadings had to affirmatively show, on their face, that the plaintiff was entitled to no relief. I briefed and argued the case in the Court of Appeals. The plaintiff had alleged that the nursing home was a corporation and that ETM was “an owner” of the nursing home. While the complaint generally alleged that “the defendants” were responsible for the negligent actions of the nursing home staff, the Court of Appeals reversed based on our argument that an “owner” (shareholder) of a corporation is not liable for the corporation’s torts absent allegations sufficient to pierce the corporate veil or provide some other basis that would make the shareholder liable for the actions of the corporation’s employees.

Co-counsel

For ETM:

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912-427-2024

For Brentwood Healthcare, LLC and Brentwood Nursing, LLC:

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Opposing counsel

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Gerald W. Bassett  
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(7) *Glinton v. And R, Inc.*, 271 Ga. 864 (1999), 173 F.3d 1352 (11th Cir. 1999), and 211 F.3d 586 (11th Cir. 2000)

Plaintiffs who had borrowed money from Georgia pawnbrokers at extremely high interest rates brought suit against the pawnbrokers alleging the transactions were illegal and void because they violated Georgia's criminal usury statute, O.C.G.A. § 7-4-18. The pawnbrokers, one of whom was our client (And R, Inc.), moved to dismiss the complaints on the ground that the transactions complied with Georgia's pawnbroker statute, O.C.G.A. § 44-12-130 *et seq.*, and such transactions are not controlled by the criminal usury statute. The district court decided that the two statutes conflict and cannot be harmonized and that the pawnbroker statute governs the subject transactions rather than the criminal usury statute. The court granted defendants' motions and dismissed the cases. Plaintiffs appealed and the cases were consolidated on appeal. I argued the appeal on behalf of the appellees in the Court of Appeals for the Eleventh Circuit.

The Eleventh Circuit certified the following questions to the Georgia Supreme Court: "Can the statutory scheme regulating pawnbrokers, § 44-12-130-138 be read harmoniously with the criminal usury statute, O.C.G.A. § 7-4-18, so that both apply to 'pawn transactions' as defined in O.C.G.A. § 44-12-130(3), or are such transactions meant to be governed exclusively by O.C.G.A. § 44-12-130-138?" and "Is the permissible rate of interest and fees charged in 'pawn transactions' as defined in O.C.G.A. § 44-12-130(3) governed solely by O.C.G.A. § 44-12-131, or does the criminal usury statute, O.C.G.A. § 7-4-18, apply to modify allowable charges so that the interest charged in these transactions violates Georgia law?" *Glinton v. And R Inc.*, 173 F.3d 1352 (11th Cir. 1999).

I then argued the certified questions on behalf of the appellees in the Georgia Supreme Court, which ruled that the statutes could not be reconciled and that the criminal usury statute is inapplicable to pawn transactions. *Glinton v. And R, Inc.*, 271 Ga. 864 (1999). Based on the Georgia Supreme Court's answers to the certified questions, the Eleventh Circuit affirmed the district court's order dismissing the plaintiffs' complaints. *Glinton v. And R Inc.*, 211 F.3d 586 (11th Cir. 2000).

#### Co-counsel

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Michael L. Wetzel, P.C.  
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For Mike Horton and Cash Express, Inc.:

Alan William Loeffler  
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(8) *SEB S.A. v. Sunbeam Corp.*, 148 Fed. Appx. 774 (11th Cir. 2005) (Hon. Stanley F. Birch, Hon. Ed Carnes, Hon. James C. Hill); 476 F.3d 1317 (11th Cir. 2007) (Hon. William H. Pryor, Jr., Hon. Peter T. Fay, Hon. William H. Steele); 302 Fed. Appx. 870 (11th Cir. 2008) (Hon. Joel F. Dubina, Hon. Susan H. Black, Hon. Peter T. Fay)

I served as co-counsel for the appellees in this case, which was an appeal from a jury verdict in a dispute over a product supply agreement between two corporations, Sunbeam Products, Inc. and our client, Pentalpha Enterprises, Inc. (“Pentalpha”). I helped write and edit the briefs and prepare my co-counsel for oral argument.

Sunbeam Products, Inc. and its parent company Sunbeam Corporation, Inc. sued Pentalpha and its parent company Global-Tech Appliances, Inc. for indemnification for claims brought by a third party against Sunbeam Products for infringement of the third party’s product by a product manufactured by Pentalpha. Pentalpha cross claimed against Sunbeam for breach of the product supply agreement and fraudulent inducement. The jury awarded Sunbeam over \$2 million on its indemnification claim and awarded Pentalpha over \$6 million on its breach of contract claim. On appeal, Sunbeam argued that the district court erred in denying it judgment as a matter of law on Pentalpha’s breach of contract claim and in denying its motion for a new trial because of the admissions of allegedly improper testimony. Pentalpha cross-appealed, arguing that the district court erred in denying it pre-verdict interest on its breach of contract award, in failing to admit certain evidence that would have increased its damages, and in denying Global-Tech judgment as a matter of law on Sunbeam’s claim against it. The Court of

Appeals affirmed in all respects except that it reversed the district court denial of prejudgment interest to Pentlapha and remanded for the district court to calculate that interest.

Following the remand, Pentlapha again appealed, raising the issue of when prejudgment interest ends and post judgment interest begins to accrue. The Eleventh Circuit again reversed and remanded with instructions to the district court regarding how the interest should be calculated. On remand, the district court awarded Sunbeam additional prejudgment interest on its judgment against Pentlapha. Pentlapha appealed a third time, and the Eleventh Circuit reversed the district court's award of additional interest to Sunbeam.

#### Co-counsel

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#### Opposing counsel

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(9) *Blue View Corp. v. Bell*, 298 Ga. App. 277 (2009) (Hon. J.D. Smith, Hon. Herbert E. Phipps, Hon. Debra H. Bernes)

Our firm was hired as appellate counsel for Blue View Corporation after a \$7 million default judgment had been entered against it for intentional infliction of emotional distress based on an allegedly wrongful foreclosure. The trial court granted the company's motion to set aside the default, but then reentered the same judgment. I briefed the case and argued it in the Court of Appeals. The Court of Appeals reversed the judgment on the ground that the pleadings affirmatively showed that the plaintiffs were entitled to no relief because they alleged that Blue View had filed a foreclosure action against the plaintiffs' property but then withdrawn it before the foreclosure occurred. This was a "bet the company" case for our client.

#### Co-counsel

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Rebecca Bower

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Opposing counsel:

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Law Office of Esther Panitch, P.C.  
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Atlanta, Georgia 30338  
678-681-9684

(10) *Hospital Authority of Rockdale County v. GS Capital Partners V Fund, L.P.*, Civil Action No. 09-CIV-8716 (PAC) (S.D.N.Y. Jan. 20, 2011) (Hon. Paul A. Crotty)

Along with my senior partner Jerome Elmore and co-counsel, I represent the community Hospital Authority of Rockdale County (“Rockdale”) in a breach of contract action against several Goldman Sachs investment funds. With the hospital on the brink of default on its bond and debt covenants, Rockdale engaged in a bid process to find a buyer for the hospital. Rockdale selected as a purchaser a private entity known as Signature Hospital Corporation (“Signature”). Although Signature had very strong management, it was a relatively new entity without a track record or significant financial resources of its own from which it could complete the purchase. For this deal that had no financing contingency, Signature touted its financial backing by Goldman Sachs. Prior to voting on the proposed transaction and agreeing to submit it to the Attorney General of Georgia for approval, Rockdale insisted upon a commitment from Goldman Sachs that it would fund or cause to be provided the entire purchase price for the hospital. Goldman provided a funding commitment letter directly to Rockdale, the seller. After a hearing before the Attorney General but before the Attorney General issued its findings, Goldman Sachs told Rockdale that it was not going to fund or provide the entire purchase price because of instability in the financial markets that had made it unable to syndicate the funding as it had planned to do. Goldman Sachs’s repudiation of its commitment terminated the transaction. Rockdale ended up having to sell the hospital much later in time for much less consideration, resulting in damages of more than \$20 million. The district court denied the defendants’ motion to dismiss and discovery is nearing completion.

Co-counsel:

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Spell, Pless, Sauro, P.C.  
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404-892-2100

Opposing Counsel

Douglas H. Flaum  
Shahzeb Lari  
Fried Frank  
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212-859-8000

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.)

My most significant legal work includes the large cases I successfully have tried to juries, appeals I have briefed and argued that established significant points of law, cases in which I have been successful in counseling clients how to solve their problems without resorting to litigation or early in the litigation process, and pro bono cases, especially those in which I was appointed by the court to assist persons who otherwise would not have representation. It also includes my involvement in the legal community, such as serving on the Lawyers Advisory Committee of the Eleventh Circuit, a committee appointed by the Chief Judge to advise the Court on proposed changes to the Court's Rules; as the President of the Georgia Association for Women Lawyers; as the Chair of the State Bar's Appellate Practice Section; as the Chair of the Atlanta Bar's Judicial Selection and Tenure Committee, which reports to the Governor's Judicial Nominating Committee about potential judicial appointees; and as a delegate to the State Bar's Board of Governors.

I have not performed any lobbying activities for any clients or organizations.

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.

My law firm's partnership agreement specifies how compensation for partners leaving the firm will be determined. Should I be confirmed, this process would be followed and, subsequently, I would not be owed any additional compensation or benefits.

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

No.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My husband, Edward Krugman, is a partner in my current law firm. I would recuse myself from any of his cases. In addition, for at least some period of time, I would recuse myself from any cases being handled by my current law firm; however, I would continue to recuse myself from any cases in which my law firm had a financial interest in, or other interest that could be affected substantially by, the outcome of the case as long as my husband is a partner there. It is possible that potential conflicts of interest might arise with regard to cases involving my current or former clients. Specifically, my current clients LexisNexis Risk Solutions Inc. and LexisNexis Screening Solutions Inc. have litigation pending in the district courts of the Eleventh Circuit. I would not participate in those matters as a judge.

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

If confirmed, I would follow the Code of Conduct for United States Judges, as well as any other applicable ethical rules or statutes.

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.

In addition to my Bar organization and legal community involvement, which has supported the work of many organizations providing legal help to disadvantaged individuals or groups, I have listed below some of the pro bono activities in which I have been involved over the years:

I have been asked and have agreed to assist one of my partners, as a Special Assistant District Attorney for Cobb County, in a high profile criminal prosecution that will likely involve Georgia RICO claims if the case proceeds. I served as Special Assistant District Attorney General in Glynn County, Georgia, in prosecuting a criminal trial calendar at the request of a friend who was an Assistant District Attorney there.

I am currently representing a former client pro bono in an attempt to negotiate the resolution of a pending foreclosure action against her small business, which became delinquent on its lines of credit when a significant portion of its inventory got lost in U.S. Customs for several months during the peak sales season.

I advised and assisted Georgia Legal Services Program lawyers with the drafting of briefs and motions in an appeal in a collective action brought by farm workers working under H-2A visas who allege that they have been underpaid in violation of the Fair Labor Standards Act and in breach of their contracts with the employer.

I helped prepare Kenneth Starr to argue on behalf of the National Geographic Society before the Eleventh Circuit sitting en banc in *Greenberg v. National Geographic Society*, a copyright case.

I advised the United States Bankruptcy Chapter 13 Trustee for the Northern District of Georgia regarding briefing and oral argument in a case before the Eleventh Circuit Court of Appeals.

I assisted a neighborhood association with legal issues in connection with a proposed development on neighboring land.



I supervised an associate in my law firm who served as co-counsel in a challenge to the constitutionality of a local ordinance under which protestors were denied the opportunity to protest outside the Augusta National golf course during the Masters Tournament.

I prepared an amicus brief in the United States Supreme Court in a case in which a prisoner challenged the retroactive application of a regulation extending the time between parole reconsideration hearings for inmates serving life sentences.

I represented prisoners in a number of appeals on appointment by the Eleventh Circuit Court of Appeals. One case resulted in remand for an evidentiary hearing in United States District Court. After I won the panel decision in another case, I briefed and argued it before the Eleventh Circuit sitting en banc.

I served as a volunteer in the Domestic Violence Temporary Protective Order Project, sponsored by the Atlanta Volunteer Lawyers Foundation, the Georgia Association for Women Lawyers, and the Fulton County Solicitor's Victim Assistance Office.

**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.

I do not believe there is a selection commission for this position. I was asked by a local attorney about my interest in the position and then interviewed by a representative of the White House Counsel's Office on October 11, 2011. Since November 2, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 8, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On February 16, 2012, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, Jill Anne Pryor, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

02/17/2012  
(DATE)

  
(NAME)

Elizabeth P. Russell  
(NOTARY) 9-875

# BONDURANT MIXSON & ELMORE<sup>LLP</sup>

January 3, 2013

JILL A. PRYOR



The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on February 16, 2012 to be United States Circuit Judge for the Eleventh Circuit Court of Appeals. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

## **Q. 6. Employment**

### Other Affiliations (Uncompensated)

November 2012 – present  
American Institute of Appellate Practice  
c/o Litigation Counsel of America  
641 Lexington Avenue, 15th Floor  
New York, New York 10022  
Chair Elect

If confirmed, I will resign my position with the American Institute of Appellate Practice.

August 2012 – present  
Attorney at Law Magazine  
4647 North 32nd Street  
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Atlanta Edition Advisory Board

## **Q. 8. Honors and Awards**

I was included in The Best Lawyers in America for 2012 and 2013.

I was recognized by Chambers USA again in 2012.

Page 2  
January 3, 2013

**Q. 9. Bar Associations**

I became the Chair Elect of the Litigation Counsel of America's American Institute of Appellate Practice in November of 2012.

**Q. 12.d. Published Writings and Public Statements**

March 29, 2012 – Panel Discussion (moderator) on “Advanced Technologies That Will Change the Practice of Law Forever” for the Association of Corporate Counsel, Georgia Chapter's Value Challenge Event, Atlanta, Georgia. Outline supplied.

**Q. 17. Litigation**

(10) Summary judgment motions are currently pending in this case.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Very truly yours,



Jill A. Pryor

Enclosures

cc: The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

## Advanced Technologies That Will Change the Practice of Law Forever

### Intro

Last year at this event I moderated a breakout session on what drives the high costs of litigation. When I asked for the audience's thoughts on what the biggest cost-drivers are, almost in unison all of the corporate counsel answered, "Discovery." The amount of electronic information will only continue to increase, and without changes in the way cases are managed, the costs will continue to increase as well.

So what can be done about this?

While technology may have created this problem, it may also be able to help solve the problem.

There are new types of software being developed and used to not only reduce the amount of time discovery takes and the cost of it, but also improve the overall *quality* of discovery –meaning that it improves the chances of capturing all of the relevant, responsive documents with the smallest number of non-responsive ones.

As with any revolutionary technology, it requires that we re-think the way we've always done things. It inspires fear and skepticism. We think to ourselves, I don't understand how this works. Is it really better or even as good as the way we've always done document review & production? Will I get into trouble with the judge or opposing counsel for using it? Will my team be able to use it? How much does it cost, and will it really save me enough money to make the investment worthwhile?

Our goal today is to help you begin to answer some of these questions with the hope that you can then begin a dialogue, within your companies and with your outside counsel, about how this advanced technology could help you.

## **Introduction of panel**

Our panelists today represent three key players in the e-discovery arena: the expert consultant, the in-house lawyer/client and the outside counsel.

Our expert e-discovery consultant is Howard Sklar.

### **Howard Sklar, Recommind, Inc.**

Howard Sklar is Senior Corporate Counsel at Recommind, Inc. Howard represents Recommind to corporations and law firms. Prior to joining Recommind, Howard was Global Trade and Anti-Corruption Strategist at Hewlett-Packard Co., running HP's global anti-corruption compliance program and providing counsel on compliance with US sanctions laws. Before HP, Howard was Vice President, Compliance and Global Anti-Corruption Leader at American Express Co. Howard was the chief of compliance for three operating divisions at American Express comprising 22,000 employees in 40 countries. Howard is a member of the US Court of Appeals 7th Circuit eDiscovery Committee and is a participant in the Early Case Assessment and Education subcommittees. [Howard holds a Juris Doctor, *cum laude*, from the Washington College of Law at The American University and a BA in History from Tufts University.]

Representing the client's point of view is Skip Lockard.

### **Orlyn "Skip" Lockard, Siemens**

Skip Lockard is a Senior Counsel with Siemens Corporation based in Alpharetta, Georgia, and manages U.S. litigation for all divisions in the Siemens Industry Sector. His portfolio includes matters ranging from construction to product liability and complex commercial disputes. Prior to joining Siemens, Skip was a partner with Alston & Bird LLP in Atlanta, where he counseled Fortune 500 and other companies in the chemical, energy, mining, building product, and consumer product industries in complex litigation matters, including product liability, environmental, mass tort, and class action cases nationwide.

Our outside counsel representative is my partner Steven Rosenwasser.

Steven Rosenwasser represents both plaintiffs and defendants in business tort (breach of contract/fiduciary duty/partnership), fraud and antitrust matters. He is frequently called upon to represent individuals and classes in complex disputes at the trial court and appellate levels. His cases often involve vast amounts of electronic document discovery.

Steven has built a successful track record in the court room and as a negotiator. In 2008, along with colleagues from the firm, he obtained a \$281 million jury verdict against Turner Broadcasting System that was rated the No. 2 verdict in the United States by *LawyersUSA*. He has also successfully defended companies against multi-million dollar claims. Steven has been recognized as being “On The Rise” by the *Fulton County Daily Report*, a recognition given to only 12 attorneys in Georgia under the age of 40.

Steven is a frequent lecturer and author on business litigation topics including electronic discovery, effective trial techniques, and class actions.

## Questions

1. First we'll need to explain the technology we'll be talking about. Howard, what is it and how does it work? When is it used?
2. Skip, your company recently entered into a partnership with Howard's company, Recommind. Would you explain how the partnership works and the potential benefits of it for you as corporate counsel?
3. Steve, from the perspective of outside counsel, what do you see as some of the benefits this technology might possibly offer you or your firm? [Steve briefly discusses his background with handling large discovery cases, brief history of firm's investigation into PC, and potential benefits it offers litigators and law firms.]

Howard, do you have anything to add to what Skip and Steve said as far as the efficiencies this technology brings?

4. We will get to discovery, but one of the things I find intriguing about these products is their potential for use in early case assessment (ECA), before discovery even begins or pre-suit, for that matter. Let's say Skip's company is sued in a potentially large and complex antitrust case. He consults Howard on using the technology to evaluate the claims. Howard, what would you discuss with Skip?

Skip, what would you be concerned about at this point? [What is your assessment of the investment/return?]

[If not covered earlier: How did your company make the decision to partner with Recommind (cost vs. benefit)]?

5. Suppose Skip feels the claims are valid enough to retain outside counsel and retains Steve. The case proceeds and now we are preparing for discovery. Howard, would you explain how we move into the discovery process?

What are some ways that we can proactively seek to control or manage discovery by taking advantage of this technology? (Howard, Skip)

[If not covered --Who should do the first pass and how?]

6. Steve, what are some of your concerns about the use of this technology? Skip, do you have any concerns from your perspective?

Howard – response?

7. Do you need to get your opposing counsel's agreement to use PC to select your documents for production? What are your best arguments for getting opposing counsel to agree? (All)

If opposing counsel consents, do you also need the judge's approval?



What if opposing counsel does not consent? Do you go to the judge anyway?

How do you explain PC to a technology-challenged judge?

As you know, there has only been one court decision on the use of PC in discovery, and that is Magistrate Judge Peck's ruling in the *DaSilva* case. Howard, would you briefly explain what Judge Peck ruled?

Skip and Steve, what do you think other courts will do? What needs to happen to achieve wide spread approval for using PC?

What happens if the other side/judge doesn't consent in a given case? In our imaginary case, can Steve still use PC in any way on Skip's documents?

--Can use PC to suggest keywords to propose to other side/court.

[Going back to opposing counsel, what if opposing counsel wants to use its own PC software on Skip's original universe of documents? Howard, have you ever seen that happen? ]

8. Let's assume the judge approves, opposing counsel is on board and PC is used correctly, is there still a need to lay eyes on every document? Steve? [If so, what are you worried about missing?]

9. If PC does what it is supposed to do, how much money can it potentially save? Does it eliminate the need for outsourcing/contract reviewers? (All)

10. Who should foot the bill for PC in a standard hourly fee arrangement between the client and outside counsel? (All)

11. Will Skip force outside firms to use PC technology? Will he switch firms if they won't? (Skip)

12. Are there litigation situations where PC won't work or is impractical? Can a case be too small? (Howard, then others)

13. Howard, how do you answer potential client or firms who don't want to be the first to use this? I assume most clients will not want to be the test case. How do you achieve a proof of concept?

14. Howard, what are some of the more unusual uses of the technology that you have seen?

15. Would you want to face an opponent who is using PC when you are not?

### **Audience questions/comments**