

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Susan Owens Hickey (maiden name: Susan Bronwyn Owens)

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

United States District Judge for the Western District of Arkansas

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.

Union County Courthouse, Room 203  
101 North Washington Avenue  
El Dorado, Arkansas 71730

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

1955; Dallas, Texas

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

1978 – 1980, University of Arkansas School of Law; J.D., 1981  
1977, University of Arkansas, Graduate School of Education; no degree received  
1973 – 1977, University of Arkansas, Fulbright College of Arts and Science; B.A., 1977

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.

2010 – Present  
State of Arkansas  
Union County Courthouse, Room 203  
101 North Washington Avenue  
El Dorado, Arkansas 71730  
Circuit Judge, Thirteenth Judicial Circuit

2003 – 2010  
United States District Court  
United States Post Office and Courthouse  
101 South Jackson Avenue, Suite 219  
El Dorado, Arkansas 71730  
Senior Law Clerk (Career)

Spring 1998  
United States District Court  
United States Post Office and Courthouse  
101 South Jackson Avenue, Suite 219  
El Dorado, Arkansas 71730  
Law Clerk (Temporary)

Summer 1997  
United States District Court  
United States Post Office and Courthouse  
101 South Jackson Avenue, Suite 219  
El Dorado, Arkansas 71730  
Law Clerk (Temporary)

1987 – 1989  
S&K Construction Company, Inc.  
El Dorado, Arkansas 71730  
Shareholder

1981 – 1984  
Murphy Oil Corporation  
200 Peach Street  
El Dorado, Arkansas 71730  
Staff Attorney

Spring 1981  
Brown, Compton & Prewett, Ltd.  
423 North Washington Avenue  
El Dorado, Arkansas 71730  
Attorney (for one trial)

Summer 1978  
University of Arkansas School of Law Library  
1045 West Maple Street  
Fayetteville, Arkansas 72701  
Work Study

January 1978  
United Federal Savings Bank  
Springdale, Arkansas 72764  
Teller

Other Affiliations (uncompensated)

2000 – 2010  
The Majick Foundation  
423 North Washington  
El Dorado, Arkansas 71730  
Director

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 was not required to register for selective service.

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

Valedictorian Scholarship to the University of Arkansas  
American Jurisprudence Award, Torts  
American Jurisprudence Award, Civil Procedure II  
Invited to join the Arkansas Law Review

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.

Arkansas Bar Association  
Union County Bar Association

**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.

Arkansas, 1981. There have been no lapses in membership.

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

Arkansas Supreme Court, 1981  
United States District Court for the Western District of Arkansas, 1981  
United States District Court for the Eastern District of Arkansas, 1981

There have been no lapses in membership.

**11. Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Alpha Delta Pi Sorority (1975 – Present)  
El Dorado Golf & Country Club (1980 – 2011)  
El Dorado Racquet Club (2003 – Present)  
El Dorado Service League (1985 – 1992)  
    Secretary (1990)  
    Ways and Means Chairman (1991)  
Equestrian Order of the Holy Sepulchre of Jerusalem (2004 – Present)  
    Southwestern Lieutenancy of the United States  
Holy Redeemer Catholic Church  
    Parish Council (2002 – 2005)  
        Secretary (2003)  
        President (2004)  
        Secretary (2005)  
    Development and Building Committee (1999 – 2003)  
Interfaith Help Services (2001 – 2003)  
The Majick Foundation  
    Director (2000 – 2010)

Parent Teacher Organization, Holy Redeemer Catholic School (1991 – 2005)  
Executive Board (2000)

Parent Teacher Organization, Subiaco Academy (2000 – 2007)

Tribunal of the Diocese of Little Rock, Advocate (2010 – Present)

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

While in college at the University of Arkansas, I joined the Delta Delta Chapter of Alpha Delta Pi Sorority, an all female group. Since graduation, I have not been active in the sorority or its alumni group.

The El Dorado Golf & Country Club was formed in 1925. It may have had a practice of discrimination at that time. Since the time my husband's law firm purchased a membership for his use in 1980 (prior to our marriage), there has been no policy or practice of discrimination.

The other organizations listed do not, and have not, discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

## **12. Published Writings and Public Statements:**

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

None.

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

None.

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

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

September 30, 2010: Investiture remarks. Copy supplied.

May 6, 2010: Law Day Remarks, 9th Grade Pre-AP Government Class, El Dorado High School. Outline supplied.

- 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.

None.

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.

On September 16, 2010, I was appointed by Arkansas Governor Mike Beebe to fill the position of Circuit Judge for the Thirteenth Judicial Circuit for the State of Arkansas to fill the unexpired term of Judge Carol Crafton Anthony, who died in office. I was sworn in on September 30, 2010 at which time I assumed the duties of the office. The Circuit Court has jurisdiction over civil, criminal, juvenile, domestic relations and probate matters in the six County area that comprises the Thirteenth Judicial Circuit in Arkansas. The six Counties are Union, Columbia, Ouachita, Calhoun, Dallas and Cleveland. I presently preside over criminal cases in Union, Ouachita, Dallas and Calhoun Counties, Drug Court in Union County, civil cases in Union and Columbia Counties, domestic relations cases in Calhoun and Cleveland Counties, probate cases in Calhoun County, and juvenile cases in Calhoun County.

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

The majority of my docket involves criminal felony cases. Since October 2010, I have presided over approximately 172 criminal cases in which I entered a judgment as a result of a guilty plea by the defendant or a plea agreement between the State and the defendant. I also presided over two criminal bench trials that have gone to judgment.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%
civil proceedings:	0%
criminal proceedings:	100%

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

I have not authored any opinions.

- 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).

During my time on the bench, I have presided over two cases that I regard as significant:

1. *State of Arkansas v. Walters*, Criminal No. CR-2010-209-4, Circuit Court of Union County, Arkansas.

This was an appeal from Union County District Court in which the defendant was found guilty of speeding and driving while intoxicated. After a bench trial, the Court found the defendant not guilty of the charge of driving while intoxicated. The defendant was found guilty of the charge of speeding and ordered to pay a fine of Seventy-Five Dollars (\$75.00).

The attorneys involved in this case were Deputy Prosecuting Attorneys Carla Gibson and Jeffrey Rogers, Suite 114, 307 American Road, El Dorado, Arkansas 71730, (870) 864-1960; Ronald L. Griggs, 431 North Washington Avenue, El Dorado, Arkansas 71730, (870) 862-5187.

2. *State of Arkansas v. Dhillion*, Criminal No. CR-2010-394-4, Circuit Court of Union County, Arkansas

This was an appeal from Union County District Court in which the defendant was found guilty of speeding. After a bench trial, the Court found the defendant guilty of the charge of speeding and ordered him to pay a fine of Fifty Dollars (\$50.00).

The attorneys involved in this case were Deputy Prosecuting Attorneys Carla Gibson and Jeffrey Rogers, Suite 114, 307 American Road, El Dorado, Arkansas 71730, (870) 864-1960; James B. Bennett, 621 North Washington Avenue, El Dorado, Arkansas 71730, (870) 862-2321.

- 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.

I have not authored any opinions.

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

None.

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

None.

- 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.

None.

- 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.

None.

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



None.

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

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

I endeavor to follow Canon 2 of the Arkansas Code of Judicial Conduct, and in particular Rule 2.7 (Responsibility to Decide) and Rule 2.11 (Disqualification).

No one has suggested that I recuse in any case.

I automatically recuse from all cases in which my husband, my husband's brother or a member of my husband's law firm is the attorney of record. I automatically recuse from all cases in which BancorpSouth is a party due to the fact that my husband is a member of BancorpSouth's Advisory Board. I also review all cases before me to determine if there exists any conflict or potential conflict in which recusal from the case would be appropriate. As a result of such review, I have recused sua sponte in two cases. In the first case the victim was the daughter of a sitting Judge within the Thirteenth Judicial Circuit. The second case involved a criminal defendant who was the stepson of my stock broker.

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 any public offices.

I have never been a candidate for an elected office or a nominee for an appointed office.

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

I have not had any memberships or held any offices in any political party or election committee. In the 1980's, I volunteered in the local campaign office of Senator David Pryor. Since my employment with the Federal Court system, I have not held a position or played a role in any political campaigns.

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 Judge Harry F. Barnes in the United States District Court for the Western District of Arkansas for the following periods of time:

2003 – 2010, Senior Law Clerk (Career)  
Spring 1998, Temporary Law Clerk  
Summer 1997, Temporary Law Clerk

- 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.

1981  
Brown, Compton & Prewett, Ltd.  
423 North Washington Avenue  
El Dorado, Arkansas 71730  
Attorney (for one trial)

1981 – 1984  
Murphy Oil Corporation  
200 Peach Street  
El Dorado, Arkansas 71730  
Staff Attorney

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

I have not served as a mediator or arbitrator.

b. Describe:

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

In April 1981, I worked for the law firm of Brown, Compton & Prewett. I worked on the pretrial preparation and trial of a personal injury case which the firm was defending.

From 1981 to 1984, I worked for Murphy Oil Corporation as a staff attorney. I worked primarily with natural gas, securities and corporate law.

In 1997 and 1998, I worked as a Temporary Law Clerk for Judge Harry F. Barnes. I performed research and wrote Memorandum Opinions on matters assigned to me.

From 2003 to September 30, 2010, I served as Senior Law Clerk for Judge Harry F. Barnes. As such, I was involved in every aspect of each case before the Court, including, but not limited to pretrial motions, discovery disputes, summary judgment motions, evidentiary rulings during the trial, jury instructions, post trial motions, criminal changes of plea and sentencing.

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

During my service at Murphy Oil Corporation, my clients were the various departments within the company. However, my primary emphasis was on securities law.

As a Law Clerk, I had no clients.

- 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.

When I worked for Murphy Oil Corporation all litigated matters were handled by outside counsel. Therefore, I did not personally handle any litigated matters or appear in Court for the company.

As a Senior Law Clerk, I handled or oversaw all cases before the Court. The majority of the cases filed were resolved through settlement or summary judgment. Less than 20% of the cases filed went to trial.

- i. Indicate the percentage of your practice in:

- |                             |      |
|-----------------------------|------|
| 1. federal courts:          | 100% |
| 2. state courts of record:  | ___% |
| 3. other courts:            | ___% |
| 4. administrative agencies: | ___% |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 80% |
| 2. criminal proceedings: | 20% |

- 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.

As stated above, Murphy Oil Corporation hired outside counsel for all litigation matter. Therefore, I tried no cases for Murphy Oil Corporation. As a Law Clerk in a Federal District Court, I tried no cases as an attorney for one of the parties.

- i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | ___% |
| 2. non-jury: | ___% |

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

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

I worked as a staff attorney for Murphy Oil Corporation from 1981 to 1984. The job of in-house counsel was to avoid involving the company in litigation. However, there was one significant litigated matter on which I worked while at the company. This case involved the company's claim regarding its seized assets in Iran. *Murphy Middle East Oil Company v. National Iranian Oil Company*, Iran-United States Claims Tribunal at The Hague, the Netherlands, 1981 – 1986.

In the mid 1960's, Murphy Middle East Oil Company, a subsidiary of Murphy Oil Corporation, participated in a joint venture with Atlantic Richfield, Sun Oil Company, Union Oil of California and the National Iranian Oil Company in forming Lavan Petroleum Company (LAPCO). After its formation, LAPCO developed portions of the Sassan Field off the coast of Iran. In 1979, during the Iranian Revolution, the Shah of Iran and his government were overthrown and the property owned by foreign nationals was seized, including Murphy's interests in the Sassan Field. In 1981, an international arbitral, the Iran-United States Claims Tribunal, was established at The Hague in the Netherlands. The purpose of this tribunal was to resolve the claims of United States nationals for compensation for assets seized by the Iranian government during the Iranian Revolution. I worked on the discovery and production of documents necessary to submit the company's claim for compensation to the tribunal. These compiled documents were attached to the company's compensation claim submitted to the Claims Tribunal at The Hague. Thereafter, in November 1986, Murphy Oil Corporation was awarded \$36 million dollars in payment for its former interest in the Sassan Field.

Local attorney for the Claimant: H. Y. Rowe (now deceased), General Attorney, Murphy Oil Corporation, 200 Peach Street, El Dorado, Arkansas 71730, (870) 862-6411. International attorney for the Claimant: David Mackey, QC, Allen & Overy, LLP, One Bishops Square, London, E1 6AD, United Kingdom.

Prior to working for Murphy Oil Corporation, I worked on the pretrial preparation and the trial of a personal injury case that was being tried for a second time in the

United States District Court for the Western District of Arkansas, El Dorado Division, Honorable Oren Harris, presiding. *Rodgers v. Lion Oil Co.*, 1:79-CV-1038, *rev'd sub nom. Ouachita Nat'l Bank, Curator of the Estate of Rodgers v. Tosco Corp.*, 686 F.2d 1291 (8th Cir. 1982); *aff'd in part and rev'd in part on reh'g*, 716 F.2d 485 (8th Cir. 1983) (en banc).

The matter was originally filed in May 1979 by Plaintiff Rodgers and his wife against Defendant Lion Oil, the predecessor of Tosco Corporation. In their Complaint, Plaintiffs asserted claims for personal injuries from an automobile accident between Mr. Rodgers' log truck and a vehicle driven by an employee of Lion Oil. The matter was tried to a jury in April 1980 resulting in a verdict for the Plaintiffs for approximately \$3.8 million dollars. The Defendant filed post trial motions seeking relief from the verdict pursuant to Federal Rules of Civil Procedure 60(b), 59 and 50(b). On August 22, 1980, the Court ordered remittitur of the total damages to approximately \$1.5 million, or, in the alternative, a new trial. Plaintiffs elected to proceed with a new trial. Prior to the second trial, I was hired by the law firm representing the defendant. It was my job to index and/or summarize all testimony and evidence from the first trial and to organize all new evidence to be presented at the second trial. At trial, I provided this information to lead counsel for use during his cross and direct examination of witnesses. On April 20, 1981, the second trial of this matter began. On April 29, 1981, the jury returned a verdict in favor of the Defendant and Plaintiffs' Complaint was dismissed with prejudice. Plaintiffs appealed to the Court of Appeals for the Eighth Circuit. In a rehearing en banc, the Eighth Circuit reversed the District Court's remittitur of Mr. Rodgers' damage award and affirmed the Court's judgment with respect to Mrs. Rodgers. Thereafter, the matter was remanded to the District Court and was settled by the parties.

Counsel for the Plaintiffs were: Bernard P. Whetstone (now deceased), Whetstone and Whetstone, 400 Tower Building, Little Rock, Arkansas 72701, (501) 376-3564; Bernard Bud Whetstone, Whetstone and Whetstone, 400 Tower Building, Little Rock, Arkansas 72701, (501) 376-3564. Counsel for the Defendant: Robert C. Compton (now deceased), Brown, Compton and Prewett, Ltd., 423 North Washington Avenue, El Dorado, Arkansas 71730, (870) 862-3478.

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

I have never been a lobbyist.

One of the most significant legal activities during my tenure at Murphy Oil Corporation was my work on Murphy Oil Corporation's reorganization as a holding company in 1983 and the creation of Murphy Oil USA, Inc., to oversee the company's domestic oil interests. Jerry W. Watkins, Murphy's General Counsel, was the lead attorney in the reorganization. I assisted him by working on and reviewing corporate documents and the various forms to be filed with the appropriate state and federal agencies.

As a Career Law Clerk for the Honorable Harry F. Barnes, I was involved in every aspect of all cases before the Court, from each case's initial filing to its final disposition. These activities included, but were not limited to, working on, overseeing and recommending to the Judge the disposition of all pre-trial motions, discovery disputes, dispositive motions (such as motions to dismiss and motions for summary judgment) and post-trial motions. This involved extensive research of the law and required knowledge of the Federal Rules of Civil and Criminal Procedure, as well as the Court's Local Rules and Administrative Policies and Procedures. I then drafted a Memorandum Opinion and Order which was presented to the Judge and filed after final approval. If there were complicated issues and I deemed that a hearing was necessary, I would confer with the Judge and inform the Court of the issues that needed additional argument by the parties in order for a ruling to be rendered. I attended the hearing and reviewed with the Judge the arguments made by each party. Thereafter, I drafted a Memorandum Opinion and Order for the Court's final approval and filing.

Once a case proceeded to trial, any Motions in Limine and Objections to Pre-trial Disclosure Sheets were researched, summarized and discussed with the Judge in order for the Court to issue a ruling prior to trial. I attended the entire trial starting with the pre-trial conferences, jury selection and Voir Dire.

During trial I researched any motion and/or objection made by the parties and briefed the Judge on the appropriate law to apply. There are many challenges that arise over the course of a trial. It was my responsibility to anticipate these challenges and to react quickly and to accurately recommend to the Judge an appropriate and correct ruling.

In jury trials, the parties submit jury instructions and proposed verdict forms for the Court's consideration at the beginning of a trial. Over the course of that trial, the Court issues rulings on motions and any objections made by the parties, and these rulings can affect the final instructions the Court issues to the jury. As the circumstances dictated during the progress of the trial, it was my duty to advise the Judge and draft the appropriate instructions for the Court to issue in light of the rulings and evidence presented at trial. From time to time, questions would arise during jury deliberations. In such a case, I was responsible for advising the Judge as to the applicable law.

I also assisted the Judge in criminal proceedings, including but not limited to, trials, change of plea hearings and sentencing hearings. Some criminal cases involve complicated plea agreements and Pre-Sentence Investigation Reports. Issues arose that required research and I would brief the Judge and make recommendations regarding the appropriate law to apply. An example is the United States Sentencing Guideline

Retroactive Crack Amendment. In these cases, I researched and formulated a plan to identify all cases in which the amendment might apply. Once the cases were identified, counsel was appointed, addendums to Pre-Sentence Investigation Reports were ordered and the Judge was briefed as to whether or not the Defendant was eligible to receive a reduced sentence. In cases where the Defendant was deemed eligible, an Amended Judgment and Commitment Order was entered granting the appropriate relief.

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.

I have no deferred income or future benefits arrangements from any previous relationships. In my job with the Federal District Court, I was a participant in the Federal Retirement System and have an interest in my Federal Thrift Savings Plan. If confirmed, the funds will stay in the Plan. In my current job, I am a participant in the Arkansas Public Employees Retirement System. If confirmed, the funds I contributed to the System will be withdrawn, and I will have no interest in the System.

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

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

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

See attached Financial Disclosure Report.

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



See attached Net Worth Statement.

**24. Potential Conflicts of Interest:**

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

I will carefully review and address any real or potential conflicts in accordance with the Code of Conduct for United States Judges, as well as all applicable policies and procedures of the United States Courts. This includes cases involving my family, cases where my husband's law firm is counsel of record, companies in which I or my mutual funds own stock or with which I have an ongoing business relationship.

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

I would resolve any potential conflict of interest in accordance with the provisions of 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all applicable policies and procedures of the United States Courts.

- 25. Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have done volunteer work for various charitable organizations. Two organizations for which I have done volunteer work are El Dorado Service League and Interfaith Health Services.

El Dorado Service League provides help and assistance to underprivileged/disadvantaged children in Union County. My work with this organization included tutoring students in the public schools, registering individuals and families for Salvation Army's food basket distribution and Angel Tree program, working at the Bozeman Park camp, a two week summer day camp for mentally and/or physically disabled children and working on Bargain Bonanza, a clothing/rummage resale, which provided inexpensive clothing for individuals.

Interfaith Help Services provides food and financial assistance for individuals in need. My work with this organization involved interviewing individual clients, assessing their needs and helping provide needed assistance and/or referring them to other organizations.

**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.

There is no selection commission in Arkansas for vacancies on the Federal Bench. On December 2, 2008, I wrote Senator Blanche Lincoln and Senator Mark Pryor indicating my interest in the position of United States District Judge in the Western District of Arkansas upon Judge Harry F. Barnes taking Senior Status. That same week, I met with Senator Mark Pryor in Little Rock regarding the position. I filled out a Questionnaire sent by Senator Lincoln. On December 29, 2008, I interviewed with Senator Blanche Lincoln in Little Rock. On March 12, 2009, Senator Lincoln and Senator Pryor each called and told me that they were recommending me and others to the President for consideration. On February 15, 2010, I received a call from an attorney in the Department of Justice. He wanted to set up an interview with me in regards to the position. On February 22, 2010, I interviewed with attorneys from the White House Counsel's office and the Department of Justice in Washington D.C. On September 14, 2010, I was contacted by Senator Blanche Lincoln and also by Senator Mark Pryor's staff and told that the White House was sending my name to the Department of Justice for further evaluation. Thereafter, I was contacted by pre-nomination officials at the Department of Justice. On October 15, 2010, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On April 6, 2011, 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, Susan Owens Hickey, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

4/5/11

(DATE)

Susan Owens Hickey

(NAME)

Connie S. Ballard

(NOTARY)

