

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Michael Jay Newman

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

United States District Judge for the Southern District of Ohio

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.

Office: Walter H. Rice Federal Building & U.S. Courthouse  
200 West Second Street, Room 505  
Dayton, Ohio 45402

Home: Dayton, Ohio

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

1960; Somerville, New Jersey

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.

Summer 2004, Harvard Law School; Certificate in Advanced Mediation, 2004

1987 – 1989, American University Washington College of Law; J.D., *cum laude*, 1989

1985 – 1986, Rutgers Law School-Newark; no degree

1979 – 1982, New York University; B.F.A., 1982

1978 – 1979, Emory University; no degree

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2011 – present

United States District Court for the Southern District of Ohio  
Walter H. Rice Federal Building & U.S. Courthouse  
200 West Second Street, Room 505  
Dayton, Ohio 45402  
United States Magistrate Judge

2017 – present; 1997

University of Dayton School of Law  
300 College Park Drive  
Dayton, Ohio 45469  
Adjunct Professor

2003 – 2011

Dinsmore & Shohl LLP  
225 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
Partner (2007 – 2011)  
Associate (2003 – 2006)

1999 – 2003

United States District Court for the Southern District of Ohio  
Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, Ohio 45202  
Law Clerk to the Honorable Jack Sherman, Jr.

1991 – 2002

Salmon P. Chase College of Law at Northern Kentucky University  
Nunn Drive  
Highland Heights, Kentucky 41099  
Adjunct Professor of Law

1998 – 1999

United States Court of Appeals for the Sixth Circuit  
Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, Ohio 45202

Law Clerk to the Honorable Nathaniel R. Jones

1989 – 1998

United States District Court for the Southern District of Ohio

Potter Stewart U.S. Courthouse

100 East Fifth Street

Cincinnati, Ohio 45202

Law Clerk to the Honorable Jack Sherman, Jr.

1996 – 1998

University of Cincinnati College of Law

540 Clifton Avenue

Cincinnati, Ohio 45221

Adjunct Professor of Law

1988 – 1989

Manville Personal Injury Settlement Trust

1825 I Street, N.W.

Washington, D.C. 20006

Student Law Clerk

1987 – 1988

Freeman & Richardson

Air Rights Building

Montgomery Avenue

Bethesda, Maryland 20814

Student Law Clerk

1987

Donovan & Nash

8750 Georgia Avenue

Silver Spring, Maryland 20911

Student Law Clerk

1986 – 1987

Washington Legal Foundation

1705 N Street, N.W.

Washington, D.C. 20036

Student Law Clerk

1986

Hayt, Hayt & Landau

Executive Boulevard

Rockville, Maryland 20852

Student Law Clerk

1986  
Justin, Gast & Kuhn  
85 Bayard Street  
New Brunswick, New Jersey 08903  
Student Law Clerk

1985  
Radio Corporation of America  
Princeton-Hightstown Road  
East Windsor, New Jersey 08520  
Entry-level manufacturing clerk

1982 – 1985  
Self-employed  
77 Meadow Drive  
Hightstown, New Jersey 08520 (as I recall June 1982 - July 1983; September 1984 -  
February 1985);  
and  
630 Westbourne Drive  
Los Angeles, California 90069 (as I recall August 1983 - August 1984)  
Screenwriter and Filmmaker

Other Affiliations (uncompensated):

2019 – present; 2012 – 2018  
Cincinnati Public Radio, Inc. (also known as WGUC, WMUB, and WVXU radio)  
1223 Central Parkway  
Cincinnati, Ohio 45214  
Member, Board of Directors

2017 – present  
Greater Dayton Volunteer Lawyers Project  
109 North Main Street  
Dayton, Ohio 45402  
Member, Board of Directors

2014 – present  
Law and Leadership Institute  
1700 Lake Shore Drive  
Columbus, Ohio 43204  
Member, Board of Directors

2011 – present  
Federal Bar Association, Dayton Chapter  
200 West Second Street, Suite 505  
Dayton, Ohio 45402

Member, Board of Directors (2011 – Present)  
Executive Committee (2011 – 2015)  
Chapter President (2013 – 2014)

2010 – 2017  
Federal Bar Association  
1220 North Filmore Street, Suite 444  
Arlington, Virginia 22201  
Member, Board of Directors (2010 – 2017)  
National President (2016 – 2017)

2008 – 2012  
Cincinnati Bar Association  
225 East Sixth Street  
Cincinnati, Ohio 45202  
Member, Board of Directors (2008 – 2012)  
Board secretary (2010 – 2011)

2000 – 2006  
Federal Bar Association, Cincinnati/Northern Kentucky-John W. Peck Chapter  
P.O. Box 1191  
Cincinnati, Ohio 45202  
Member, Board of Directors (2000 – 2006)  
Chapter President (2004 – 2005)

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 registered for the selective service upon turning 18.

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

Washington University School of Law – Certificate of Appreciation for Service (2019).

United States District Court for the Southern District of Ohio – named Chair of the Southern District's civics education committee (2018).

Ohio State Bar Foundation – named Fellow (2018).

Federal Bar Association – named Judicial Ambassador for Civics Education (2017).

American Bar Foundation – named Fellow (2017).

United States Court of Appeals for the Sixth Circuit – named Co-Chair of the Sixth Circuit’s newly created civics education initiative, Connections: You, Your Courts, Your Democracy (2017).

Cincinnati/Northern Kentucky John W. Peck Chapter of the Federal Bar Association – Outstanding Service Recognition (2016).

Federal Bar Association Foundation – named Fellow (2015).

Federal Magistrate Judges Association – Valuable and Dedicated Service Recognition (2014).

Dayton Chapter of the Federal Bar Association – Service and Leadership Recognition (2014).

Federal Bar Association – President’s Award (2014).

Dayton Bar Association Foundation – named Fellow (2014).

Summer Work Experience in Law – Significant Commitment Recognition (2013).

Ohio State Bar Association – Certificate of Appreciation for Service (2012).

Dayton Bar Association – Certificate of Appreciation for Service (2012).

Federal Bar Association – Boots Fisher National Public Service Award (2010).

*Super Lawyers* – “Ohio Super Lawyer” (2009, 2010, 2011).

*Super Lawyers Corporate Counsel Edition* – “Super Lawyer” (2009, 2010).

*Best Lawyers* -- “Best Lawyers in American in Labor & Employment Law” (2009, 2010, 2011).

*Best Lawyers* – “Best Lawyers in Southwest Ohio” (2009, 2010).

Federal Bar Association – Outstanding Service and Recognition Award for Leadership (2007).

*Cincy Business Magazine* (now *Cincy Magazine*) – “Leading Lawyer” (2006 – 2011).

Black Lawyers Association of Cincinnati – Significant Commitment Recognition (2004).

United States District Court for the Southern District of Ohio, Special Service Award (1999).

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 Bar Association (2003 – 2006; 2008 – present)

Black Lawyers Association of Cincinnati/Cincinnati Bar Association Roundtable (early 1990s)

Cincinnati Bar Association (2001 – 2013; 2015 – 2017)

Board Secretary (2010 – 2011)

Master, CBA's Potter Stewart Inn of Court (2010 as I recall)

Member, Board of Directors (2008 – 2012)

Dayton Bar Association (2011 – present)

Co-Chair, DBA Bench-Bar Media Forum (2015 – present)

Chair, Federal Practice Committee (2015 – 2016)

Co-Chair, 20th Annual Bench-Bar Conference (2012)

Master, DBA's Carl D. Kessler Inn of Court (2011 - present)

Federal Bar Association (1993 – present)

Judicial Ambassador for Civics Education (2017 – 2019)

National Chair, Judiciary Division (2017 – present)

National President (2016 – 2017)

President-Elect (2015 – 2016)

Treasurer (2014 – 2015)

Editor-in-Charge of the May/June Edition of *The Federal Lawyer – Magistrate Judges in the Federal Courts: A Special Issue*, FED. LAW., May/June 2014.

Member, Board of Directors (2010 – 2017)

Vice President for the Sixth Circuit (2006 – 2010)

Co-Chair, Professional Ethics Committee (2004 – 2005)

Member, *The Federal Lawyer Magazine* Editorial Board (2003 – 2018)

Judicial Profiles Editor, *The Federal Lawyer Magazine* (2003 – 2015)

Federal Bar Association, Dayton Chapter (2011 – present)

Member, Board of Directors (2011 – present)

Chapter President (2013 – 2014)

Member, Executive Committee (2011 – 2015)

Federal Bar Association, Cincinnati/Northern Kentucky John W. Peck Chapter (1993 – 2011).

Chapter President (2004 – 2005)

Member, Board of Directors (2000 – 2006)

Federal Magistrate Judges Association

At-Large Editor, FEDERAL COURT LAW REVIEW (2011 – present)  
Member, FEDERAL COURT LAW REVIEW Editorial Board (2011 – present)  
Sixth Circuit Representative, FEDERAL COURT LAW REVIEW (2011 – present)

Ohio State Bar Association

Chair, Federal Courts & Practice Committee (2010 – 2012)  
Chair, Sixth Biennial Federal Bench-Bar Conference (2011)  
Member, Planning Committee for the Fifth, Sixth, Seventh, and Eighth Biennial Bench-Bar Conferences (2009, 2011, 2013, and 2019)

Ohio Women's Bar Association (2013 – present)

United States District Court for the Southern District of Ohio

Member, United States Magistrate Judge Merit Selection Panel (2009)

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.

Ohio, 1989

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.

Supreme Court of the United States, 2006  
United States Court of Appeals for the Third Circuit, 2009  
United States Court of Appeals for the Fifth Circuit, 2010  
United States Court of Appeals for the Sixth Circuit, 1993  
United States District Court for the Northern District of Ohio, 2003  
United States District Court for the Southern District of Ohio, 1989  
United States District Court for the Western District of Pennsylvania, 1990

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.

Big Brothers Big Sisters Association of Cincinnati (mid-1990s)

Big Brother (mid-1990s)

Member, Board of Directors (mid-1990s)

Federalist Society (2008 – present)

Friends of the Cincinnati Pops Orchestra (2005 – 2011)

Chair (one-year term in approximately 2007 – 2009)

Lawyers Club of Dayton (2016 – present)

Greater Dayton Area Diversity & Inclusion Roundtable (now associated with the Dayton Bar Association) (2018 – present)

Founding Member (2018)

Member, Executive Committee (2018 – present)

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

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

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

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

*Sua Sponte: A Judge Comments*, Litigation, Summer 2018. Copy supplied.

With Matthew C. Moscella, *The Benefits and Operations of Federal Reentry Courts*, Fed. Law. 26, Dec. 2017. Copy supplied.

*Civics and Service to Others National Initiative*, Fed. Law. 3, Sept. 2017. Copy supplied.

*Welcome to Atlanta, New FBA Initiatives, Civics and Service to Others, and Thank You*, Fed. Law, 3, Aug. 2017. Copy supplied.

*Civics Update, Labor & Employment Law, Mentoring, and FBA Leadership*, Fed. Law, 3, July 2017. Copy supplied.

*Federal Litigation Section; Promoting Civics and Service to Others; Creation of the FBA's Access to Justice Task Force; Civics Success in New York, South Carolina, and Throughout the United States; and the FBA's Multiple Efforts to Assist Veterans*, Fed. Law, 3, June 2017. Copy supplied.

*Immigration Law; Court Camps and Teachers Institutes; Continuing Civics Success; and My Good Friend, Richard Dellinger*, Fed. Law, 3, May 2017. Copy supplied.

*Indian Law, Success of the FBA's National Civics Initiative, and Hawaii*, Fed. Law, 3, Apr. 2017. Copy supplied.

*Military Veterans, Judicial Learning Centers, Civics and SOLACE, and April's National Community Outreach Project*, Fed. Law, 3, Mar. 2017. Copy supplied.

*The Importance of Diversity and Inclusion; An Update: Civics and Service to Others; Peter McCabe's Magistrate Judge White Paper; and Renewing our Commitment to Professionalism*, Fed. Law, 3, Jan./Feb. 2017. Copy supplied.

*Introduction to The 2015 Gilvary Symposium: Recent Trends in Research and Sentencing in Child Pornography Cases*, 41 U. Dayton L. Rev. 377, Fall 2016. Copy supplied.

*The Importance of Mentoring*, Fed. Law, 3, Dec. 2016. Copy supplied.

With Gustavo A. Gelpi, Jr., *Introduction to Peter G. McCabe, A Guide to the Federal Magistrate Judges System*, Oct. 2016. Copy supplied.

*Civics and Service to Others*, Fed. Law, 3, Oct./Nov. 2016. Copy supplied.

*U.S. District Court in Dayton Creates an Access-to-Justice Program to Assist Pro Se Litigants in Civil Cases*, Dayton Bar Ass'n Bar Briefs 20, Apr. 2016. Copy supplied.

*A Federal Judge Reflects on Reentry Court*, Fed. Law, 40, Dec. 2015. Copy supplied.

*Introduction to Peter G. McCabe, A Guide to the Federal Magistrate Judges System*, Aug. 2014. Copy supplied.

*FJA-FBA Essay Contest: What a Fair and Impartial Federal Judiciary Means to Me and to the United States*, Fed. Law., July 2014, at 24.

*Magistrate Judges in the Federal Courts*, Fed. Law. 33, May/June 2014. Copy supplied.

With James W. Satola, *Special Profile: Thank You, William K. Suter, 19th Clerk of Court, U.S. Supreme Court*, Fed. Law. 48, Sept. 2013. Copy supplied.

With Faith Isenhath, *The ABCs of Employment Law*, For Def. 36, June 2011. Copy supplied.

*Mistakes to Avoid in Appellate Brief Writing*, For Def. 74, Mar. 2011. Copy supplied.

With Faith Isenhath, *Effective Negotiation Practices and Strategies*, Fed. Law. 16, Feb. 2011. Copy supplied.

With Faith Isenhath, *Supreme Court Employment Cases*, Fed. Law. 18, Jan. 2011. Copy supplied.

With Faith Isenhath, *Appearance: A New Protected Class Under Title VII?*, Fed. Law. 16, Nov./Dec. 2010. Copy supplied.

With Faith Isenhath, *Lewis v. City of Chicago: The Expansion of Disparate Impact Claims*, Fed. Law. 12, Oct. 2010. Copy supplied.

With Faith Isenhath, *Redefining 'Sons' and 'Daughters' Under the Family and Medical Leave Act: In Loco Parentis*, Fed. Law. 14, Sept. 2010. Copy supplied.

With Faith Isenhath, *The Sounds of Silence: Reflections on the Supreme Court's Stolt-Nielsen Decision*, Fed. Law. 16, Aug. 2010. Copy supplied.

With Trevor Gillette, *The 'Cat's Paw' Theory of Employment Discrimination Liability*, In-House Def. Q. 48, Summer 2010. Copy supplied.

With Faith Isenhath, *The Supreme Court 'Some Success on the Merits' is Enough Under ERISA*, Fed. Law. 22, July 2010. Copy supplied.

With Faith Isenhath, *Exemptions 101: Which Employees are Exempt?*, Fed. Law. 16, June 2010. Copy supplied.

With Faith Isenhath, *Change at the National Labor Relations Board*, Fed. Law. 18, May 2010. Copy supplied.

With Trevor Gillette, *The Common Interest Doctrine: Ensuring Privileged Communications*, For Def. 68, Apr. 2010. Copy supplied.

With Faith Isenhath, *Potential Pitfalls: Social Networking in the Workplace*, For Def. 57, Mar. 2010. Copy supplied.

With Faith Isenhath, *The Americans with Disabilities Act and Medical Examinations*, Fed. Law. 12, Mar./Apr. 2010. Copy supplied.

With Faith Isenhath, *Genetic Information in the Workplace: The EEOC's New Regulations*, Fed. Law. 20, Feb. 2010. Copy supplied.

With Faith Isenhath, *Use Your Head! Title VII Provides for Reasonable Accommodation for Religious Headwear*, Fed. Law. 14, Nov./Dec. 2009. Copy supplied.

With Faith Isenhath, *Preparing Employers for the H1N1 Pandemic*, Fed. Law. 12, Oct. 2009. Copy supplied.

With Faith Isenhath, *Reflections on the Supreme Court's Ricci Decision*, Fed. Law. 14, Sept. 2009. Copy supplied.

With Faith Isenhath, *Supreme Court Gives Mixed-Motive Analysis a Mixed Review*, Fed. Law. 16, Aug. 2009. Copy supplied.

With Faith Isenhath, *Federal Court Decisions Recognizing Associational Discrimination Claims*, Fed. Law. 18, July 2009. Copy supplied.

With Faith Isenhath, *The Interplay Between the Americans with Disabilities Act and the Family and Medical Leave Act Regarding Workplace Leave*, Fed. Law. 16, June 2009. Copy supplied.

With Faith Isenhath, *New Regulations Under the Family and Medical Leave Act for the Military*, Fed. Law. 20, May 2009. Copy supplied.

With Faith Isenhath, *The WARN Act 101*, Fed. Law. 18, Mar./Apr. 2009. Copy supplied.

With Faith Isenhath, *The Truth, The Whole Truth, and Nothing but the Truth: A Look at the Employee Polygraph Protection Act*, Fed. Law. 18, Feb. 2009. Copy supplied.

With Faith Isenhath, *Fidelity and Retaliation*, Fed. Law. 18, Jan. 2009. Copy supplied.

With Faith Isenhath, *The Americans with Disabilities Amendments Act of 2008*, Fed. Law. 12, Nov./Dec. 2008. Copy supplied.

With Faith Isenhath, *Mixed Messages for Mixed-Motive Claims: What Standards Should be Used?*, Fed. Law. 16, Oct. 2008. Copy supplied.

With Faith Isenhath, *Parlez-Vous Discrimination?*, Fed. Law. 14, Sept. 2008. Copy supplied.

With Faith Isenhath, *Recent Litigation Under the Pregnancy Discrimination Act*, Fed. Law. 12, Aug. 2008. Copy supplied.

With Faith Isenhath, *Two Trends in Alternative Dispute Resolution in the Federal Courts*, Fed. Law. 14, July 2008. Copy supplied.

With Shane Crase, *The Supreme Court Rejects Per Se Admissibility of "Me Too" Evidence*, Fed. Law. 16, June 2008. Copy supplied.

With Shane Crase, *The Supreme Court of Employment Law*, Fed. Law. 14, May 2008. Copy supplied.

With Shane Crase, *Title VII's "Equal Opportunity Harasser" Defense Produces Differing Outcomes Among the Federal Courts*, Fed. Law. 12, Mar./Apr. 2008. Copy supplied.

With Shane Crase, *Challenges to the No-Match Rule*, Fed. Law. 16, Feb. 2008. Copy supplied.

With Shane Crase, *The National Labor Relations Board, Dana Corp., and Voluntary Recognition of Unions*, Fed. Law. 14, Jan. 2008. Copy supplied.

With Shane Crase, *What in the World is the Electronic Communications Privacy Act? An Overview of the ECPA Hurdles in the Context of Employer Monitoring*, Fed. Law. 12, Nov./Dec. 2007. Copy supplied.

With Shane Crase, *Resolving Cases Through Settlement: The Fourth Circuit Finds that 29 C.F.R. §825.220(D) Prohibits Waiver of Retrospective Rights Under the Family and Medical Leave Act*, Fed. Law. 16, Oct. 2007. Copy supplied.

With Shane Crase, *Family Responsibilities Discrimination*, Fed. Law. 14, Sept. 2007. Copy supplied.

With Shane Crase, *Reflections on the Supreme Court's Recent Ledbetter Decision: Title VII's 180-Day Rule*, Fed. Law. 14, Aug. 2007. Copy supplied.

With Shane Crase, *Settlement Agreements in the Employment Context*, Fed. Law. 16, July 2007. Copy supplied.

With Shane Crase, *Avoiding the Pitfalls of Electronic Discovery in Employment Litigation*, Fed. Law. 20, June 2007. Copy supplied.

With Shane Crase, *The Future of Secret-Ballot Elections under the National Labor Relations Act*, Fed. Law. 14, May 2007. Copy supplied.

With Shane Crase, *The Rule of Reason in Drafting Non-Compete Agreements*, Fed. Law. 20, Mar./Apr. 2007. Copy supplied.

With Shane Crase, *Developments in the FMLA*, Fed. Law. 14, Feb. 2007. Copy supplied.

With Shane Crase, *The National Labor Relations Board Defines Who Is and Is Not, a Supervisor*, Fed. Law. 20, Jan. 2007. Copy supplied.

*Current Reflections on Two ADR Efforts in the Federal Courts*, Fed. Law. 4, Jan. 2004. Copy supplied.

*In-House Court Mediation in the U.S. District Courts*, Fed. Law. 4, Oct. 2001. Copy supplied.

*Working as a Career Law Clerk*, Cin. Bar Ass'n Rep. 14, Apr. 2000. Copy supplied.

*Reflections on the Bench-Bar Handbook*, Fed. Law. 4, Mar./Apr. 2000. Copy supplied.

*Judicial Profile: Honorable Jack Sherman, Jr., U.S. Magistrate Judge for the Southern District of Ohio*, Fed. Law. 16, Jan. 2000. Copy supplied.

With Mark G. Kobasuk, *The Bench-Bar Handbook: A Guide to the Judicial Rules & Procedures of the United States District Judges and Magistrate Judges of the Southern District of Ohio* (Fed. Bar Ass'n 1999). Copy supplied.

With Donna Maier, *Legal and Psychological Considerations in the Development of a Euthanasia Statute for Adults in the United States*, 13 Behav. Scis. & Law 3 (1995). Copy supplied.

*United States Magistrate Judges: Suggestions to Increase the Efficiency of Their Civil Role*, 19 N. Ky. L. Rev. 99 (1991). 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.

Memorandum from Michael Newman and Robin Feder to the Fed. Bar Ass'n Bd. of Dirs. (May 22, 2019). Copy supplied.

Report from Michael Newman and Dina Miller to the Fed. Bar Ass'n (April 27, 2018). Copy supplied.

Memorandum from Michael Newman to the Fed. Bar Ass'n Bd. of Dirs. and Nat'l Council (August 15, 2017). Copy supplied.

Report from Michael Newman and Joan Brady to the Judicial Conference of the United States, Committee on the Judicial Branch (May 2017). Copy supplied.

Statement, Fed. Bar Ass'n, Judicial Independence (February 16, 2017). Copy supplied.

Statement, Fed. Bar Ass'n, Importance of an Independent Judiciary (July 2016). Copy supplied.

FBA Issues Agendas for years 2010-11, 2012, 2013, 2013-14, 2015, 2016 and 2017. Copies supplied.

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

None.

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

December 19, 2019: Panelist, "Civil Trial Insights," Dayton Bar Association, Dayton, Ohio. I spoke about scheduling and related practical issues concerning civil trials, mediations, and discovery disputes. I have no notes, transcripts or

recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

October 26, 2019: Instructor, "Interviewing Skills Workshop," Greater Dayton Area Diversity & Inclusion Legal Roundtable, Miamisburg, Ohio. I assisted teaching minority law students interviewing skills as they prepare to seek summer employment as 1L and 2L students. I have no notes, transcripts or recordings. I participated in this event at Thompson Hine LLP, which is located at 10050 Innovation Drive, Suite 400, Miamisburg, Ohio 45342.

September 17, 2019: Moderator, Constitution Day "Classroom Exchange," National Constitution Center and the Federal Bar Association, Dayton, Ohio (via videoconference from my chambers). I moderated a First Amendment discussion between students at a high school in Nevada and a high school in Arkansas. I have no notes, transcripts or recordings. The address of the National Constitution Center is 525 Arch Street, Philadelphia, Pennsylvania 19106 and the address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

August 19, 2019: Speaker, Speech to 1L students at Washington University School of Law, Washington University School of Law, Saint Louis, Missouri. At the invitation of the Dean, I spoke with first year law students talk about the importance of the federal judiciary and leadership. I have no notes, transcripts or recordings. The address of the Washington University School of Law is 1 Brookings Drive, Saint Louis, Missouri 63130.

July 26, 2019: Speaker, "The Importance of Being a Judge," Law & Leadership Institute, Dayton, Ohio. I spoke to minority high school students considering college and law school at the University of Dayton School of Law. I have no notes, transcripts or recordings. The address of the Law and Leadership Institute is 1700 Lake Shore Drive, Columbus, Ohio 43204.

May 31, 2019: Panelist, "Federal Judges as Leaders," Federal Judicial Center, Berkeley, California. I gave remarks at the Federal Judicial Center's first-ever Mid-Career Training for magistrate judges at the University of California at Berkeley School of Law. I have no notes, transcripts or recordings. The address of the Federal Judicial Center is One Columbus Circle, NE, Washington D.C. 20544.

April 2, 2019: Speaker, "The Federal Veterans Treatment Court in the Southern District of Ohio: What is it, and How Does it Work?," University of Dayton School of Law, Dayton, Ohio. I gave a speech to third year law students at the University of Dayton School of Law regarding federal veterans courts. I have no notes, transcripts or recordings. The address of the University of Dayton School of Law is 300 College Park Drive, Dayton, Ohio 45469.



March 2019: Panelist, "Working with the Federal Judiciary," Federal Bar Association, Arlington, Virginia. I gave remarks to incoming Federal Bar Association Chapter Presidents from across the country. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

November 29, 2018: Speaker, "Appellate Review: How to Challenge Decisions by United States Magistrate Judges," Dayton Bar Association, Dayton, Ohio. Notes and materials supplied.

October 16, 2018: Panelist, "Civics Education," Federal Judicial Center Washington D.C. I spoke about ways federal judges can meet local students and promote civics education in their courtrooms. I have no notes, transcripts or recordings. The Federal Judicial Center is located at 1 Columbus Circle, N.E., Washington, D.C. 20002.

August 6 or 7, 2018: Speaker, "A Life's Work in Civics," Brigham Young University J. Reuben Clark Law School, Provo, Utah. I gave remarks to high school students enrolled in the "BYU Law School Law & Leadership Camp." I have no notes, transcripts or recordings. The address of J. Reuben Clark Law School is 31 East Campus Drive, Provo, Utah 84602.

May 16 – 18, 2018: Panelist, Sixth Circuit Court of Appeals Judicial Conference Magistrate Judge Presentation, Sixth Circuit Judicial Conference, Nashville, Tennessee. Notes supplied.

April 25, 2018: Speaker, Introductory remarks introducing Justice Neil Gorsuch at the Supreme Court of the United States, Federal Bar Association and the Federal Judges Association, Washington D.C. Notes and materials supplied.

April 16, 2018: Panelist, "How to Succeed as a Summer Associate," University of Dayton School of Law, Dayton, Ohio. I spoke on a panel regarding how to succeed as a summer associate. I have no notes, transcripts or recordings. The address of the University of Dayton School of Law is 300 College Park Drive, Dayton, Ohio 45469.

March 14, 2018: Speaker, Brown-Bag Luncheon, Federal Bar Association, Dayton Chapter, Dayton, Ohio. I spoke about practices and procedures in the Southern District of Ohio. I have no notes, transcripts or recordings. The Federal Bar Association, Dayton Chapter is located at 200 West Second Street, Room 505, Dayton, Ohio 45402.

March 6, 2018: Master of Ceremonies, Bench Bar Media Forum, Cincinnati Bar Association, Cincinnati, Ohio. I spoke and moderated a discussion regarding the role of federal judges. I have no notes, transcripts or recordings. The address of

the Cincinnati Bar Association is 225 East 6th Street, Second Floor, Cincinnati, Ohio 45202.

March 5, 2018: Radio Guest, Episode 234 with Judge Michael Newman, Building the Future Radio Show, Dayton, Ohio (via telephone). A recording is available at: <https://soundcloud.com/buildingthefuture/episode-234-with-judge-michael-newman>.

February 13, 2018: Speaker, "Litigating Before the U.S. District Court in Dayton," Dayton Bar Association, Dayton, Ohio. Notes supplied.

January 11, 2018: Radio Guest, "Field Trip to Court: Civics Program Takes Students Outside the Classroom," Cincinnati Edition Public Radio show, WVXU/WMUB, Cincinnati, Ohio. A recording is available at: <http://wvxu.org/post/field-trip-court-civics-program-takes-students-outside-classroom>.

December 19, 2017: Speaker, Charlie Faruki Retirement Proceeding, United States District Court for the Southern District of Ohio, Dayton, Ohio. Transcript supplied.

November 17, 2017: Speaker, "Reflections on Federal Court Practice as a Federal Judge," University of Dayton School of Law (Evidence course), Dayton, Ohio. I have no notes, transcripts or recordings. The address for the University of Dayton School of Law is 300 College Park Drive, Dayton, Ohio 45469.

November 2, 2017: Podcast Guest, "Wills for Vets," the New American Veteran Podcast, Dayton, Ohio (via telephone). A recording is available at [www.youtube.com/watch?v=Bpnw7O8nvvs&feature=youtu.be](http://www.youtube.com/watch?v=Bpnw7O8nvvs&feature=youtu.be).

October 2017: Master of Ceremonies and Panelist, Sixth Circuit Practice Institute (panelist for "Preserving Issues for Appeal"), Federal Bar Association, Dayton Chapter, Cincinnati, Ohio. I have no notes, transcripts or recordings. The address for the Federal Bar Association, Dayton Chapter is 200 West Second Street, Room 505, Dayton, Ohio 45402.

October 5, 2017: Speaker, "How U.S. District Court Social Security Disability Appeals (DIB & SSI) are Resolved in the Dayton Seat of Court," Dayton Bar Association, Dayton, Ohio. Notes and materials supplied.

September 19, 2017: Speaker, Inaugural Meeting, Federal Bar Association, Vermont Chapter, Burlington, Vermont. I attended the Chapter's inaugural meeting and spoke to the membership about the Federal Bar Association. I have no notes, transcripts or recordings. The address for the Federal Bar Association, Vermont Chapter is 74 Main Street, Burlington, Vermont 05401 (address of the current Chapter President).

September 21, 2017: Speaker, Federal Bar Association, Dayton Chapter's Annual Meeting, Federal Bar Association, Dayton Chapter, Dayton, Ohio. I spoke about the term of my national presidency and accomplishments. I have no notes, transcripts or recordings. The address of the Federal Bar Association, Dayton Chapter is 200 West Second Street, Room 505, Dayton, Ohio 45402.

September 14 – 16, 2017: Speaker, Federal Bar Association's Annual Meeting, Federal Bar Association, Atlanta, Georgia. I spoke regarding the end of my term as FBA national president, updated the FBA membership on my presidential year, presided over the fall 2017 board of directors meeting and National Council meeting. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

September 26, 2017 (to the best of my recollection): Speaker, "Keeping Civics Alive in the Classroom," Dayton Public Schools, Dayton, Ohio. I presented to Dayton Public School teachers regarding civics education. I have no notes, transcripts or recordings. The address for Dayton Public Schools is 115 South Ludlow Street, Dayton, Ohio 45402.

July 28, 2017: Presenter, Teacher's Institute, United States District Court for the Southern District of Ohio, Columbus, Ohio. I presented regarding the federal courts to public school teachers from throughout Ohio. I have no notes, transcripts or recordings. The address of the United States District Court in Columbus is 85 Marconi Boulevard, Columbus, Ohio 43215.

July 21, 2017: Speaker, "The Importance of Being a Judge, Law & Leadership Institute," Dayton, Ohio. I spoke with minority high school students considering college and the study of law at the University of Dayton School of Law. I have no notes, transcripts or recordings. The address of the Law and Leadership Institute is 1700 Lake Shore Drive, Columbus, Ohio 43204.

July 17, 2017: Panelist, "Civics Education," Ninth Circuit Judicial Conference, San Francisco, California. I participated on a panel and spoke about my role as Federal Bar Association president and its national civics education initiative. I have no notes, transcripts or recordings. The address of the Ninth Circuit Judicial Conference is 95 7th Street, San Francisco, California 94103.

July 7, 2017: Speaker, "Fairness and the Federal Judiciary," Summer Work Experience in the Law, Dayton, Ohio. Notes supplied.

June 2017: Speaker, Federal Bar Association National Board Meeting, Federal Bar Association, Philadelphia, Pennsylvania. I participated in an informal discussion regarding civics at the National Constitution Center ("NCC") and spoke to middle and high schoolers visiting the NCC from out-of-state. I have no

notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

May 17, 2017: Presenter, Status Report on the Federal Bar Association's National Civics Initiative, Judicial Conference of the United States, Committee on the Judicial Branch, Washington D.C. A copy of the FBA's report is attached in materials for Question 12(b).

May 13, 2017: Speaker, "Analyze a Criminal Conviction," Federal Bar Association's Immigration Law Conference, Federal Bar Association, Denver, Colorado. Notes supplied.

May 12, 2017: Speaker, Federal Bar Association's Utah Litigation Conference, Federal Bar Association, Saint George, Utah. I delivered a speech with FBA outside counsel Rob Clark before federal litigators and District of Utah Federal Judges detailing the FBA's national civics initiative and the upcoming residential court camp and leadership program at BYU Law School. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

May 6, 2017: Speaker, Judge's Dinner Dance Reception, Federal Bar Association, Minnesota Chapter, Minneapolis, Minnesota. I spoke regarding my role as FBA national president and also spoke at a reception to honor the Minnesota Chapter's 18-year success of the Open Doors to the Federal Courthouse civics program. I have no notes, transcripts or recordings. The address for the Federal Bar Association, Minnesota Chapter is 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, Minnesota 55402 (address of the Chapter President).

May 6, 2017: Speaker, "Civics," Federal Bar Association, Minneapolis, Minnesota. I spoke about civics with students at Roosevelt High School. I have no notes, transcripts, or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

May 2, 2017: Speaker, Seventh Circuit Judicial Conference, Indianapolis, Indiana. Notes and materials supplied.

May 24, 2017: Speaker, Pro Bono and Public Service Awards Ceremony, United States District Court for the Northern District of Illinois, Chicago, Illinois. I delivered a keynote address on the importance of public service as part of the Court's annual Pro Bono/Public Service Awards Ceremony. I also gave thank you remarks at a reception at the Chicago Bar Association later the same day. I have no notes, transcripts or recordings. The address for the United States District Court for the Northern District of Illinois is 219 South Dearborn Street, Chicago, Illinois 60604. The Chicago Bar Association is located at 321 South Plymouth Street, Chicago, Illinois 60604.

April 26-27, 2017: Speaker and Panelist, Criminal Justice Act Seminar, Federal Bar Association, Dayton Chapter, Dayton, Ohio. Notes supplied.

April 6, 2017: Speaker, Indian Law Conference, Federal Bar Association, Talking Stick Resort, Scottsdale, Arizona. Notes supplied.

March 17, 2017: Speaker, Federal Bar Association's Civics Essay Contest Awards, Federal Bar Association, Washington D.C. I introduced Justice Sotomayor to the board of directors of the Federal Bar Association and the middle school and high school winners of the Federal Bar Association's first national civics essay contest. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

March 16-17, 2017: Speaker, Capitol Hill Day, Federal Bar Association, Washington, D.C. In my role as FBA national president, I made introductory remarks at the FBA's annual Capitol Hill Day and, during the same several day period, spoke to attendees of the FBA's annual Leadership Training Conference. Both sets of remarks concerned the FBA's "Civics and Service to Others" initiative I was leading. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

February 2017: Speaker, "Civics and Service to Others," Federal Bar Association, Columbus Chapter, Columbus, Ohio. I delivered introductory remarks discussing the "Civics and Service to Others" initiative. My remarks were prior to commencement of the Columbus Chapter's substance abuse presentation. I have no notes, transcripts or recordings. The address for the Federal Bar Association, Columbus Chapter is 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215 (Chapter President's address).

February 2017: Speaker, Luncheon Address, Federal Bar Association, San Antonio, Texas. I gave the luncheon keynote address to local Federal Bar Association leaders and chapter members and gave an update on the Federal Bar Association's civics initiative. I have no notes, transcripts or recordings of either event. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

February 3, 2017: Speaker, "The Importance of Public Interest Work," University of Dayton School of Law, Dayton, Ohio. I spoke with second and third-year law students regarding public interest work. I have no notes, transcripts or recordings. The address for the University of Dayton School of Law is 300 College Park Drive, Dayton, Ohio 45469.

January 27, 2017: Presenter, "Civics in the Classroom," Federal Bar Association, Charleston, South Carolina. Notes supplied.

January 23, 2017: Speaker, "Introductory Remarks," Federal Bar Association, New York, New York. I gave introductory remarks about the Federal Bar Association to international LLM students at Fordham University Law School. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

December 9, 2016: Speaker and Panelist, Eighth Annual FBA Hawaii Conference, Federal Bar Association, Honolulu, Hawaii. Notes and materials supplied.

November 18, 2016: Panelist, Civics Outreach, 24th Annual Bench-Bar Conference, Dayton Bar Association, Dayton, Ohio. Notes and materials supplied.

November 3, 2016: Speaker, "The Benefits of Mediation," Ohio State Bar Association, Dayton, Ohio. Materials supplied.

October 28, 2016: Panelist, "Tell it to the Judge," Ohio State Bar Association, Columbus, Ohio. I spoke on a panel at the Ohio State Bar Association's Federal Bench-Bar Conference. I have no notes, transcripts or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

October 7, 2016: Speaker, "Civics," Federal Bar Association, Saint Louis Chapter, Saint Louis, Missouri. I gave remarks at the Saint Louis, Missouri Federal Courthouse to elementary school students about the importance of the federal courts and the importance of civics. I also toured the Judicial Learning Center and presided over a mock trial where the elementary school students served as counsel. I have no notes, transcripts, or recordings. The address of the Federal Bar Association, Saint Louis is 111 South 10th Street, Suite 20th Floor, Saint Louis, Missouri 63102.

October 15, 2016: Speaker, Tri-State Conference for Federal Litigators, Federal Bar Association, Sun Valley, Idaho. Notes supplied.

October 2016: Panelist, "The Impact of the 2015 Amendments to the Federal Rules of Civil Procedure on Employment Cases," Ohio State Bar Association, Columbus, Ohio. I spoke about recent amendments to the Federal Rules of Civil Procedure. I have no notes, transcripts or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

October 11, 2016: Speaker, Annual Meeting & Luncheon, Federal Bar Association, Dayton Chapter, Dayton, Ohio. Notes supplied.

September 27, 2016: Speaker, Fall Quarterly Luncheon, Cincinnati/Northern Kentucky Chapter of the Federal Bar Association, Cincinnati, Ohio. An outline of my keynote address is supplied.

September 17, 2016: Speaker, Acceptance Remarks at Federal Bar Association presidential installation banquet, Federal Bar Association, Cleveland, Ohio. Videos of the speech supplied.

September 15, 2016: Panelist, "National Veterans Court Initiative: A 'How To' Discussion," Federal Bar Association, Cleveland, Ohio. I spoke regarding the Veterans Court I preside over in Dayton, Ohio. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

June 23, 2016: Speaker, Remarks to the Wright-Patterson Bar Association, Wright-Patterson Air Force Base, Dayton, Ohio. Notes supplied.

May 25, 2016: Panelist, "Problem Solving Courts," Judicial Conference of the Sixth Circuit Court of Appeals, Louisville, Kentucky. I spoke about the Re-Entry and Veterans Courts in the Southern District of Ohio. I have no notes, transcripts or recordings. The Judicial Conference of the Sixth Circuit is 540 Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202.

May 20, 2016: Presenter, "National Civics Plan," Judicial Conference of the United States, Judicial Branch Committee, Washington, D.C. A copy of the FBA's report supplied for Question 12(b).

May 16, 2016: Speaker, "Mechanics of a Federal Civil Jury Trial," Federal Bar Association, Dayton Chapter, Dayton, Ohio. I have no notes, transcripts or recordings. The address for the Federal Bar Association, Dayton Chapter is 200 West Second Street, Room 505, Dayton, Ohio 45402.

April 8, 2016: Moderator, "Access to Justice in the Criminal & Civil Justice Systems," Dayton Bar Association, Dayton Ohio. I moderated a panel regarding access to justice. I have no notes, transcripts or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

April 4, 2016: Guest lecturer, E-Discovery Seminar, University of Cincinnati College of Law, Cincinnati, Ohio. I spoke about discovery procedures in federal court. I have no notes, transcripts or recordings. The address for the University of Cincinnati College of Law is 2540 Clifton Avenue, Cincinnati, Ohio 45221.

February 2016: Co-Convenor and Co-Master of Ceremonies, "Effective Communication," Dayton Bar Association, Dayton, Ohio. I participated in an Inn of Court discussion regarding effective communication. I have no notes,

transcripts or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

January 2016: Guest, "How Does Federal Court Operate?" The Ombudsman Program on DATV, Dayton, Ohio. I spoke about the federal courts with Montgomery County, Ohio Ombudsperson Diane Welborn. I have no notes, transcripts or recordings. The address of DATV is 280 Leo Street, Dayton, Ohio 45404.

November 30, 2015: Panelist, "What Every Lawyer Should Know: Practicing Before the United States Court of Appeals for the Sixth Circuit and the United States District Court for the Southern District of Ohio," Ohio Center for Law-Related Education, Columbus, Ohio. I have no notes, transcripts or recordings. The address for the Ohio Center for Law-Related Education is 1700 Lake Shore Drive, Columbus, Ohio 43204.

October 16, 2015: Panelist, "Discussion Regarding Dayton's Bench Bar Media Forum," Ohio State Bar Association, Columbus, Ohio. I have no notes, transcripts or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

October 14, 2015: Speaker, Introduction Recognizing Chief Judge of the United States Court of Appeals for the Sixth Circuit, Federal Bar Association, Dayton Chapter, Cincinnati, Ohio. Notes supplied.

September 25, 2015: Speaker, "Magistrate Judges and the Transformation of the Federal Judiciary," Administrative Office of the U.S. Courts, Las Vegas, Nevada. I was a panelist at a seminar at UNLV Law School in conjunction with Duke Law School discussing the expansion of magistrate judge authority and utilization in the past quarter century. I have no notes, transcripts or recordings. The Administrative Office of the United States Courts is One Columbus Circle, N.E., Washington, D.C. 20544.

September 19, 2015: Keynote Speaker, "Appellate Trends in the Sixth U.S. Circuit Court of Appeals," Federal Bar Association, Chattanooga, Tennessee. Notes and materials supplied.

September 2015: Panelist, "Effective Representation in Mediation," Federal Bar Association, Salt Lake City, Utah. I served as a panelist on this topic with a mediator, a litigator, and a fellow federal judge. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

June 2015: Speaker, "The Importance of Being a Judge," Law & Leadership Institute (LLI), Dayton, Ohio. I spoke to high school students involved in the summer Law & Leadership Program at the University of Dayton School of Law



regarding the role of judges. I have no notes, transcripts, or recordings. The address for the Law & Leadership Program is 1700 Lake Shore Drive, Columbus, Ohio 43204.

May 13 and 14, 2015: Panelist, "Effective Advocacy: Law and the Movies," Sixth Circuit Judicial Conference, Detroit, Michigan. I presented regarding trials depicted in famous movies. I have no notes, transcripts, or recordings. The address for the Sixth Circuit Judicial Conference is 540 Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202.

May 1, 2015: Moderator, "What Every Ohio Attorney Needs to Know About Cyber Security and Digital Record Keeping," Ohio State Bar Association, Sandusky, Ohio. I presented about on this topic to members of the Ohio State Bar Association. I have no notes, transcripts, or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

April 8, 2015: Speaker, "Sentencing: What and Why?," Leadership Dayton, Dayton, Ohio. I spoke about federal sentencing. I have no notes, transcripts, or recordings. The address for Leadership Dayton is 8 North Main Street, Suite 100, Dayton, Ohio 45402.

January 30, 2015: Panelist, "Best Practices - How Younger Lawyers Should Litigate in Federal Court," Federal Bar Association, New Orleans Chapter, New Orleans, Louisiana. I spoke about best practices when appearing in the federal courts. I have no notes, transcripts, or recordings. The address for the New Orleans Chapter is 400 Poydras Street, New Orleans, Louisiana 70130 (address of Chapter President).

November 18, 2014: Master of Ceremonies, Carl D. Kessler Inn of Court's Presentation on "Attorneys in Film," Dayton Bar Association, Dayton, Ohio. I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

November 6, 2014: Speaker, "Mediation Best Practices," University of Dayton School of Law, Dayton, Ohio. I spoke to students in an Alternative Dispute Resolution course about best practices in mediating a dispute. I have no notes, transcripts, or recordings. The address for the University of Dayton Law School is 300 College Park Drive, Dayton, Ohio 45469.

September 4-5, 2014: Panelist, "Cutting Edge Cases in Federal Employment Law Litigation: A View from the Bench & Bar," Federal Bar Association, Providence, Rhode Island. I spoke about federal case law impacting employment matters. I have no notes, transcripts, or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

September 4-5, 2014: Panelist, "Effective Lawyering: Tips to Help You Succeed Before a Magistrate Judge," Federal Bar Association, Providence, Rhode Island. Materials supplied.

September 4-5, 2014: Speaker, "Reflections on Dayton Being Named FBA Chapter of the Year," Federal Bar Association, Providence, Rhode Island. I spoke with the incoming Federal Bar Association, Dayton Chapter president to other Chapter Presidents at the annual meeting and convention regarding strategies for success. I have no notes, transcripts, or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

June 2014: Speaker, "Becoming a Lawyer," Summer Work Experience in Law, Dayton, Ohio. I gave a speech to Summer Work Experience in Law minority high school and college students on the importance of attending law school and finding a mentor. I have no notes, transcripts, or recordings. The address for the Summer Work Experience in Law is 224 East Fifth Street, Second Floor, Cincinnati, Ohio 45202.

May 6, 2014: Master of Ceremonies of the Sixth Circuit Practice Institute and moderator of panel discussion titled "Preserving Issues for Appeal," Federal Bar Association, Dayton Chapter, Cincinnati, Ohio. Notes and materials supplied.

April 4, 2014: Panelist, "Litigation and Diversity," Dayton Bar Association, Dayton, Ohio. I participated in a panel discussion during the Dayton Bar Association's annual Diversity Day. I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

March 2014: Speaker, "Federal Mediation Practice," University of Dayton School of Law, Dayton, Ohio. I spoke about mediation to law students in a Tort Litigation Capstone Class. I have no notes, transcripts, or recordings. The address of University of Dayton School of Law is 300 College Park Drive, Dayton, Ohio 45469.

March 2014: Speaker, "Effective Mediation Strategies," University of Dayton School of Law, Dayton, Ohio. I spoke about mediation to law students about mediation in an Alternative Dispute Resolution Capstone Class. I have no notes, transcripts, or recordings. The address of the University of Dayton School of Law, 300 College Park Drive is Dayton, Ohio 45469.

March 2014: Speaker, "Mediation in the U.S. District Court," University of Dayton School of Law, Dayton, Ohio. I spoke to law students in an Alternative Dispute Resolution and the Litigator Class. I have no notes, transcripts, or recordings. The address for the University of Dayton School of Law is 300 College Park Drive, Dayton, Ohio 45469.

February 2014: Co-Moderator, Carl D. Kessler Inn of Court Presentation on "Attorney Storytelling," Dayton Bar Association, Dayton, Ohio. I spoke about how storytelling can be an effective trial tactic. I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

February 2014: Speaker, "Discovery Practice in Federal Court," University of Dayton School of Law, Dayton, Ohio. I spoke to law students in a Tort Litigation Capstone Class about discovery practice. I have no notes, transcripts, or recordings. The address for the University of Dayton School of Law is 300 College Park Drive, Dayton, Ohio 45469.

October 21, 2013: Speaker, "Best Civil Practices," University of Kansas School of Law, Lawrence, Kansas. I presented to law school students regarding federal civil practice. Notes and materials supplied.

October 2013: Guest, "You and the Law: Mediation in Federal Court," DATV, Dayton, Ohio. I spoke on a public access cable television show regarding mediation. Notes supplied.

October 2013: Lecturer, "Civil Trial Practice," University of Dayton School of Law, Dayton, Ohio. I served as a guest lecturer for a law school trial skills course taught at the Montgomery County, Ohio Common Pleas Court. I have no notes, transcripts, or recordings. The address for the University of Dayton Law School is 300 College Park Drive, Dayton, Ohio 45469.

October 2013: Speaker, "How to Apply for, and Succeed in, a Federal Clerkship," University of Kansas School of Law, Lawrence, Kansas. I spoke at a seminar regarding how to apply for, and succeed, in a clerkship. I have no notes, transcripts, or recordings. The address for the University of Kansas School of Law is 2535 West Fifteenth Street, Lawrence, Kansas 66045.

October 2013: Panelist, "Employment Case Discovery and Resolution," Seventh Biennial Federal Bench-Bar Conference for the Northern & Southern Districts of Ohio, Ohio State Bar Association, Columbus, Ohio. I have no notes, transcripts, or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

September 2013: Speaker, "Practice Before U.S. Magistrate Judges," Cincinnati Bar Association, Cincinnati, Ohio. I spoke about practice before magistrate judges at the Cincinnati Bar Association's annual Labor & Employment Law Symposium. Notes and materials supplied.

September 2013: Panelist, "Judicial Perspectives on Recent Developments in ERISA Litigation," Momentum's ERISA Litigation & Regulatory Compliance

Congress, New York, New York. I was a panelist speaking about ERISA litigation. I have no notes, transcripts or recordings. I do not know the sponsoring organization's address.

September 2013: Lecturer, "Criminal Proceedings in Federal Court," Interamerican University of Puerto Rico School of Law, San Juan, Puerto Rico. I was a guest lecturer in Federal Criminal Procedure class. I have no notes, transcripts, or recordings. The address of Interamerican University of Puerto Rico School of Law is 170 Federico Costas Street, San Juan, Puerto Rico 00918.

September 2013: Lecturer, "Mediation Best Practices," University of Dayton Law School, Dayton, Ohio. I spoke to law students in an Alternative Dispute Resolution course about best practices for mediation. I have no notes, transcripts, or recordings. The address for the University of Dayton School of Law is 300 College Park Drive, Dayton, Ohio 45469.

July 2013: Speaker, "The Law as a Career," Summer Work Experience in the Law, Columbus, Ohio. I spoke with Summer Work Experience in Law students at the Ohio Statehouse about careers in the law. I have no notes, transcripts, or recordings. The address for the Summer Work Experience in Law is 224 East Fifth Street, Second Floor, Cincinnati, Ohio 45202.

May 31, 2013: Speaker, "Commencement Address," National College, Kettering, Ohio. Notes supplied.

May 2013: Panelist, "U.S. District Court Mediation," Ohio State Bar Association, Cleveland, Ohio. I spoke about mediation in district courts at the Ohio State Bar Association's Annual Meeting. I have no notes, transcripts, or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

April 26, 2013: Panelist, "Chapter Bench/Bar Relationships," Federal Bar Association, Arlington, Virginia. Notes and materials supplied.

May 2013: Speaker, "A View from the Bench," Federal Bar Association, New Orleans, Louisiana. I spoke at the Federal Bar Association's Fifth Bi-Annual Labor & Employment Law Conference about labor and employment cases from the perspective of a magistrate judge. I have no notes, transcripts or recordings. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

March 2013: Panelist, "Arrest, Indictment & Defense Investigation," Federal Bar Association, Dayton Chapter, Dayton, Ohio. I spoke about this topic at annual Criminal Justice Act seminar. I have no notes, transcripts, or recordings. The address for the Federal Bar Association, Dayton Chapter is 200 West Second Street, Room 505, Dayton, Ohio 45402.

March 2013: Speaker, "An Introduction to Federal Courts for the 'Rare' Practitioner," Dayton Bar Association, Dayton, Ohio. I spoke about this topic for to members of the Dayton Bar Association's Federal Practice Committee and other legal practitioners. I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

January 2013: Lecturer, "Mediation in the United States District Court," University of Dayton Law School, Dayton, Ohio. I spoke about this topic to law students in an Alternative Dispute Resolution course. I have no notes, transcripts, or recordings. The address for the University of Dayton Law School is 300 College Park Drive, Dayton, Ohio 45469.

November 2012: Panelist, "Navigating Practice & Procedure in Federal Court," Dayton Bar Association, Dayton, Ohio. I spoke on this topic as part of a panel of judges at the 20th Annual Dayton Bar Association Bench-Bar Conference. I was also co-chair of the event and served as a judicial participant in a networking event (called "speed dating" with judges). I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

October 2012: Lecturer, "Mediation Practice in the U.S. District Court," University of Dayton Law School, Dayton, Ohio. I was a guest lecturer for a law school course titled "ADR for the Litigator." I have no notes, transcripts, or recordings. The address for the University of Dayton Law School is 300 College Park Drive, Dayton, Ohio 45469.

August 2012: Lecturer, "Mediation Best Practices," University of Dayton School of Law, Dayton, Ohio. I was a guest lecturer on this topic for a law school Alternative Dispute Resolution course. I have no notes, transcripts or recordings. The address for the University of Dayton Law School is 300 College Park Drive, Dayton, Ohio 45469.

May 25, 2012: Speaker, "Judges, Too, Were Lawyers Once," Ohio Second District Court of Appeals, Dayton, Ohio. Notes supplied.

May 2012: Speaker, "Discovery Practices in U.S. District Court," Cincinnati Intellectual Property Law Association, Cincinnati, Ohio. I spoke on this topic at CincyIP Annual Judges' Night Dinner. I have no notes, transcripts, or recordings. The address for the Cincinnati Intellectual Property Law Association is 187 Pavilion Parkway, Suite 109, Newport, Kentucky 41071.

May 2012: Speaker, "Magistrate Judge Practice in U.S. District Court," and Master of Ceremonies, "Basics of Federal Court Practice," Ohio State Bar Association. I spoke regarding practice before magistrate judges in district courts

and hosted the event. I have no notes, transcripts, or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

May 2012: Moderator, "Closing Arguments: Your Last Stand," Ohio State Bar Association, Cincinnati, Ohio. I moderated a panel speaking on this topic at the Ohio State Bar Association's Annual Meeting. I have no notes, transcripts, or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

April 20, 2012: Speaker, "Mediation Through the Judge's Eyes," Cincinnati Bar Association, Cincinnati, Ohio. Notes and materials supplied.

March 23, 2012: Speaker, "Chancery Club Keynote Address," Dayton Bar Association, Dayton, Ohio. Notes supplied.

March 2012: Speaker, "Removing a Case to Federal Court," Dayton Bar Association, Dayton, Ohio. I spoke on this topic to members of the bar association's Federal Practice Committee and other practitioners. I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

February 2012: Speaker, "Labor & Employment Practice in the U.S. District Court," Dayton Bar Association, Dayton, Ohio. I spoke on this topic to members of the bar association's Labor & Employment Committee and other practitioners. I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

February 2012: Speaker, "Leadership Principles," Dayton Bar Association, Dayton, Ohio. I spoke on this topic to members of the Dayton Bar Association's Leadership Development Program. I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

January 2012: Speaker, "Overview of Magistrate Judge Policies & Procedures," Dayton Bar Association, Dayton, Ohio. I spoke on this topic to members of the Dayton Bar Association's Younger Lawyers Division. I have no notes, transcripts, or recordings. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

November 2011: Panelist, "A View from the Bench – Insurance Cases," Dinsmore & Shohl's 2011 Insurance Seminar, Columbus, Ohio. I spoke about insurance cases from the perspective of a magistrate judge. I have no notes, transcripts, or recordings. The address for Dinsmore & Shohl is 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

October 2011: Panelist, "Resolving Employment Cases Effectively, Efficiently and Early," Ohio State Bar Association, Columbus, Ohio. I spoke on a panel at the Sixth Biennial Federal Bench-Bar Conference for the Northern & Southern Districts of Ohio. I have no notes, transcripts, or recordings. The address for the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

April 2011: Lecturer, "Human Resources: Current Topics of Interest," Northern Kentucky University, Highland Heights, Kentucky. I discussed current legal topics of interest in human resources. I have no notes, transcripts, or recordings. The address for Northern Kentucky University is Louie B. Nunn Drive, Highland Heights, Kentucky 41099.

March 10, 2011: Speaker, "Labor & Employment Trends, Developments & Best Practices," Northern Kentucky Chamber of Commerce, Fort Mitchell, Kentucky. Notes supplied.

March 2011: Speaker, "Hiring, Disciplining and Termination: H.R. Survival," Employers Resource Association 2011 Employment Law Update, Cincinnati, Ohio. Notes supplied.

February 2011: Lecturer, "Conflict Management," Thomas More College, Crestview Hills, Kentucky. I spoke to students in the MBA program on this topic as a guest lecturer. I have no notes, transcripts, or recordings. The address for Thomas More College is 333 Thomas More Parkway, Crestview Hills, Kentucky 41017.

February 2011: Facilitator, "Don't Let Employment Law Alarm You," Clermont County Chamber of Commerce, Cincinnati, Ohio. Notes supplied.

January 2011: Speaker, "ERISA's Interaction with The Bermuda Triangle (FMLA, Worker's Compensation & the ADA)," American Conference Institute Compensation and Benefits Conference, Philadelphia, Pennsylvania. Notes supplied.

January 13, 2011: Speaker, "Labor & Employment Trends & Developments," Northern Kentucky Chamber of Commerce, Fort Mitchell Kentucky. Notes supplied.

January 2011: Speaker, "Federal Bar Association Update," Toledo Bar Association, Toledo, Ohio. I gave a Federal Bar Association update to members of the Toledo Bar Association's Federal Courts Committee. I have no notes, transcripts, or recordings. The address of the Toledo Bar Association is 311 North Superior Street, Toledo, Ohio 43604.

November 2010: Speaker, "Ten Lessons Learned Practicing Labor & Employment Law," Gear & Company Client Luncheon Series, Cincinnati, Ohio.

I spoke about practical tips for employers faced with the prospect of employment litigation. I have no notes, transcripts, or recordings. The address for Grear and Company is 5552 Cheviot Road, Cincinnati, Ohio 45247.

September 2010: Speaker, "Professionalism in the Law," Federal Bar Association Ethics, Professionalism and Substance Abuse Seminar, Cincinnati, Ohio. I spoke about this topic to members of the Cincinnati and Northern Kentucky Chapter of the Federal Bar Association. I have no notes, transcripts, or recordings. The address of the Cincinnati/Northern Kentucky Chapter is 250 East 5th Street, Suite 350, Cincinnati, Ohio 45202 (address of the Chapter President).

July 2010: Speaker, "Recent Developments in Labor & Employment Law," PWM Insurance Company, Lexington, Kentucky. Notes supplied.

July 7, 2010: Speaker, "The Vital Role Paralegals Play in Appellate Practice," Lorman Seminars Webinar, Cincinnati, Ohio (via webinar). Notes and materials supplied.

May 2010: Speaker, "The Importance of Mentoring," Ohio State Bar Association, Columbus, Ohio. I spoke on this topic to members of the Ohio State Bar Association's Leadership Academy. I have no notes, transcripts, or recordings. The address of the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

May 2010: Master of Ceremonies, "Welcome to Federal Court: It's Different - An Introduction to Practice in Ohio's Federal Trial Courts," Ohio State Bar Association, Cincinnati, Ohio. I served as master of ceremonies for the 2010 Ohio State Bar Association Annual Meeting. I have no notes, transcripts, or recordings. The address of the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

April 20, 2010: Speaker, "The Practical Application of Employment Law in Ohio: Employee Privacy in the Workplace," Sterling Education Services Seminar, Cincinnati, Ohio. Notes and materials supplied.

March 12, 2010: Speaker, "Professionalism and Confidentiality: Ethical Implications and Considerations for Paralegals," Cincinnati Paralegal Association, Cincinnati, Ohio. Notes and materials supplied.

March 11, 2010: Speaker, "Employee Handbooks: Making Every Word Count," Employers Resource Association, Cincinnati, Ohio. Notes and materials supplied.

February 2010: Panelist, "Generational Communication in the Age of New Media," Diversity University Webinar, Cincinnati, Ohio (via the internet). Notes and materials supplied.



December 2009: Master of Ceremonies, Dinsmore & Shohl Annual Ethics, Professionalism and Substance Abuse CLE Seminar, Cincinnati, Ohio. I served as the master of ceremonies for this annual seminar hosted by my former law firm. I have no notes, transcripts, or recordings. The address for Dinsmore & Shohl is 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

November 2009: Speaker, "H1N1: Is Your Business Ready?," Cincinnati Business Courier, Cincinnati, Ohio. Notes and materials supplied.

November 9, 2009: Panelist, "Ten Lessons Learned Practicing Labor & Employment Law," Ohio School Boards Association, Columbus, Ohio. Notes and materials supplied.

October 2009: Speaker, "Current Issues in Employment Law," Ohio State Bar Association, Columbus, Ohio. I spoke on this topic at the Ohio State Bar Association's Fifth Biennial Federal Bench-Bar Conference for the Northern & Southern Districts of Ohio. I have no notes, transcripts or recordings. The address of the Ohio State Bar Association is 1700 Lake Shore Drive, Columbus, Ohio 43204.

October 2009: Speaker, "An Open Door to Discovery in ERISA Benefits Cases: How *Glenn* Impacts the Scope of Discovery," American Conference Institute ERISA Litigation Conference, New York, New York. Notes and materials supplied.

October 2009: Speaker, "Employment Law Update," Central Association of College and University Business Officers, Cincinnati, Ohio. Notes and materials supplied.

October 2009: Speaker, "Office Bullying - Prevention and Intervention," Northern Kentucky Chamber of Commerce, Fort Mitchell, Kentucky. Notes and materials supplied.

October 2009: Speaker, "Mock Trial Presentation," Dinsmore & Shohl Annual Labor & Employment Law Seminar. I participated in a mock trial for clients. I have no notes, transcripts, or recordings. The address for Dinsmore & Shohl is 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

September 2009: Speaker, "H.R. Clinic - Get Prepared (Legal Aspects of H1N1 Pandemic Flu)," Strategic HR, Inc., Cincinnati, Ohio. I spoke about being HR preparation related to a potential flu epidemic, including leave issues and accommodations. I have no notes, transcripts, or recordings. The address for Strategic HR, Inc. is 8160 Corporate Park Drive, Suite 200, Cincinnati, Ohio 45242.

September 2009: Speaker, "Minimizing Conflict Across Generations," Diversity University Webinar, Cincinnati, Ohio (via internet). Notes and materials supplied.

August 2009: Speaker, "When Bad Things Happen: Lessons Learned," Northern Kentucky Society for Human Resource Management, Northern Kentucky (I do not recall the exact location.) Notes supplied.

July 7, 2009: Speaker, "Keeping Your Employees Happy and Employment Update: Changes to the FMLA and ADA," Alternate Solutions Homecare, Dayton, Ohio. Notes and materials are supplied.

June 25, 2009: Speaker, "Proper Employment Practices," Wellington Orthopedic & Sports Medicine, Cincinnati, Ohio. Notes and materials supplied.

April 2009: Speaker, "FMLA & ADA Update," Chubb Insurance/PWM Insurance, Lexington, Kentucky. I spoke about the Family Medical Leave Act and the Americans with Disabilities Act. I have no notes, transcripts, or recordings. The address of PWM Insurance Company is 360 East Vine Street, Suite 200, Lexington, Kentucky 40507.

February 2009: Panelist, "Legal Compliance Update," Strategic HR, Inc., Cincinnati, Ohio. Notes and materials supplied.

December 2008: Master of Ceremonies, Dinsmore & Shohl Annual Ethics, Professionalism and Substance Abuse CLE Seminar. I have no notes, transcripts, or recordings. The address for Dinsmore & Shohl is 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

November 10, 2008: Panelist, "Assessing your HR Function – Identifying Best Practices for General HR & Legal Compliance," Strategic HR, Inc., Cincinnati, Ohio. Note and materials supplied.

September 2008: Speaker, "Understanding Important Employment Practices," Chubb Insurance/PWM Insurance, Lexington, Kentucky. I spoke about practical litigation avoidance best-practices. I have no notes, transcripts, or recordings. The address of PWM Insurance Company is 360 East Vine Street, Suite 200, Lexington, Kentucky 40507.

August 2008: Speaker, "Employer Responses to FMLA Requests," Lorman Seminars, Cincinnati, Ohio. Notes and materials supplied.

August 2008: Speaker, "Legal Issues With 'At-Home' Workers," Northern Kentucky Chamber of Commerce, Fort Mitchell, Kentucky. Notes and materials supplied.

July 8, 2008: Panelist, "The Do's and Don'ts of the Hiring and Interviewing Process: Avoiding Liability from the Get-Go," Northern Kentucky Society of Human Resources Management, Northern Kentucky (I do not recall the specific location in Northern Kentucky.) Notes and materials supplied.

May 15, 2008: Panelist, "Strategic HR Issues," Northern Kentucky Society of Human Resources Management, Northern Kentucky. (I do not recall the specific location in Northern Kentucky.) Notes and materials supplied.

May 6, 2008: Panelist, "Understanding the EEOC Investigative Process," Dinsmore & Shohl and Chubb Insurance Company Seminar, Cincinnati, Ohio. Notes and materials supplied.

April 22, 2008: Panelist, "Effectively Evaluating and Disciplining Employees," Alternative Solutions Home Care, Kettering, Ohio. Notes and materials supplied.

April 2008: Speaker, "Employee Discharge and Documentation," Lorman Seminars, Cincinnati, Ohio. Notes supplied.

December 2007: Master of Ceremonies, Dinsmore & Shohl Annual Ethics, Professionalism and Substance Abuse CLE Seminar, Cincinnati, Ohio. I have no notes, transcripts, or recordings. The address for Dinsmore & Shohl is 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

November 2007: Speaker, "Professionalism in the Law," Hamilton County Public Defender's Service Annual CLE, Cincinnati, Ohio. Notes and materials supplied.

November 1, 2007: Panelist, "The Alphabet Soup of Employment Law," Northern Kentucky Chamber of Commerce, Fort Mitchell, Kentucky. Notes and materials supplied.

October 2007: Speaker, "Directors and Officers Liability," Chubb Insurance Company, Cincinnati, Ohio. I spoke on the titled topic. I have no notes, transcripts, or recordings. The address for Chubb Insurance Company is 312 Walnut Street, Cincinnati, Ohio 45202.

August 28, 2007: Speaker, "Violence in the Workplace: Legal Issues," Northern Kentucky Chamber of Commerce, Fort Mitchell, Kentucky. Notes and materials supplied.

August 2007: Speaker, "FMLA Update," Lorman Seminars, Cincinnati, Ohio. Notes and materials supplied.

July 2007: Speaker, "The Scary Side of H.R.: What You Don't Know Can Hurt You," Northern Kentucky Chamber of Commerce, Fort Mitchell, Kentucky. Notes and materials supplied.

December 2006: Master of Ceremonies, Dinsmore & Shohl Annual Ethics, Professionalism and Substance Abuse CLE Seminar, Cincinnati, Ohio. I have no notes, transcripts, or recordings. The address for Dinsmore & Shohl is 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

October 2006: Speaker, "FMLA Requirements and Procedures," Lorman Seminars, Cincinnati, Ohio. I spoke about the Family Medical Leave Act. I have no notes, transcripts, or recordings. Lorman Seminars is 2510 Alpine Road, Eau Claire, Wisconsin 54703.

October 6, 2006: Speaker, "Employment Law Update," Ohio State Bar Association's Corporate Law Institute, Columbus, Ohio. Notes and materials supplied.

September 28, 2006: Speaker, "Think Like an Employment Lawyer," Lorman Seminars, Cincinnati, Ohio. Notes and materials supplied.

August 31, 2006: Speaker, "Advanced Topics in FMLA Law," Lorman Seminars, Cincinnati, Ohio. Notes and materials supplied.

March 2006: Speaker, "FMLA Basics and Recent FMLA Caselaw Update," Cincinnati Bar Association, Cincinnati, Ohio. I have no notes, transcripts, or recordings. The address of the Cincinnati Bar Association is 225 East 6th Street, Second Floor, Cincinnati, Ohio 45202.

October 2005: Speaker, "Effective Mediation Advocacy," Sixth U.S. Circuit Court of Appeals Practice Institute, Federal Bar Association, Cincinnati/Northern Kentucky Chapter. I spoke about how to effectively advocate for a client in mediation. I have no notes, transcripts, or recordings. The address of the Cincinnati/Northern Kentucky Chapter is 250 East 5th Street, Suite 350, Cincinnati, Ohio 45202 (address of the Chapter President).

Late 1990s or early 2000s (prior to 2003): Participant, "Bridge of the Gap," Cincinnati Bar Association, Cincinnati, Ohio. I spoke to third-year law students transitioning into the practice of law following graduation from law school and about my experiences as a career law clerk. I have no notes, transcripts, or recordings. The address of the Cincinnati Bar Association is 225 East 6th Street, Second Floor, Cincinnati, Ohio 45202.

Since becoming a United States Magistrate Judge, I have been called upon to serve as a speaker, panelist, or moderator for the following recurring events:

November 2011 to present (various dates): Panelist, Annual Bench-Bar Conference, Dayton Bar Association, Dayton, Ohio. Each November, the Dayton Bar Association holds a Bench-Bar Conference at Sinclair College in Dayton,

Ohio. Upon a review of my calendar, it appears I participated in this event on the following dates: November 18, 2011; November 8, 2012; November 15, 2013; November 14, 2014; November 13, 2015; November 18, 2016; November 3, 2017; November 9, 2018; and November 8, 2019. Each year, the federal bench in Dayton presents a panel discussion during one break-out session. In addition, judges participate in a networking exercise at lunch, titled "Speed Dating," during which state and federal judges rotate tables every few minutes to meet area practitioners. Notes and materials for many of these events supplied. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

December 6, 2011 to present (various dates): Panelist, Moderator, and Speaker, "Federal Practice Update" or "Federal Practice Roundup," Dayton Bar Association, Dayton, Ohio. Upon a review of my calendar, it appears I participated in these events on the following dates: December 10, 2019; December 11, 2019; December 5, 2017; December 13, 2016; December 8, 2015; December 9, 2014; December 3, 2013; May 14, 2013; and December 6, 2011. On the first or second Tuesday of each December, the Dayton Bar Association's Federal Practice Committee holds a seminar that is generally titled either "Federal Practice Update" or "Federal Practice Roundup." I usually moderate the opening panel wherein district judges discuss the "District Court Year in Review," and also have served as a panelist providing a "Civil Rules Update." Notes and materials for many of these events are supplied. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

December 10, 2011 to present (various dates): Panelist, Federal Court Practice Seminar, Federal Bar Association, Dayton Chapter, Dayton, Ohio. Upon a review of my calendar, it appears I participated in this event on the following dates: December 10, 2011; May 19, 2012; December 11, 2012; May 13, 2013; December 10, 2013; May 20, 2014; December 9, 2014; May 19, 2015; December 8, 2015; May 10, 2016; December 13, 2016; May 9, 2017; December 5, 2017; May 8, 2018; December 11, 2018; May 13, 2019; and December 10, 2019. On the second Tuesday of May and the second Tuesday of December each year, the Federal Bar Association, Dayton Chapter hosts this seminar that is required for admission to the bar of the United States District Court for the Southern District of Ohio. I generally provide the same remarks as part of a panel discussion titled "A View from the Bench," and have also provided remarks during a panel discussion titled "Practice in the Southern District of Ohio." Notes and materials for a number of these seminars are supplied. The address for the Federal Bar Association, Dayton Chapter is 200 West Second Street, Room 505, Dayton, Ohio 45402.

2012 to present (various dates): Presiding Judge, Naturalization Ceremonies, United States District Court for the Southern District of Ohio, various locations in the Southern District of Ohio (predominately at the Walter H. Rice Federal Building & U.S. Courthouse, 200 West Second Street, Dayton, Ohio 45402).

Upon a review of my calendar, it appears I presided over Naturalization Ceremonies on the following dates: May 3, 2012; August 9, 2012; August 30, 2012; February 13, 2013; May 18, 2013; July 25, 2013; March 6, 2014; April 24, 2014; July 10, 2014; October 23, 2014; November 13, 2014; April 10, 2015; June 25, 2015; October 29, 2015; November 19, 2015; February 4, 2016; June 30, 2016; September 16, 2016; December 8, 2016; December 22, 2016; July 13, 2017; October 26, 2017; November 17, 2017; January 18, 2018; March 8, 2018; March 22, 2018; May 10, 2018; August 16, 2018; August 23, 2018; June 13, 2019; August 15, 2019; August 16, 2019; August 21, 2019; September 12, 2019; September 24, 2019; December 5, 2019; December 19, 2019; January 16, 2020; and February 13, 2020. I give the same general remarks at all naturalization ceremonies. Notes and scripts for many of these ceremonies are supplied.

April 2012 to present (various dates): Moderator, Bench-Bar Media Forum, Dayton Bar Association, Dayton, Ohio. Upon a review of my calendar, it appears I moderated this event in Dayton on the following dates: April 19, 2012; October 18, 2012; October 23, 2013; April 24, 2014; October 28, 2014; April 23, 2015; November 18, 2015; May 5, 2016; November 16, 2016; April 27, 2017; November 6, 2017; May 3, 2018; June 4, 2019; October 16, 2019. I moderate a discussion between judges, lawyers, law enforcement officials, and media representatives regarding issues of common interest between the professions. I do not keep notes and have no transcripts or recordings of these events. The address for the Dayton Bar Association is 109 North Main Street, Sixth Floor, Dayton, Ohio 45402.

August 2013 to present (various dates): Speaker, "Professionalism Speech" or "Welcome to the Profession," University of Dayton School of Law, Dayton, Ohio. Upon a review of my calendar, it appears I gave this speech to students beginning their first year of law school on the following dates: August 27, 2013; May 7, 2014; August 22, 2014; May 6, 2015; August 21, 2015; May 13, 2016; August 26, 2016; May 9, 2017; August 21, 2017; May 8, 2018; August 20, 2018; May 7, 2019. I generally provide the same remarks during each speech. I administer an oath written by the students during this event as well. Notes and materials for many of these events are supplied. The address for the University of Dayton Law School is 300 College Park Drive, Dayton, Ohio 45469.

Summer 2014 to present (various dates): Moderator and Speaker, "Lunch and Learn," United States District Court for the Southern District of Ohio, Dayton, Ohio. Each summer I moderate numerous Lunch and Learn panel discussions featuring judges as well as lawyers from different practice areas for the benefit of summer externs in the federal courthouse and in the Dayton-area. I generally ask questions of the panelists regarding their education and practice backgrounds and moderate questions from the attendees. I keep no notes of these events and have no transcripts or recordings. The address for the United States District Court for the Southern District of Ohio in Dayton is 200 West Second Street, Dayton, Ohio 45402.

January 2015 to present (various dates): Speaker, Civics Presentations to elementary, middle and high school students at various locations in Ohio, but predominately at the Walter H. Rice Federal Building and U.S. Courthouse in Dayton, Ohio (200 West Second Street, Dayton, Ohio 45402). I have also spoken at Oakwood High School (1200 Far Hills Ave, Dayton, Ohio 45419); Alter High School (940 East David Road, Dayton, Ohio 45429); Centerville High School (500 East Franklin Street, Dayton, Ohio 45459); Tippecanoe High School (615 East Kessler-Cowlesville Road, Tipp City, Ohio 45371); Five Points Elementary School (650 East Lytle 5 Points Road, Springboro, Ohio 45458); Springboro Junior High School (1605 Main Street, Springboro, Ohio 45066); and Versailles High School (280 Marker Road, Versailles, Ohio 45380). Upon a review of my calendar, it appears I participated in these events on the following dates: January 2015; April 24, 2015; April 14, 2016; December 7, 2017; December 21, 2017; January 5, 2018; January 17-18, 2018; February 5, 2018; February 8, 2018; February 16, 2018; February 21, 2018; March 2, 2018; March 9, 2018; March 13, 2018; March 21, 2018; April 10, 2018; April 18, 2018; April 24, 2018; May 9, 2018; May 15, 2018; October 19, 2018; November 30, 2018; February 22, 2019; March 2, 2019; May 17, 2019; October 22, 2019; October 24, 2019; October 29, 2019; November 4, 2019; November 7, 2019; December 12, 2019; January 10, 2020; and February 13, 2020. I typically give the same remarks during all civics presentations. A copy of a slide presentation used to guide my remarks is provided, as are copies of several sets of notes from such presentations.

- 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.

Patricia Manson, *Federal Bar Group Schools Students on Judicial System*, Chi. Daily L. Bull., Apr. 3, 2018. Copy supplied.

*Episode 234 with Judge Michael Newman*, Building the Future (Mar. 27, 2018). Audio recording available at <https://soundcloud.com/buildingthefuture/episode-234-with-judge-michael-newman>.

Admin. Office of the U.S. Courts, *More Courts Use Essay Contests to Teach Lessons in Justice*, U.S. Courts (Feb. 15, 2018). Copy supplied.

Mark Heyne, *Field Trip to Court: Civics Program Takes Students Outside the Classroom*, Cincinnati Pub. Radio (Jan. 11, 2018). Audio recording available at <http://wvxu.org/post/field-trip-court-civics-program-takes-students-outside-classroom>.

*Wills for Veterans*, New American Veteran (Nov. 3, 2017). Audio recording available at <https://podtail.com/en/podcast/the-new-american-veteran/wills-for->

veterans/.

Michael Kelley, *Kip Bollin on Continuing to Work for Legal Awareness*, Attorney at Law Mag. (Oct. 23, 2017). Copy supplied.

Sherry Karabin, *Local Attorney Takes Helm as Nat'l FBA President*, Daily Legal News (Sept. 15, 2017). Copy supplied.

Jonathan Ringel, *500 Lawyers and U.S. Judges to Meet in Atlanta*, Law.com Daily Report (Sept. 12, 2017). Copy supplied.

Stacy King, *FBA Attorneys Create Pro Bono Veteran Wills*, U.S. Veterans magazine (Summer 2017). Copy supplied.

Pamela Manson, *Law Camp at BYU Puts Teens on Trial and in the Jury: Law Camp Aims to Prepare Teens for Leadership and Service*, Salt Lake Trib. (Aug. 2, 2017). Copy supplied.

Bralely Dodson, *BYU Piloting Overnight Law Camp for Students with the Hope of It Expanding Nationally*, Daily Herald (Aug. 1, 2017). Copy supplied.

Kari Dahlin, *The Genesis of a Life of Public Service: A Conversation with the Hon. Michael J. Newman*, Fed. Law. (Aug. 2017). Copy supplied.

Bennett Wakenight, *Wintrust Business Lunch 7/31/17: Solar Cooking, Federal Bar Association, & Twitter Dating*, WGN Radio 720 (July 31, 2017). Audio recording available at <http://wgnradio.com/2017/07/31/wintrust-business-lunch-73117-solar-cooking-federal-bar-association-twitter-dating/>.

*Hon. Michael J. Newman—Federal Bar Association—Veterans Courts*, H Train Show (July 17, 2017). Audio recording available at <http://mbradio.us/podcast/the-h-train-show-judge-newman-on-veteran-court-transition-troop-bub-pullins-and-t2t-16-marines/>.

Emily Donovan, *The Only Ceremony of Its Kind*, Chi. Daily L. Bull. (May 30, 2017). Copy supplied.

Taylor Leddin, *The Federal Bar Association's Initiative Is Looking To Raise Civic Engagement with Kids* (Apr. 4, 2017). Copy supplied.

*Interview with Judge Michael J. Newman*, Atlanta Attorney Magazine 22 (Spring 2017). Copy supplied.

Michael Rhinehart, *Hon. Michael J. Newman, United States Magistrate Judge and President of the Federal Bar Association*, Fed. Magistrate Judges Ass'n Bull. 21 (Mar. 2017). Copy supplied.



Thaddeus McCotter Show, 910 AM Superstation, *Federal Bar Association's National Civics Initiative* (April 2017). I have not been able to acquire a copy of or find a link to this radio program.

Mark Heyne, *The Federal Bar Association Is Bringing Civics Education to Area Classrooms*, Cincinnati Pub. Radio (Apr. 17, 2017). Audio recording available at <https://www.wvxu.org/post/federal-bar-association-bringing-civics-education-area-classrooms#stream/0>.

Jeffrey I. Moore, *How the FBA Is Inspiring Students to Improve The Court System*, Everyday Power (Apr. 13, 2017). Audio recording available at <https://everydaypowerblog.com/2017/04/13/federal-bar-association-inspiring-students-improve-court-system/>.

Hon. Michael J. Newman, *US Magistrate Judge and President of the Federal Bar Association New American Veteran*, New Am. Veteran (Mar. 7, 2017). Video available at <https://www.youtube.com/watch?v=NTWB808XEKk&feature=youtu.be>.

Judge Michael Newman National President Federal Bar Association, *Eliances Heroes Show* (Feb. 2, 2017). Recording available at <https://www.eliancer.com/judge-michael-newman-national-president-federal-bar-association>.

Bennett Wakenight, *Wintrust Business Lunch 1/25/17: The Dow Hits 20,000!*, WGN Radio 720 (Jan. 25, 2017). Recording available at <http://wgnradio.com/2017/01/25/wintrust-business-lunch-12517-the-dow-hits-20000/>.

*Contending 4 Truth Radio Presents Saturday Symposium with Your Host Dan Wilson*, Blog Talk Radio (Jan. 2017). Audio recording available at <https://www.blogtalkradio.com/contending4truthradio/2017/01/07/contending-4-truth-radio-presents-saturday-symposium-with-your-host-dan-wilson>.

Neil Haley Will Interview United States Magistrate Judge Hon. Michael J. Newman, *Total Celebrity Show* (Dec. 13, 2016). Video available at [https://www.youtube.com/watch?v=H\\_HJRGYnHA&feature=youtu.be](https://www.youtube.com/watch?v=H_HJRGYnHA&feature=youtu.be)

Jade Smarda, *Presidential Introduction: Hon. Michael J. Newman – A Federal Judge Dedicated to Fairness and Justice, His Family, the FBA, and the Community*, Fed. Law. 30 (Aug. 2016). Copy supplied.

Edward Smith, *The Circle of Law: Magistrate Judge Michael J. Newman and His Journey to Dayton*, Dayton Bar Ass'n B. Briefs (Dec. 2015). Copy supplied.

Kimberly Beck, *Judicial Profile: Hon. Michael J. Newman, U.S. Magistrate Judge for the Southern District of Ohio*, Fed. Law. (Aug. 2012). Copy supplied.

Hon. Mary K. Huffman, *DBA Welcomes Judge Michael J. Newman*, Dayton Bar Ass'n B. Briefs (Nov. 2011). Copy supplied.

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

I was appointed as a United States Magistrate Judge for the Southern District of Ohio on July 25, 2011. The United States District Court for the Southern District of Ohio has jurisdiction as set forth principally at Chapter 85 of Title 28 of the United States Code. My authority as a magistrate judge is defined by 28 U.S.C. § 636. As a magistrate judge, I preside over criminal cases involving petty offenses and misdemeanors. I also preside over preliminary matters in felony criminal cases, such as initial appearances, arraignments, and plea hearings. In civil cases, I preside over all matters, including trial, in cases where the parties have consented to my jurisdiction. In non-consent civil cases, I preside over the pretrial matters, which includes issuing reports and recommendations on motions filed under Rule 12 of the Federal Rules of Civil Procedure and supervising discovery and issuing orders on discovery motions, such as motions to compel and motions for protective orders.

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

As a United States Magistrate Judge, I have presided over approximately 11 trials since taking the bench in July 2011.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100% [total 100%]
civil proceedings:	18%
criminal proceedings:	82% [total 100%]

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

See Appendix 13b.

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

1. *Gayheart v. Comm’r of Soc. Sec.*, No. 3:10-CV-401, 2011 WL 10604891 (S.D. Ohio Oct. 6, 2011), *objections sustained sub nom. Gayheart v. Astrue*, No. 3:10-CV-401, 2012 WL 161286 (S.D. Ohio Jan. 19, 2012), *rev’d and remanded sub nom. Gayheart v. Comm’r of Soc. Sec.*, 710 F.3d 365 (6th Cir. 2013).

In this Social Security disability case appealed from the Social Security Administration, I concluded that the Administrative Law Judge (“ALJ”) failed to properly weigh the opinion of a Social Security claimant’s treating psychiatrist regarding the claimant’s ability to perform work-related tasks. The United States Court of Appeals for the Sixth Circuit agreed with my reasoning.

Counsel for Plaintiff

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Counsel for Defendant

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2. *Traton News, LLC v. Traton Corp.*, 914 F. Supp. 2d 901 (S.D. Ohio 2012), *aff’d in part*, 528 F. App’x 525 (6th Cir. 2013).

The parties unanimously consented to me for full disposition of this complex case that presented federal claims under the Lanham Act, 15 U.S.C. § 1051, *et seq.* Before reaching the merits of plaintiff’s claims, however, I granted defendants’ motion to dismiss after concluding that the Court lacked personal jurisdiction over the defendants. In doing so, I found that plaintiff’s claims fell outside the scope of a forum selection clause set forth in a “browsewrap” agreement posted on plaintiff’s website. This position was affirmed unanimously by the United States Court of Appeals for the Sixth Circuit on appeal. Alternatively, I also concluded—on an issue of first impression in the Southern District of Ohio—that the “browsewrap agreement” did not bind defendants because they obtained no benefit from accessing the website. The Sixth Circuit did not address the merits of this alternative analysis.

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3. *United States v. Carr*, No. 3:12-CR-100 (S.D. Ohio), 912 F. Supp. 2d 553 (S.D. Ohio 2012).

In this misdemeanor criminal case, I considered an issue of first impression in the United States Court of Appeals for the Sixth Circuit. Defendant was charged with five counts of violating the Assimilative Crimes Act, 18 U.S.C. §§ 7 and 13, as assimilating certain offenses under the Ohio Revised Code (“O.R.C.”). Two of the five counts charged were defined under Ohio law as fourth degree felonies with maximum possible sentences of up to 18 months. I concluded that United States Magistrate Judges lack jurisdiction to proceed on criminal charges defined as felonies under state law for which the accompanying statutory sentence exceeds one year.

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4. *Swann v. Time Warner Entertainment Co.*, 3:13-CV-42 (S.D. Ohio), 2014 WL 2573079 (S.D. Ohio June 9, 2014); 2014 WL 12748230 (S.D. Ohio Dec. 19, 2014); 126 F. Supp. 3d 973 (S.D. Ohio 2015).

This is another case where the parties unanimously consented to me for trial. The claims asserted concerned serious allegations of disparate treatment and disparate impact discrimination in the workplace. I carefully considered whether a voluntary employment program allowing customer service technicians (“CSTs”) to drive directly from their own homes to the homes of the customers—to service cable television, phone, and internet services—had a disparate impact on the plaintiffs-employees. I granted summary judgment in favor of the employer after judiciously considering the undisputed facts and concluding that the former CSTs failed to meet their burden under the law. No appeal of my decision was taken.

Counsel for Plaintiffs

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Joseph P. Dipasquale  
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5. *Smith-Hutchinson v. ITS Financial, LLC*, No. 3:13-CV-192 (S.D. Ohio), 2014 WL 4748622 (S.D. Ohio Sept. 23, 2014); *Johnson v. ITS Fin. LLC*, No. 3:13-CV-192, 2014 WL 7334415 (S.D. Ohio Dec. 19, 2014); *Johnson v. ITS Fin. LLC*, 314 F.R.D. 441 (S.D. Ohio 2015).

Following issuance of a permanent injunction against defendants' tax return preparation business, plaintiffs filed a separate lawsuit alleging claims under the Racketeer Influenced and Corrupt Organizations Act and sought to certify a class of defendants' customers who suffered injury as a result of defendants' various fraudulent tax return preparation practices. The parties unanimously consented to me for trial. Despite the seriousness of defendants' vast criminal conduct at issue (which the court previously found), upon applying the applicable law, I declined to certify a class action because the representative plaintiffs' claims and alleged damages were neither common nor typical. (In other words, because defendants engaged in so many different fraudulent practices, and such practices differed from proposed class member to proposed class member, the case did not lend itself to adequate and proper resolution as a class action.) Instead, to obtain appropriate relief, each prospective class member could individually pursue civil actions against defendants for damages sustained. No appeal of this decision was taken.

Counsel for Plaintiffs

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Counsel for Defendants

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6. *Production Design Services, Inc. v. Sutherland-Schultz, Ltd.*, No. 3:13-CV-338 (S.D. Ohio), 2016 WL 1730358 (S.D. Ohio Mar. 25, 2016).

This case involved breach of contract claims and counterclaims that were tried before me over a period of seven days in a bench trial. Following trial, I issued findings of fact and conclusions of law and entered judgment in favor of plaintiff for a total of \$526.13.

Counsel for Plaintiff

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Counsel for Defendant

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7. *Beyogrides v. Montgomery County Sheriff*, No. 3:14-CV-158 (S.D. Ohio), 2016 WL 8669789 (S.D. Ohio Aug. 12, 2016); *Hopper v. Montgomery Cty. Sheriff*, 310 F. Supp. 3d 911 (S.D. Ohio 2017), *aff'd in part, dismissed in part sub nom. Hopper v. Plummer*, 887 F.3d 744 (6th Cir. 2018), *reh'g denied* (May 1, 2018), *cert. denied Plummer v. Hopper*, 139 S. Ct. 567 (2018).

In this civil rights case filed under 42 U.S.C. § 1983, the parties consented to me for full disposition of the case. The case was filed by the estate of an individual who died while in custody at the Montgomery County, Ohio Jail (“the Jail”). Plaintiff alleged that corrections officers at the Jail violated the decedent’s right to be free from excessive force and were deliberately indifferent to his severe medical needs. Following extensive discovery that I supervised, defendants moved for summary judgment arguing, *inter alia*, that they were entitled to qualified immunity because no constitutional violation occurred and because they did not violate clearly established law. On summary judgment, I concluded that issues of fact remained with regard to the Jail defendants and that the constitutional principles at issue were clearly established. Accordingly, I denied summary judgment. On appeal, the United States Court of Appeals for the Sixth Circuit unanimously affirmed my decision and dismissed portions of the appeal that were not properly before the Court. The case was remanded back to me for trial and settled on the eve of trial.

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8. *Sloan v. Repacorp, Inc.*, No. 3:16-CV-161 (S.D. Ohio), 310 F. Supp. 3d 891 (S.D. Ohio 2018).

In this employment discrimination case, the parties consented to me for full disposition of the case. Plaintiff was a longtime employee of the defendant who suffered from pain in his neck and back. Plaintiff took pain medication that was not prescribed to him and subsequently failed a drug test after being referred to an employee assistance program by his employer. Plaintiff did not comply with the employer's request to confer with his doctor over the medical need to take certain pain medication. On summary judgment, I granted the defendant-employer's motion for summary judgment because, *inter alia*, plaintiff's discrimination and retaliation claims under the Americans with Disabilities Act could not stand



where plaintiff admittedly failed to cooperate with the employer in the interactive process. There was no appeal taken from my decision.

Counsel for Plaintiff

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Counsel for Defendant

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9. *Talismanic Properties, LLC v. Tipp City*, No. 3:16-CV-285 (S.D. Ohio), 309 F. Supp. 3d 501 (S.D. Ohio 2017), *aff'd sub nom. Talismanic Properties, LLC v. City of Tipp City*, 742 F. App'x 129 (6th Cir. 2018); *Talismanic Properties, LLC v. Tipp City*, No. 3:16-CV-285, 2016 WL 6829649 (S.D. Ohio Nov. 21, 2016), *vacated*, 309 F. Supp. 3d 488 (S.D. Ohio 2017); 2017 WL 2544086 (S.D. Ohio June 9, 2017).

This case concerned alleged constitutional violations by Tipp City, Ohio, with regard to development of a subdivision. Plaintiffs claimed that a city ordinance deprived them of due process of law guaranteed by the Fourteenth Amendment. They alleged that a fee demanded by the city was excessive and constituted a taking without just compensation in violation of the Fifth Amendment. And plaintiffs claimed the city's fee demand also violated their right to equal protection under the Fourteenth Amendment. I concluded that plaintiffs' federal claims were barred by *res judicata*, and that conclusion was affirmed on appeal to the United States Court of Appeals for the Sixth Circuit.

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10. *United States v. Dyer*, No. 3:19-CR-84 (S.D. Ohio).

This was a criminal case in which defendant was charged with assaulting an officer at Wright-Patterson Air Force Base. The case was tried as a bench trial, and I rendered a verdict finding defendant guilty of each count charged. Defendant appealed the judgment but later voluntarily dismissed the appeal. Judgment supplied.

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

1. *Gayheart v. Comm'r of Soc. Sec.*, No. 3:10-CV-401, 2011 WL 10604891 (S.D. Ohio Oct. 6, 2011), *objections sustained sub nom. Gayheart v. Astrue*, No. 3:10-CV-401, 2012 WL 161286 (S.D. Ohio Jan. 19, 2012), *rev'd and remanded sub nom. Gayheart v. Comm'r of Soc. Sec.*, 710 F.3d 365 (6th Cir. 2013).

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2. *Lenoir v. Warden, S. Ohio Corr. Facility*, 886 F. Supp. 2d 718, 724 (S.D. Ohio 2012), *aff'd sub nom. Lenoir v. Morgan*, No. 12-3461, 2013 WL 7144097 (6th Cir. Aug. 26, 2013).

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Pro se Plaintiff

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3. *Weber v. Warden, Warren Corr. Inst.*, 886 F. Supp. 2d 749, 751 (S.D. Ohio 2012), *aff'd sub nom. Weber v. Buchanan*, 543 F. App'x 516 (6th Cir. 2013).

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4. *Traton News, LLC v. Traton Corp.*, 914 F. Supp. 2d 901 (S.D. Ohio 2012), *aff'd in part*, 528 F. App'x 525 (6th Cir. 2013).

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5. *Johnson v. ITS Fin. LLC*, 314 F.R.D. 441 (S.D. Ohio 2015).

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6. *Swann v. Time Warner Entm't Co.*, 126 F. Supp. 3d 973 (S.D. Ohio 2015).

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7. *Talismanic Properties, LLC v. Tipp City*, 309 F. Supp. 3d 501 (S.D. Ohio 2017), *aff'd sub nom. Talismanic Properties, LLC v. City of Tipp City*, 742 F. App'x 129 (6th Cir. 2018).

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8. *Hopper v. Montgomery Cty. Sheriff*, 310 F. Supp. 3d 911 (S.D. Ohio 2017), *aff'd in part, dismissed in part sub nom. Hopper v. Plummer*, 887 F.3d 744 (6th Cir. 2018), *reh'g denied* (May 1, 2018), *cert. denied Plummer v. Hopper*, 139 S. Ct. 567 (2018).

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9. *Sloan v. Repacorp, Inc.*, 310 F. Supp. 3d 891 (S.D. Ohio 2018).

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10. *Vaduva v. City of Xenia*, No. 3:17-CV-41, 2017 WL 4773076 (S.D. Ohio Oct. 23, 2017), *report and recommendation adopted*, No. 3:17-CV-41, 2017 WL 6497252 (S.D. Ohio Dec. 19, 2017), *aff'd*, 780 F. App'x 331 (6th Cir. 2019).

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

Certiorari has been requested and denied in the following cases in which I issued decisions. Certiorari has never been granted in a case in which I issued a decision.

*United States v. Clark*, No. 3:99-CR-86, 2013 U.S. Dist. LEXIS 71803 (S.D. Ohio May 21, 2013), *report and recommendation adopted*, No. 3:99-CR-86, 2013 U.S. Dist. LEXIS 82084 (S.D. Ohio June 11, 2013), *aff'd sub nom.*, *Clark v. United States*, No. 13-3730, slip op., *cert denied*, 574 U.S. 1108 (2015).

*Lenoir v. Warden*, No. 3:09-CV-286, 2012 U.S. Dist. LEXIS 159018 (S.D. Ohio Nov. 6, 2012), *report and recommendation adopted*, No. 3:09-cv-286, 2012 U.S. Dist. LEXIS 172056 (S.D. Ohio Dec. 4, 2012), *aff'd sub nom.*, *Lenoir v. Morgan*, No. 12-3461, 2013 U.S. App. LEXIS 26017 (6th Cir. Aug. 26, 2013), *cert denied*, 571 U.S. 1241 (2014).

*Filer v. Polston*, No. 3:11-CV-170, 2012 U.S. Dist. LEXIS 67448 (S.D. Ohio May 15, 2012), *report and recommendation adopted*, No. 3:11-CV-170, 2012 U.S. Dist. LEXIS 91780 (S.D. Ohio July 3, 2012), *aff'd*, No. 12-3899, slip op. (6th Cir. Apr. 24, 2013), *cert denied*, 571 U.S. 1212 (2014).

*Kinter v. Boltz*, No. 3:12-CV-85, 2012 U.S. Dist. LEXIS 96482 (S.D. Ohio July 12, 2012), *report and recommendation adopted*, No. 3:12-CV-85, 2012 U.S. Dist. LEXIS 190722 (S.D. Ohio Aug. 28, 2012), *aff'd*, No. 12-4167, 2013 U.S. App. LEXIS 12540 (6th Cir. May 1, 2013), *cert denied*, 571 U.S. 1098 (2013).



*Coles v. NLRB*, 14 F. Supp. 3d 1031 (S.D. Ohio 2014), *adopted* 2014 U.S. Dist. LEXIS 42029, *aff'd*, No. 14-33344, slip op. (6th Cir. Oct. 17, 2014), *cert denied*, 136 S. Ct. 35 (2015).

- 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.

*Simkins v. Spears*, No. 3:19-CV-228, 2019 WL 4467957, (S.D. Ohio Sept. 18, 2019), *report and recommendation rejected*, No. 3:19-CV-228, 2019 WL 6032399 (S.D. Ohio Nov. 14, 2019). In this case, I issued a report and recommendation recommending that *pro se* plaintiff's initial complaint be dismissed as duplicative of another action he filed in our Court. Subsequent to the entering of my report and recommendation, *pro se* plaintiff filed a first amended complaint in this action and voluntarily dismissed his other action, thus rendering my report and recommendation moot. The District Court therefore properly rejected the report and recommendation as moot and did not address the merits of my conclusions.

*Simpkins v. Grandview Hosp.*, No. 3:18-CV-309, 2019 WL 3083349 (S.D. Ohio May 17, 2019), *report and recommendation adopted in part, rejected in part*, No. 3:18-CV-309, 2019 WL 3369440 (S.D. Ohio July 26, 2019). In this action, I entered a report and recommendation granting in part and denying in part numerous motions to dismiss filed by defendant seeking to dismiss *pro se* plaintiff's complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure. The parties filed objections to my recommendations and, after *de novo* review, the District Court adopted my report and recommendation in significant part but disagreed with a few conclusions. Namely, the District Court disagreed with my finding that *pro se* plaintiff's pleading sufficiently alleged facts to state a claim against two of the defendants; the District Court also disagreed with my conclusion that plaintiff's claims subject to dismissal under Rule 12(b)(6) should be dismissed with prejudice.

*McCain v. Jenkins*, No. 2:15-CV-1262, 2019 WL 1746358 (S.D. Ohio Apr. 18, 2019), *report and recommendation vacated*, No. 2:15-CV-1262, 2019 WL 1958418 (S.D. Ohio May 2, 2019). In this case, I issued a report and recommendation recommending that *pro se* plaintiff's action be dismissed for failure to prosecute. Subsequent to the issuance of my report and recommendation, plaintiff filed motions in the case evidencing his intent to prosecute his action and, therefore, in the interest of justice, I vacated my report and recommendation and placed the case back on the active docket.

*Frost v. Comm'r of Soc. Sec.*, No. 3:18-CV-70, 2018 WL 6622963 (S.D. Ohio Dec. 18, 2018), *report and recommendation rejected*, No. 3:18-CV-70, 2019 WL

4752793 (S.D. Ohio Sept. 30, 2019). In this Social Security disability appeal, I issued a report and recommendation recommending that the administrative law judge's ("ALJ") non-disability finding be reversed and that the case be remanded to the Commissioner of Social Security for an immediate award of benefits. The District Court disagreed with my conclusion that the ALJ properly applied the treating-physician rule.

*Sander v. Duchak*, No. 3:18-CV-102, 2018 WL 4468251 (S.D. Ohio Sept. 17, 2018), *report and recommendation adopted in part, rejected in part*, No. 3:18-CV-102, 2018 WL 5095674 (S.D. Ohio Oct. 19, 2018). In this case, *pro se* plaintiff asserted civil rights claims under 42 U.S.C. § 1983 and, in considering defendants' motion to dismiss, I recommended that the motion be granted in part and denied in part. The District Court disagreed with my conclusion that *pro se* plaintiff adequately alleged that the Miami County, Ohio Jail's telephone policy impermissibly burdened plaintiff's right to counsel under the Sixth Amendment.

*Shafer v. Reese*, No. 3:16-CV-71, 2018 WL 2335789 (S.D. Ohio May 23, 2018), *report and recommendation adopted in part, rejected in part*, No. 3:16-CV-71, 2018 WL 3737875 (S.D. Ohio Aug. 7, 2018), *appeal dismissed*, No. 18-3865, 2019 WL 4391454 (6th Cir. Jan. 4, 2019). In this case, I concluded that *pro se* plaintiffs' Fourth Amendment claims should proceed to trial because genuine issues of material fact remained as to whether exigent circumstances existed to justify defendants' warrantless entry into and search of plaintiffs' apartment, as well as the subsequent seizure of plaintiffs. The District Court with my conclusion that issues of fact remained with regard to the defendants' assertion that exigent circumstances justified their actions in the absence of a warrant.

*Horst v. Comm'r of Soc. Sec.*, No. 3:17-CV-13, 2018 WL 446173 (S.D. Ohio Jan. 17, 2018), *report and recommendation rejected sub nom. Horst v. Berryhill*, No. 3:17-CV-13, 2018 WL 1157987 (S.D. Ohio Mar. 1, 2018). In this Social Security disability appeal, the District Court disagreed with my conclusion that the ALJ's non-disability finding was supported by substantial evidence and, therefore, should be affirmed.

*Bowen v. Comm'r of Soc. Sec.*, No. 3:17-CV-17, 2018 WL 328964 (S.D. Ohio Jan. 9, 2018), *report and recommendation rejected sub nom. Bowen v. Berryhill*, No. 3:17-CV-17, 2018 WL 1229735 (S.D. Ohio Mar. 7, 2018). In this Social Security disability appeal, the District Court disagreed with my conclusion that the ALJ's non-disability finding should be reversed and the case remanded for further proceedings.

*Dipasquale v. Hawkins*, No. 3:16-CV-219, 2017 WL 3431442 (S.D. Ohio Aug. 10, 2017), *report and recommendation adopted*, No. 3:16-CV-219, 2017 WL 4283950 (S.D. Ohio Sept. 27, 2017), *aff'd in part, rev'd in part and remanded*, 748 F. App'x 688 (6th Cir. 2018). Plaintiff in this case asserted civil rights claims under 42 U.S.C. § 1983 and, in a report and recommendation addressing Rule 12

motions directed to plaintiff's original complaint, I concluded that plaintiff sufficiently pled a malicious prosecution claim against a state actor defendant, but I concluded that plaintiff failed to set forth specific allegations plausibly demonstrating that two private citizen defendants had engaged in a conspiracy with the state actor. Therefore, I recommended that the malicious prosecution claim against the state actor remain pending, while the § 1983 civil conspiracy claims against the private citizens be dismissed. The report and recommendation was subsequently adopted by the District Court over objections. Thereafter, the state actor defendant appealed the denial of qualified immunity on the malicious prosecution claim to the United States Court of Appeals for the Sixth Circuit. On appeal, the Sixth Circuit disagreed with my conclusion that the complaint sufficiently alleged a malicious prosecution claim against the state actor, finding "deficiencies in the allegations regarding the first and second elements" of such cause of action. In so concluding, however, the Sixth Circuit found—as I did—that there were facts alleged in the complaint that could support the malicious prosecution claim against the state actor. However, because such allegations were asserted "under the civil conspiracy cause of action," and not incorporated in "the malicious prosecution cause of action[.]" plaintiff's pleading of his malicious prosecution claim was "technically deficient" and subject to dismissal under Rule 12(b)(6). The Sixth Circuit then remanded the case so that this Court, in its discretion, could consider whether to grant leave to amend.

*Sanders v. Comm'r of Soc. Sec.*, No. 3:16-CV-00263, 2017 WL 2805095 (S.D. Ohio June 29, 2017), *report and recommendation rejected sub nom. Sanders v. Berryhill*, No. 3:16-CV-263, 2017 WL 10808813 (S.D. Ohio Aug. 15, 2017), *aff'd sub nom. Sanders v. Comm'r of Soc. Sec.*, No. 17-4079, 2018 WL 5099229 (6th Cir. June 14, 2018). In this Social Security disability appeal, the District Court disagreed with my conclusion that the ALJ's non-disability finding should be reversed and the case remanded for further proceedings. The United States Court of Appeals for the Sixth Circuit affirmed the District Court's conclusion.

*Pauley v. Comm'r of Soc. Sec.*, No. 3:16-CV-31, 2017 WL 480414 (S.D. Ohio Feb. 6, 2017), *supplemented*, No. 3:16-CV-31, 2017 WL 9531969 (S.D. Ohio Feb. 16, 2017), *report and recommendation adopted in part, rejected in part sub nom. Pauley v. Berryhill*, No. 3:16-CV-31, 2017 WL 1093283 (S.D. Ohio Mar. 23, 2017). In this Social Security disability appeal, the District Court disagreed with my conclusion that the ALJ's credibility finding was moot in light of the conclusion that remand was proper on another basis.

*Easterling v. Cassanos, Inc.*, No. 3:16-CV-340, 2017 WL 9482195 (S.D. Ohio Feb. 1, 2017), *report and recommendation adopted in part, rejected in part sub nom. Easterling v. Cassano's Inc.*, No. 3:16-CV-340, 2017 WL 1546484 (S.D. Ohio May 1, 2017). In this case, *pro se* plaintiff alleged that defendants discriminated against him on the basis of race in promotion decisions and in ultimately terminating his employment. In a report and recommendation, I concluded that the discrimination claim arising from *pro se* plaintiff's termination

was barred by *res judicata* and that his claims arising from defendants' alleged failure to promote were not subject to dismissal on the face of the complaint. The District Court agreed that claims arising from *pro se* plaintiff's termination were barred by *res judicata* and disagreed that my conclusion regarding claims arising from defendants' promotion decisions.

*Hays v. Comm'r of Soc. Sec.*, No. 3:13-CV-247, 2017 WL 56036 (S.D. Ohio Jan. 5, 2017), *vacated sub nom. Hayes v. Comm'r of Soc. Sec.*, No. 3:13-CV-247, 2017 WL 443140 (S.D. Ohio Feb. 2, 2017), *report and recommendation adopted sub nom. Hayes v. Berryhill*, No. 3:13-CV-247, 2017 WL 680560 (S.D. Ohio Feb. 21, 2017). This was a Social Security disability case, and my decision concerned the granting of attorney's fees after plaintiff was found disabled following a remand to the Commissioner of Social Security. I vacated this report and recommendation and issued an amended report and recommendation to correct a clerical error.

*Martin v. Comm'r of Soc. Sec.*, No. 3:13-CV-336, 2017 WL 56037 (S.D. Ohio Jan. 5, 2017), *vacated*, No. 3:13-CV-00336, 2017 WL 443137 (S.D. Ohio Feb. 2, 2017), *report and recommendation adopted sub nom. Martin v. Berryhill*, No. 3:13-CV-336, 2017 WL 680646 (S.D. Ohio Feb. 21, 2017). This was a Social Security disability case, and this decision concerned the granting of attorney's fees after plaintiff was found disabled following a remand to the Commissioner of Social Security. I vacated this report and recommendation and issued an amended report and recommendation to correct a clerical error.

*Talismanic Properties, LLC v. Tipp City*, No. 3:16-CV-285, 2016 WL 6829649 (S.D. Ohio Nov. 21, 2016), *vacated*, 309 F. Supp. 3d 488 (S.D. Ohio 2017). In this order, I directed plaintiff and plaintiff's counsel to show cause as to why sanctions should not issue. When plaintiff and counsel sufficiently demonstrated good cause, I vacated this order.

*Kuczak v. City of Trotwood*, No. 3:13-CV-101, 2016 WL 3654471 (S.D. Ohio July 8, 2016), *report and recommendation adopted in part, rejected in part sub nom. Kuczak v. City of Trotwood Police Dep't*, No. 3:13-CV-101, 2016 WL 4987170 (S.D. Ohio Sept. 15, 2016). In this case, plaintiff challenged the constitutionality of civil enforcement proceedings provided for in local city ordinances governing speeding violations caught by speeding cameras. I concluded that the ordinance at issue, on its face, deprived drivers of the opportunity to rebut any presumption that their speed was reasonable and proper under the circumstances. The District Court disagreed with my conclusion and found that the ordinance could reasonably be interpreted to eliminate due process concerns.

*Walker v. Joyce*, No. 3:15-CV-136, 2016 WL 853048 (S.D. Ohio Mar. 4, 2016), *report and recommendation adopted in part, rejected in part*, No. 3:15-CV-136, 2016 WL 4098425 (S.D. Ohio Aug. 2, 2016). In this case, *pro se* plaintiff

asserted civil rights claims under 42 U.S.C. § 1983. In a report and recommendation, I recommended that *pro se* plaintiff's claims be dismissed on the merits and, alternatively, that they be dismissed as a result of plaintiff's failure to prosecute. The District Court agreed with my recommendation that plaintiff's claims should be dismissed on the merits and, therefore, rejected the alternative basis for dismissal based on plaintiff's failure to prosecute because dismissal on that basis was moot.

*Whitmer v. Comm'r of Social Sec.*, No. 3:14-CV-407, 2016 WL 520533 (S.D. Ohio Feb. 10, 2016), *report and recommendation adopted in part, rejected in part*, No. 3:14-CV-407, 2016 WL 1223307 (S.D. Ohio Mar. 23, 2016). In this Social Security disability appeal, I concluded that the ALJ's non-disability finding was supported by substantial evidence and should be affirmed. In so concluding, I found that the ALJ correctly decided the issue of administrative *res judicata*. The District Court concluded that a remand was required for further development of the record, as well as the ALJ's reasoning, on the issue of *res judicata*.

*Smith v. Comm'r of Soc. Sec.*, No. 3:15-CV-35, 2015 WL 8213618 (S.D. Ohio Dec. 9, 2015), *supplemented*, No. 3:15-CV-35, 2016 WL 404063 (S.D. Ohio Feb. 3, 2016), *report and recommendation adopted in part, rejected in part*, No. 3:15-CV-35, 2016 WL 1213240 (S.D. Ohio Mar. 25, 2016). In this Social Security disability appeal, I concluded that the ALJ's non-disability finding was unsupported by substantial evidence and, as a result, should be reversed and the case remanded for further proceedings. The District Court agreed with my conclusion that the ALJ's non-disability finding was unsupported by substantial evidence, but disagreed with my conclusion that remand was necessary. Instead, the District Court concluded that further proceedings on remand were unnecessary and that, instead, plaintiff was entitled to an immediate award of benefits.

*Osborne v. Comm'r of Social Sec.*, No. 3:13-CV-425, 2015 WL 350587 (S.D. Ohio Jan. 23, 2015), *report and recommendation adopted in part, rejected in part*, No. 3:13-CV-425, 2015 WL 5840214 (S.D. Ohio Oct. 6, 2015). In this Social Security disability appeal, I concluded that the ALJ's non-disability finding was supported by substantial evidence and should be affirmed. The District Court largely agreed with my conclusion, but the Court found that plaintiff was disabled during a 13-month period.

*Turnage v. Comm'r of Soc. Sec.*, No. 3:14-CV-12, 2015 WL 145287 (S.D. Ohio Jan. 12, 2015), *report and recommendation adopted in part, rejected in part*, No. 3:14-CV-12, 2015 WL 1468315 (S.D. Ohio Mar. 30, 2015). In this Social Security disability appeal, I concluded that the ALJ's non-disability finding was supported by substantial evidence and should be affirmed. The District Court disagreed with my conclusion and found that reversal of the ALJ's decision and a remand for further proceedings were required to determine whether plaintiff's alleged knee impairment impacted her residual functional capacity.

*Greenlee v. Miami Township*, No. 3:14-CV-173, 2014 WL 7272258 (S.D. Ohio Dec. 18, 2014), *report and recommendation adopted in part, rejected in part*, No. 3:14-CV-173, 2015 WL 631130 (S.D. Ohio Feb. 12, 2015), *aff'd*, No. 15-3172, slip op. (6th Cir. Sept. 23, 2015). This civil case involved civil rights claims arising from the towing of *pro se* plaintiffs' vehicle after it was left on the side of the interstate after a single-vehicle accident. I issued a report and recommendation concluding that *pro se* plaintiffs failed to state a claim under §1983 against Miami Township because *pro se* plaintiffs failed to allege a policy or custom that caused *pro se* plaintiffs to be deprived of a constitutional right. The District Court agreed with my conclusion in this regard but disagreed with my conclusion that *pro se* plaintiffs' complaint appeared to assert additional claims not addressed in defendant's motion for summary judgment. The District Court also vacated my grant of leave to *pro se* plaintiffs to file an amended complaint after *pro se* plaintiffs indicated in their objections that they did not intend to file an amended complaint.

*Jones v. Comm'r of Soc. Sec.*, No. 3:13-CV-19, 2014 WL 340427 (S.D. Ohio Jan. 30, 2014), *report and recommendation adopted in part, rejected in part*, No. 3:13-CV-19, 2014 WL 1050042 (S.D. Ohio Mar. 17, 2014). In this Social Security disability appeal, I concluded that the ALJ's non-disability finding was unsupported by substantial evidence. As a result, I recommended that the ALJ's finding be reversed and that the case be remanded for further proceedings. The District Court agreed with my conclusion that the ALJ's non-disability finding was unsupported by substantial evidence, but disagreed with my conclusion that the case should be remanded for further proceedings. Instead, the District Court concluded that plaintiff was entitled to an immediate award of benefits.

*Wilson v. Plummer*, No. 3:12-CV-337, 2013 WL 5181615 (S.D. Ohio Sept. 13, 2013), *report and recommendation adopted in part, rejected in part*, No. 3:12-CV-337, 2013 WL 5702206 (S.D. Ohio Oct. 18, 2013). In this case, *pro se* plaintiff asserted several claims under 42 U.S.C. § 1983 including, *inter alia*, allegations that he was denied access to the courts while incarcerated in the Montgomery County, Ohio Jail. I recommended that defendant's motion to dismiss be granted in part (on one of *pro se* plaintiff's access-to-the-courts claims) and denied in all other respects. *Pro se* plaintiff filed objections and, in so doing, pointed to new facts in support of his claims. The District Court found that, based on the new facts, *pro se* plaintiff could sufficiently state claims under § 1983, declined to adopt by recommendation, and ordered *pro se* plaintiff to file an amended complaint.

*Brockmeier v. Greater Dayton Reg'l Transit Auth.*, No. 3:12-CV-327, 2013 WL 3337403 (S.D. Ohio July 2, 2013), *report and recommendation rejected*, No. 3:12-CV-327, 2013 WL 4647139 (S.D. Ohio Aug. 29, 2013). In this civil case, *pro se* plaintiff alleged violations of the Americans with Disabilities Act and the related provisions of Ohio law. I recommended that plaintiff's complaint be dismissed under Rule 12(b)(6) of the Federal Rules of Civil Procedure because

plaintiff failed to exhaust administrative remedies. The District Court disagreed with my conclusion and found that the administrative regulations at issue did not apply and, therefore, plaintiff was not required to exhaust administrative remedies. The District Court further concluded that plaintiff was not required to plead the exhaustion of administrative remedies in his complaint.

*Keeton v. Comm'r of Soc. Sec.*, No. 3:12-CV-230, 2013 WL 2948412 (S.D. Ohio June 14, 2013), *report and recommendation rejected*, No. 3:12-CV-230, 2013 WL 5366136 (S.D. Ohio Sept. 24, 2013), *vacated and remanded*, 583 F. App'x 515 (6th Cir. 2014). In this Social Security disability case, I recommended that the ALJ's non-disability finding be reversed and that plaintiff be awarded benefits. In so concluding, I found that the ALJ's decision to afford greater weight to a non-examining psychologist over an examining psychologist was unsupported by substantial evidence. The District Court disagreed and concluded that the ALJ's opinion should be affirmed. On appeal, the United States Court of Appeals for the Sixth Circuit vacated the District Court's decision and remanded the case to the Commissioner of Social Security for further proceedings.

*Wierzbza-Wysong v. Comm'r of Soc. Sec.*, No. 3:12-CV-15, 2013 WL 371992 (S.D. Ohio Jan. 30, 2013), *report and recommendation vacated*, No. 3:12-CV-15, 2013 WL 1127602 (S.D. Ohio Mar. 18, 2013). In this Social Security disability appeal, I concluded that the ALJ's non-disability finding was supported by substantial evidence and should be affirmed. The District Court vacated my report and recommendation and remanded the case to me for further consideration of new case law issued by the United States Court of Appeals for the Sixth Circuit after I entered my recommendations.

*Spiller v. Astrue*, No. 3:11-CV-94, 2012 WL 2917555 (S.D. Ohio July 17, 2012), *report and recommendation rejected sub nom. Spiller v. Comm'r of Soc. Sec.*, No. 3:11-CV-94, 2012 WL 4364303 (S.D. Ohio Sept. 24, 2012). In this Social Security disability appeal, the District Court disagreed with my conclusion that the ALJ's non-disability finding was supported by substantial evidence.

*Adams v. Warden, Lebanon Corr. Inst.*, No. 3:10-CV-315, 2012 WL 1203600 (S.D. Ohio Apr. 10, 2012), *report and recommendation adopted in part, rejected in part*, No. 3:10-CV-315, 2012 WL 4813774 (S.D. Ohio Oct. 10, 2012). This was a case in which petitioner sought a writ of habeas corpus under 28 U.S.C. §2254. I recommended that the petition be dismissed with prejudice and the District Court agreed with my conclusions on the merits. I also recommended that a certificate of appealability issue with regard to one ground for relief. The District Court disagreed and declined to grant a certificate of appealability on all issues.

*Kash v. Astrue*, No. 3:11-CV-44, 2012 WL 204141 (S.D. Ohio Jan. 24, 2012), *report and recommendation rejected sub nom. Kash v. Comm'r of Soc. Sec.*, No. 3:11-CV-44, 2012 WL 996103 (S.D. Ohio Mar. 23, 2012). In this Social Security

disability appeal, I concluded that the ALJ's non-disability finding was supported by substantial evidence and, therefore, should be affirmed. The District Court disagreed with my conclusion, found that the ALJ's decision was unsupported by substantial evidence, and remanded the case to the Commissioner of Social Security for further proceedings.

*Douglas v. Astrue*, No. 3:10-CV-188, 2012 WL 182212 (S.D. Ohio Jan. 23, 2012), *report and recommendation adopted in part, overruled in part*, No. 3:10-CV-188, 2012 WL 931100 (S.D. Ohio Mar. 19, 2012). In this Social Security disability appeal, I recommended that plaintiff's counsel be awarded attorney's fees pursuant to 28 U.S.C. § 2412(d). The District Court agreed with my recommendation that plaintiff's counsel be awarded fees; however, the District Court found that counsel was entitled to fees at an hourly rate lower than the rate I found reasonable.

*Snyder v. Astrue*, No. 3:11-CV-25, 2012 WL 37390 (S.D. Ohio Jan. 9, 2012), *supplemented*, No. 3:11-CV-25, 2012 WL 202077 (S.D. Ohio Jan. 24, 2012), *report and recommendation rejected*, No. 3:11-CV-25, 2012 WL 870718 (S.D. Ohio Mar. 13, 2012), *aff'd sub nom. Snyder v. Comm'r of Soc. Sec.*, 526 F. App'x 479 (6th Cir. 2013). In this Social Security disability appeal, I concluded that the ALJ's non-disability finding was unsupported by substantial evidence and, therefore, the case should be remanded for an immediate award of benefits. After considering the Commissioner's objections, I supplemented my original decision and found that a remand should be ordered, as opposed to an immediate award of benefits. The District Court disagreed with my conclusion and determined that the ALJ's decision was supported by substantial evidence. The District Court, therefore, affirmed the ALJ's decision. The District Court's decision was affirmed on appeal to the United States Court of Appeals for the Sixth Circuit.

*Howard v. Warden, Lebanon Corr. Inst.*, No. 3:08-CV-424, 2011 WL 7164509 (S.D. Ohio Nov. 9, 2011); *report and recommendation adopted in part, rejected in part*, No. 3:08-CV-424, 2012 WL 395186 (S.D. Ohio Feb. 7, 2012), *aff'd*, 519 F. App'x 360 (6th Cir. 2013). This action concerned a petition for a writ of habeas corpus in which I found merit to petitioner's first ground for relief regarding the alleged suggestiveness and unreliability of an eyewitness identification used to convict him at trial. I found no merit to petitioner's other contentions. The District Court disagreed with my conclusion concerning the eyewitness identification, concluding that the state court's determination was neither an unreasonable determination of clearly established law nor an unreasonable determination of the facts of the case. The United States Court of Appeals for the Sixth Circuit affirmed the District Court's opinion.

*Gayheart v. Comm'r of Soc. Sec.*, No. 3:10-CV-401, 2011 WL 10604891 (S.D. Ohio Oct. 6, 2011), *objections sustained sub nom. Gayheart v. Astrue*, No. 3:10-CV-401, 2012 WL 161286 (S.D. Ohio Jan. 19, 2012), *rev'd and remanded sub nom. Gayheart v. Comm'r of Soc. Sec.*, 710 F.3d 365 (6th Cir. 2013). In this



Social Security disability case, I concluded that the ALJ failed to properly weigh medical source opinions in accordance with applicable regulations, and that the ALJ's conclusions regarding plaintiff's disability status were unsupported by substantial evidence. Accordingly, I recommended that the ALJ's decision be reversed and that plaintiff be awarded benefits. The District Court disagreed with my conclusions, found that the ALJ's non-disability finding was supported by substantial evidence, and entered judgment affirming the ALJ's decision. On appeal, the United States Court of Appeals for the Sixth Circuit reversed the District Court's decision and remanded the case to the Commissioner of Social Security for reconsideration.

- 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.

I have issued over 800 decisions in my career as a United States Magistrate Judge. Of those decisions, 154 were published in official reporters. Decisions not published in official reports are generally available in legal research databases, such as Westlaw and Lexis, and are available for review on the Court's online Case Management/Electronic Case Files system.

- 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.

*Hopper v. Montgomery Cty. Sheriff*, 310 F. Supp. 3d 911 (S.D. Ohio 2017), *aff'd in part, dismissed in part sub nom. Hopper v. Plummer*, 887 F.3d 744 (6th Cir. 2018), *reh'g denied* (May 1, 2018), *cert. denied* 139 S. Ct. 567 (2018).

*Weber v. Warden, Warren Corr. Inst.*, 886 F. Supp. 2d 749, 751 (S.D. Ohio 2012), *aff'd sub nom. Weber v. Buchanan*, 543 F. App'x 516 (6th Cir. 2013).

*Dixon v. Warden, S. Ohio Corr. Facility*, 940 F. Supp. 2d 614, 619 (S.D. Ohio 2013).

*Wood v. Plummer*, 940 F. Supp. 2d 636, 638 (S.D. Ohio 2013).

*Fannon v. Patterson*, No. 3:13-CV-14, 2014 U.S. Dist. LEXIS 120899 (S.D. Ohio Aug. 29, 2014).

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

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

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

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

I follow 28 U.S.C. § 455 and the Code of Conduct for United States Judges in determining whether to recuse from presiding over a matter. My staff and I review the daily filings each day and monitor each case assigned to me for potential conflicts. Upon taking the bench in 2011, I recused myself from cases where one of the parties was represented by an attorney at my former law firm. After being on the bench for approximately five years, I recused myself from cases involving my former law firm only if I previously worked on the matter or if I worked closely with one of the attorneys of record. I currently follow this practice.

In addition, I have recused myself from cases wherein my career law clerk's wife is an attorney of record or, in some instances, where another attorney in the firm represents one of the parties.

The following is a list of cases for which I recused myself sua sponte. Also listed is the single instance in which a *pro se* plaintiff moved to have me recused because he disagreed with my legal conclusions.

*Kline v. Mortgage Electronic Security Systems*, No. 3:08-CV-408 (S.D. Ohio). I *sua sponte* recused myself as a mediator in this matter because I had a mortgage loan through Wells Fargo, and Wells Fargo was a party to the action. I learned of the potential conflict upon a routine daily review of my case docket activity.

*Ball Metal Beverage Container Corporation v. Crown Packaging Technology, Inc.*, No. 3:12-CV-33 (S.D. Ohio). I *sua sponte* recused myself from this miscellaneous case because one of the parties was represented by an attorney at my former law firm. This

case was filed less than a year after I took office as a Magistrate Judge, and, therefore, I chose to recuse to avoid the appearance of impropriety.

*T. Lemkau & Assoc., Ltd. v. Sowa Tool & Machine Co., Ltd.*, No. 3:12-MC-9 (S.D. Ohio). I *sua sponte* recused myself from this miscellaneous case because one of the parties to the dispute was represented by an attorney at my former law firm. This case was filed less than a year after I took office as a Magistrate Judge, and, therefore, I chose to recuse to avoid the appearance of impropriety. I learned of the potential conflict upon a routine daily review of my case docket activity.

*Ferring B.V. v. Watson Laboratories, Inc.*, No. 3:12-MC-11 (S.D. Ohio). I *sua sponte* recused myself from this miscellaneous case because the matter involved a subpoena *ad testificandum* to occur at my former law firm in Cincinnati, Ohio. In an abundance of caution, I recused myself to avoid any potential appearance of impropriety. I learned of the potential conflict upon a routine daily review of my case docket activity.

*Orbit Movers & Erectors, Inc. v. Environmental Tectonic Corporation*, No. 3:14-CV-118 (S.D. Ohio). I *sua sponte* transferred this case to another Magistrate Judge because my career law clerk's wife was an attorney of record for one of the defendants. I learned of the potential conflict upon a routine daily review of my case docket activity. I felt it best to recuse myself to avoid any appearance of impropriety.

*Engle v. UHaul*, No. 3:16-CV-27 (S.D. Ohio). *Pro se* plaintiff in this case filed a motion seeking to recuse me from presiding in the case because he disagreed with my legal conclusions. The District Court promptly denied *pro se* plaintiff's motion, finding that recusal is not warranted merely because a judicial officer disagrees with a litigant's position. I did not choose to recuse myself because I handled the case fairly and impartially and, despite *pro se* plaintiff's motion, I could so remain.

*Ray v. Caliber Home Loans, Inc.*, No. 3:16-CV-364 (S.D. Ohio). I *sua sponte* transferred this case to another Magistrate Judge because I worked closely with one of the attorneys in the case who still works at the law firm where I worked as a partner before becoming a Magistrate Judge. I felt it best to recuse myself to avoid any appearance of impropriety. I learned of the potential conflict upon a routine daily review of my case docket activity.

*Grimsley v. American Showa, Inc.*, No. 3:17-CV-24 (S.D. Ohio). I *sua sponte* recused myself from this matter because I worked closely with one of the attorneys in the case who still works at the law firm where I worked as a partner before becoming a Magistrate Judge. I learned of the potential conflict upon a routine daily review of my case docket activity. I felt it best to recuse myself to avoid any appearance of impropriety.

*Vyas v. Provident Life & Accident Insurance Co.*, No. 3:17-CV-54 (S.D. Ohio). I *sua sponte* recused myself from this case because a party to the case was the father of an undergraduate student to whom I had previously offered an internship. I learned of the

potential conflict shortly after meeting the student and immediately recused to avoid any appearance of impropriety.

*RELX, Inc. v. Chase Cost Management*, No. 3:17-CV-202 (S.D. Ohio). I recused myself in this case *sua sponte* because my career law clerk's wife was an attorney of record for plaintiff. I felt it best to recuse myself to avoid any appearance of impropriety. This potential conflict of interest came to my attention upon a review of the case upon its referral to me from the District Judge.

*Human Rights Defense Center v. Greene County*, No. 3:17-CV-381 (S.D. Ohio). I *sua sponte* recused myself from this case because of a close family relationship with counsel in the case. I learned of the potential conflict upon a routine daily review of my case docket activity. I subsequently conferred with counsel regarding the potential conflict and, although counsel had no issue with my proceeding as the assigned Magistrate Judge in the case, I felt it best to recuse myself to avoid any appearance of impropriety.

*Joyce v. Wright State University*, No. 3:17-CV-387 (S.D. Ohio). I *sua sponte* recused myself in this case because it appeared from my review of a pending motion to dismiss that an intern in my chambers was a potential witness in the case.

*Cox v. University of Dayton*, No. 3:17-CV-395 (S.D. Ohio). I was assigned to mediate this case on the Court's docket. The case involved pro se plaintiff's claims against the University of Dayton School of Law, where I teach as an adjunct professor. After conferring with the parties in this case, I recused myself as mediator because of the involvement of individuals I work closely with at the law school.

*Noticxe, Inc. v. Oakley, Inc.*, No. 3:18-CV-56 (S.D. Ohio). I recused myself in this case *sua sponte* because my career law clerk's wife was an attorney of record for plaintiff. This potential conflict of interest came to my attention upon a daily review of my case docket activity. I felt it best to recuse myself to avoid any appearance of impropriety.

*Easterling v. Rice*, 3:19-CV-40 (S.D. Ohio). I *sua sponte* recused myself in this pro se case because I was named as a defendant. I learned of the conflict upon a routine daily review of my case docket activity. The case was subsequently dismissed as failing to state a viable claim.

*Bank of New York Mellon v. Ackerman*, No. 3:19-CV-53 (S.D. Ohio). I *sua sponte* recused myself from this case because, while in private practice, I was counsel in previous, and potentially related, litigation wherein defendant was a party. I learned of the potential conflict upon a routine daily review of my case docket activity. I felt it best to recuse myself to avoid any appearance of impropriety.

*Lofino v. Gigante*, No. 3:19-CV-73 (S.D. Ohio). I *sua sponte* transferred this case to another Magistrate Judge because the law firm where my career law clerk's wife is a partner represents one of the parties. I learned of the potential conflict upon a routine

daily review of my case docket activity. I felt it best to recuse myself to avoid any appearance of impropriety.

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.

None.

- 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.

Member, Leadership Council, Hamilton County, Ohio Republican Party (as I recall 2005 - 2011)

Member, Judicial Selection Committee, Hamilton County, Ohio Republican Party (as I recall 2005 - 2011)

Chair, Hamilton County, Ohio Republican Party, Senator DeWine Campaign (2006)

Chair, Hamilton County, Ohio Republican Party Chair, Supreme Court of Ohio Chief Justice Maureen O'Connor Campaign (2010)

Campaign Worker, Senator Portman Election Campaign (2010)

Campaign Worker, McCain Presidential Campaign (2008)

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 clerked for the Honorable Jack Sherman, Jr. on the United States District Court for the Southern District of Ohio from 1989 to 1998, and again—after completion of my one-year clerkship on the United States Court of

Appeals for the Sixth Circuit—from 1999 to 2003.

I clerked for the Honorable Nathaniel R. Jones on the United States Court of Appeals for the Sixth Circuit from 1998 to 1999.

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

I never practiced alone.

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

2003 – 2011

Dinsmore & Shohl LLP

255 East Fifth Street, Suite 1900

Cincinnati, Ohio 45202

Associate (2003 – 2006)

Partner and Chair of the Labor & Employment Appellate Practice Group (2007 – 2011)

- 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.

While in private practice at Dinsmore & Shohl, I served in a volunteer capacity as a mediator and arbitrator for the Hamilton County, Ohio Common Pleas Court. I do not recall any specific details about the cases I mediated and arbitrated, except that a significant number of the cases involved personal injury disputes arising from automobile accidents.

I was also retained as a private mediator in a defamation matter in which plaintiff asserted a claim against her hairdresser. The defendant worked at Supercuts. I do not recall the plaintiff's name.

I was then also hired as a mediator and arbitrator on behalf of the American Arbitration Association in fewer than five matters. I do not recall the names or specific details regarding the cases over which I presided, but do recall that most involved claims of employment discrimination. In addition to claims of employment discrimination, one matter involved the payment of life insurance benefits.

- b. Describe:

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

From 1989 to 2003, I served as a federal judicial law clerk in the district court and court of appeals. The general character of my work at that time involved federal civil litigation.

From 2003 to 2011, I was an attorney at Dinsmore & Shohl, where I was a partner from 2007 to 2011. My areas of practice while at Dinsmore included labor and employment, business litigation, Employee Retirement Income Security Act litigation, and appellate litigation. At Dinsmore, I served as Chair of the firm's Labor & Employment Appellate Practice Group and also led the firm's pro bono appellate program in the United States Court of Appeals for Sixth Circuit Court of Appeals.

Since 2011, I have served as a United States Magistrate Judge in the United States District Court for the Southern District of Ohio's Dayton seat of court.

My work has consistently been federal in nature since 1989.

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

As a federal law clerk between 1989 and 2003, I did not represent clients.

From 2003 to 2011, I mainly represented corporate clients in employment matters. I also represented a number of employees or former employees in employment matters. I represented individuals pro bono in criminal and habeas appeals in Ohio's state and federal courts.

As a United States Magistrate Judge since 2011, I have not represented 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.

I frequently appeared in court during my career in private practice at Dinsmore & Shohl. As a law clerk in the district court, I was in court assisting the judge almost daily.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 80%
  - 2. state courts of record: 15%
  - 3. other courts: 0%
  - 4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 90%
2. criminal proceedings: 10%

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

I tried two cases to judgment, one as second-chair counsel in a two-week employment discrimination jury trial and the other as lead counsel in a bench trial concerning an alleged breach of an employment contract.

i. What percentage of these trials were:

1. jury: 50%
2. non-jury: 50%

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 was co-counsel in *CBOCS West, Inc. v. Humphries*, 553 U.S. 442 (2008), and my co-counsel gave oral argument in the Supreme Court of the United States on February 20, 2008. We represented the petitioner. Please find attached copies of the petition for writ of certiorari, the reply brief in support of the petition for writ of certiorari, petitioner's merits brief, and petitioner's reply brief.

I was co-counsel in *OPW Fueling Components v. National Labor Relations Board*, 549 U.S. 1054 (2006). The Supreme Court did not grant certiorari. Please find attached a copy of the petition for writ of certiorari.

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. *G.G. Marck & Associates, Inc. v. Peng*, 309 F. App'x 928 (6th Cir. Feb. 5, 2009).

In this appeal, I represented defendant-appellant in a million-dollar-plus business dispute along with co-counsel. Defendant successfully challenged the district court's reopening of a settled case, as well as the subsequent entry of judgment and award of damages plus sanctions. I was lead counsel for Dinsmore & Shohl. The appeal was litigated over a one-year period. Co-counsel argued. The district court's judgment, award of damages, and sanctions were vacated, and the case was remanded.

This case was before the United States Court of Appeals for the Sixth Circuit and Circuit Judges John M. Rogers, Jeffrey S. Sutton, and David W. McKeague (presiding).

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419-897-7967

2. *United States v. Bailey*, 553 F.3d 940 (6th Cir. 2009).

In this direct criminal appeal, I represented the defendant who successfully challenged the sufficiency of the evidence that purportedly supported his conviction for being a felon in possession of a firearm, as well as doing so in furtherance of a drug trafficking offense. I was lead counsel. Co-counsel gave oral argument. While the United States Court of Appeals for the Sixth Circuit affirmed the defendant's conviction for possession of crack cocaine with the intent to distribute, the Court reversed his felon-in-possession conviction and remanded the case to the district court for further proceedings. I represented defendant-appellant during the appeal only, from June 2006 until the issuance of the decision in January 2009.

This case was before the United States Court of Appeals for the Sixth Circuit and Circuit Judges Karen N. Moore, Richard A. Griffin, and District Judge Arthur J. Tarnow (sitting by designation and presiding).

Co-Counsel:

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Opposing Counsel:

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859-233-2661

3. *Lyell v. Renico*, 470 F.3d 1177 (6th Cir. 2006).

In this habeas matter, I represented the petitioner on appeal from approximately September 2005 until approximately December 2006. Petitioner, after having been convicted in the State of Michigan of assault with the intent to commit murder, unsuccessfully sought a writ of habeas corpus in the United States District Court for the Eastern District of Michigan. On appeal, the United States Court of Appeals for the Sixth Circuit reversed the District Court's decision and conditionally granted petitioner's petition for a writ. I acted as lead counsel and argued the case.

This case was before the United States Court of Appeals for the Sixth Circuit and Circuit Judges Jeffrey S. Sutton, Eric L. Clay, and District Judge Louis F. Oberdorfer (sitting by designation and presiding).

Co-Counsel:

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727-738-1100

Opposing Counsel:

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502-582-5911

4. *Fultz & Thatcher v. Burrows Group Corp.*, No. CA2005-11-126, 2006 Ohio App. LEXIS 7024 (Ohio Ct. App. Dec. 28, 2006).

In this civil case, I represented defendant from approximately 2004 through 2006 in a million-dollar-plus business dispute in which plaintiff, among other claims, alleged the breach of an equipment lease agreement. My client prevailed on summary judgment, and plaintiff appealed. On appeal, the Ohio Twelfth District Court of Appeals affirmed the trial court's judgment in favor of my client. I supervised discovery, strategized regarding the summary judgment motion and supervised its drafting, and argued the appeal.

This case was before the Ohio Twelfth District Court of Appeals Judges James E. Walsh, Stephen W. Powell, and Harvey J. Bressler.

Co-Counsel:

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704-758-4212

Opposing Counsel:

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Sebaly Shillito + Dyer  
9100 West Chester Towne Centre Drive, Suite 210  
West Chester, Ohio 45069

937-716-1439

5. *CBOCS West, Inc. v. Humphries*, 553 U.S. 442 (2008).

I represented petitioner CBOCS West, Inc. in this case from approximately 2007 until 2008. The case concerned claims of race discrimination and retaliation. I was involved at the outset concerning appellate strategy, preparing the petition for a writ of certiorari and the merits brief, coordinated efforts by parties submitting amicus briefs, and appeared at counsel table for oral argument before the Supreme Court of the United States. (Co-counsel argued the case.) Finding that 42 U.S.C. § 1981 encompasses retaliation claims, the Supreme Court affirmed (7-2) the decision of the United States Court of Appeals for the Seventh Circuit. Justices Thomas and Scalia dissented.

This case was on appeal to the Supreme Court of the United States. Justices Breyer, Roberts, Stevens, Kennedy, Souter, Ginsburg, Scalia, Alito, and Thomas all participated in the decision.

Co-Counsel:

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615-444-5533

Opposing Counsel:

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300 South Wacker Drive, Suite 1700  
Chicago, Illinois 60606  
312-663-3100

6. *Shearson v. United States Department of Homeland Security*, 638 F.3d 498 (6th Cir. 2011).

From approximately September 2010 until June 2011, I represented plaintiff-appellant who alleged Privacy Act claims against the Department of Homeland Security and U.S. Customs and Border Protection. I was lead counsel, although co-counsel, whom I supervised, argued. The United States Court of Appeals for the Sixth Circuit vacated the district court's order in part, affirmed it in part, and remanded for further proceedings.

This case was before the United States Court of Appeals for the Sixth Circuit and Circuit Judges Julia Smith Gibbons, Helene M. White, and Chief District Judge Paul L. Maloney (sitting by designation and presiding).

Co-Counsel:

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513-977-8200

Opposing Counsel:

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U.S. Department of Justice, Office of the Solicitor General  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
202-514-2203

7. *Shook v. Avaya Inc.*, 625 F.3d 69 (3d Cir. 2010).

From approximately November 2007 until September 2010, I represented defendant-appellee against claims for breach of fiduciary duty under the Employee Retirement Income Security Act. I was lead counsel for Avaya in the United States District Court for the Western District of Pennsylvania and prevailed on behalf of my client. Opposing counsel appealed. I argued the case before the United States Court of Appeals for the Third Circuit and assisted in preparation of the brief on appeal. The Third Circuit affirmed the grant of summary judgment in favor of my client.

The case was before the United States Court of Appeals for the Third Circuit and Circuit Judges Anthony J. Scirica, Marjorie O. Rendell, and D. Michael Fisher (presiding).

Co-Counsel:

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513-977-8200

Opposing Counsel:

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Pittsburgh, Pennsylvania 15222  
412-391-7711

Glen S. Downey  
The Law Offices of Glen S. Downey, LLC  
5214 Ingersoll Avenue  
Des Moines, Iowa 50312  
412-865-7110

8. *Keeney v. State*, 935 N.E.2d 941 (Ohio Ct. App. 2010).

At the request of the Hamilton County Public Defender's Office, and acting on a reduced fee basis, I represented, as co-counsel, appellant from approximately 2009 to 2010. My client argued that he was not required to register under the state law that implemented the Adam Walsh Act. Ultimately, the Ohio First District Court of Appeals unanimously agreed with my client's position and reversed the decision of the Common Pleas court.

This case on appeal was before the Ohio First District Court of Appeals and Judges Penelope R. Cunningham, Joseph H. Sundermann, and Sylvia S. Hendon.

Co-Counsel:

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513-629-9489

Opposing Counsel:

Paula E. Adams  
Hamilton County Prosecutor's Office  
230 East Ninth Street, Suite 4000  
Cincinnati, Ohio 45202  
513-946-3000

9. *Hart v. State*, 936 N.E.2d 497 (Ohio 2010).

At the request of the Hamilton County Public Defender's Office, and acting on a reduced fee basis, I represented the appellant from approximately 2009 to 2010. My client challenged the constitutionality of the Adam Walsh Act. The Supreme Court of Ohio accepted the discretionary appeal, unanimously reversed the decision of the Ohio First District Court of Appeals, and remanded the case to the Hamilton County Court of Common Pleas for further proceedings.

This case was on appeal to the Supreme Court of Ohio and before Justices Eric S. Brown, Paul E. Pfeifer, Evelyn Lundberg Stratton, Maureen O'Connor, Terrence O'Donnell, Judith Ann Lanzinger, and Robert Richard Cupp (presiding).

Co-Counsel:

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513-629-9489

Kurt R. Hunt  
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513-977-8200

Opposing Counsel:

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513-946-3000

10. *Sauer v. Universal Internal Medicine Associates, Inc.*, No. 1:06-CV-264, 2008 U.S. Dist. LEXIS 20725 (S.D. Ohio Mar. 17, 2008).

I represented defendant in this case from approximately 2006 until 2008. Plaintiff alleged age, disability, and Family and Medical Leave Act discrimination and retaliation. I assisted in the preparation of the motion for summary judgment that was granted in part.

This case was filed in the United States District Court for the Southern District of Ohio. United States District Judge Michael R. Barrett presided.

Co-Counsel:

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Shawn P. Burton  
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Cincinnati, Ohio 45215  
513-552-3807

Opposing Counsel:

Martin McHenry

Martin McHenry Attorney at Law  
414 Walnut Street, Suite 910  
Cincinnati, Ohio 45202  
513-241-0441

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.)

As a United States Magistrate Judge:

As a federal judge, I take every case before me very seriously and rule on each case fairly, under the applicable and controlling law, after giving parties and their counsel a full and fair opportunity to conduct discovery, present appropriate motions, and argue before me. I listen carefully to lawyers' arguments and work diligently to ensure that the legal proceedings before me—conferences, hearings, mediations, and trials—are conducted fairly and appropriately.

While a judge, I have had the great honor of creating and presiding over the first Federal Veterans Treatment Court in the Southern District of Ohio. The veterans who appear before me have been charged with misdemeanor offenses at the Dayton V.A. Hospital, and most face a six-month jail term if convicted. These honorable men and women—with PTSD, opioid, mental health, and substance abuse issues—voluntarily enter into treatment, and I supervise them on a monthly basis when they appear in Court before me. To date, our Federal Veterans Treatment Court has graduated more than 75 veterans, many of whom are now substance-free and on a different path in life than when they first appeared before me. It is one of the great honors of my life to preside over this important effort.

I am also honored to preside over several naturalization ceremonies in our court each year. It is a great honor and privilege to administer the oath of citizenship to these new citizens, to welcome them, and to recite the Pledge of Allegiance with them for the first time as United States citizens.

I strongly believe that all federal judges have a duty to give back to their communities, and I have strived to do so via my many years of voluntary service to the Ohio State Bar Association, the Federal Bar Association, and the Dayton Bar Association, among others. I mentor many young people by inviting them to job shadow me, inviting them to our Court so I can talk about civics and show them a federal courtroom, and visiting them in their schools when my schedule allows. I invite a number of students from the University of Dayton School of Law and other law schools to spend the summer in my chambers as interns or externs. I also fully support the important work of two minority pipeline



programs in Ohio, the Law & Leadership Institute (LLI) and the Summer Work Experience in Law program (known as SWEL). I regularly invite LLI and SWEL students to spend their summers in my chambers, and I sit on LLI's board of directors.

While in private practice:

As a practitioner with Dinsmore & Shohl, the United States Court of Appeals for the Sixth Circuit appointed me more than 30 times to handle pro bono direct criminal appeals, habeas corpus petitions, and § 1983 appeals. I served as lead counsel in each of those 30-plus matters before the Sixth Circuit and was successful in a number of those cases. Additionally, I was appointed by Lou Strigari, head of the Hamilton County, Ohio Public Defender's Office, to serve as lead counsel in, and to coordinate, more than 300 Adam Walsh Act constitutional appeals in the Ohio First District Court of Appeals. These matters were handled on a reduced fee basis. I worked diligently to ensure that every one of my clients—whether a paying client or a pro bono client—was given counsel and represented well. I was always mindful of the importance of access to justice.

In 2004, I was honored to be admitted to Harvard Law School's Advanced Mediation Program. The mediation skills I learned there helped me both in private practice and now as a federal judge. After finishing the program and while at the Dinsmore firm, I volunteered as a mediator for the United States District Court's Settlement Week in Cincinnati and for the Hamilton County, Ohio Court of Common Pleas. I now mediate cases frequently, helping to bring contentious disputes to resolution—working late into the night along with counsel, if necessary—knowing that my job as a federal judge-mediator is to resolve disputes and help bring closure.

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.

Federal Trial Practice Seminar  
Chase College of Law at Northern Kentucky University  
Nunn Drive  
Highland Heights, Kentucky 41099  
Fall 1991

I taught law students how to litigate cases in federal district courts. I have not been able to find a syllabus.

Basic Legal Skills I—Research  
Chase College of Law at Northern Kentucky University  
Nunn Drive  
Highland Heights, Kentucky 41099  
Fall 1993 – Spring 1997; Fall 2000 d – Spring 2002

I taught legal research skills to first-year law students. A representative syllabus is

supplied in Appendix 19.

Federal Jurisdiction

Chase College of Law at Northern Kentucky University

Nunn Drive

Highland Heights, Kentucky 41099

Spring 1995

I taught law students about the limited jurisdiction of the federal courts. I have not been able to find a syllabus.

Pretrial Litigation

Chase College of Law at Northern Kentucky University

Nunn Drive

Highland Heights, Kentucky 41099

Spring 1996; Spring 1997; Spring 1998; Spring 1999

I taught law students about taking a case from initial client meeting through Rule 12 motion practice and discovery. I have not been able to find a syllabus.

Pretrial Litigation

University of Cincinnati College of Law

2540 Clifton Avenue

Cincinnati, Ohio 45221

Fall 1996; Spring 1998

I taught law students about taking a case from initial client meeting through Rule 12 motion practice and discovery. I have not been able to find a syllabus.

Appellate Advocacy

University of Dayton School of Law

300 College Park

Dayton, Ohio 45469

Fall 1997

I taught an introductory research and appellate writing class for second-year law students. I have not been able to find a syllabus.

Interviewing, Counseling, and Negotiation

University of Dayton School of Law

300 College Park

Dayton, Ohio 45469

Spring 2017 – Spring 2020

I taught law students about initial client interviewing and client counseling clients. I also taught them about negotiating and mediating disputes on behalf of their clients. I have generally used the same syllabus each semester and representative copies are supplied in Appendix 19.

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.

None.

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 teach as an adjunct professor at the University of Dayton School of Law and hope to continue in that role in the future. I do receive compensation for teaching. I have no specific commitment or agreement in this regard.

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

When my nomination is formally transmitted to the Senate, I will file my mandated financial disclosure report and will submit a copy to this Committee.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I intend to continue my current practice by following the requirements of 28 U.S.C. § 455 and the Code of Conduct for United States Judges in determining whether to recuse from presiding over a matter. My staff and I will continue to review the daily filings each day and monitor each case assigned to me for potential conflicts. I intend to continue to recuse myself from cases involving my former law firm if I previously worked on the matter or if I worked closely with one of the attorneys of record and I believe that there may be an appearance of impropriety. In addition, I intend to recuse myself from cases wherein my career law clerk's wife is an attorney of record or, in some instances, where another attorney in the firm represents one of the parties.

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

My staff and I routinely review the daily docket activity report for potential conflicts in cases assigned to me. When faced with a potential conflict, I will act promptly and appropriately.

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.

The focus of my life, as a lawyer and judge, has been public service and service to others. In fact, as national president of the Federal Bar Association, my national initiative was "Civics and Service to Others."

I am honored to serve on the board of directors of the Greater Dayton Volunteer Lawyers Project ("GDVLP"), which assists those in the Dayton community with limited financial resources find legal representation. I spend time preparing for, and attending, our board meetings—an average of several hours every other month.

I am also active in our Court's reentry court and restored citizens efforts, assisting individuals reentering the community after serving prison sentences. I have devoted several hundred hours serving these Court-sponsored efforts. This includes meeting one Saturday per month—for several hours—with individuals and their families at the Potter's House Church in West Dayton. In May 2016, I traveled to Louisville, Kentucky, to speak to a group of federal judges at the Sixth Circuit Judicial Conference to educate them about this effort.

On my docket, I take very seriously each of the Social Security disability cases that are presented to me for review. I typically handle at least one disability case each week. When disability claimants do not have counsel, my chambers staff contacts GDVLP to ensure they are represented—knowing that is close to impossible for a *pro se* claimant to navigate the complexities of this area of the law unless they are represented by counsel.

As noted above, I created and ran Dinsmore & Shohl's pro bono appellate program in the United States Court of Appeals for the Sixth Circuit. During my time with Dinsmore, we handled more than 30 matters and were successful on numerous occasions. In working on these cases, I devoted hundreds of hours of pro bono legal services.

I also accepted an appointment from the Hamilton County Public Defender's Office to serve as lead counsel in, and to coordinate, more than 300 Adam Walsh Act constitutional appeals in the Ohio First District Court of Appeals. In working on these cases, I devoted 100 hours or more of pro bono or reduced fee legal services.

I also created the first Federal Veterans Treatment Court in the United States District Court for the Southern District of Ohio in an effort to assist veterans charged with misdemeanor offenses receive needed treatment for physical and/or mental impairments. I have devoted several hundred hours to this effort. To date, we have graduated more than 75 veterans and gotten them treatment for PTSD, opioid addiction, substance abuse issues, and mental health concerns.

My extensive Federal Bar Association involvement goes back more than 20 years. I have devoted thousands of hours to the FBA over that period. In September 2016, I was sworn in as the FBA's national president and toured the United States for one year meeting with young people to teach them about civics and the important work of the federal courts—while maintaining the same caseload and never being tardy on any motion or any trial on my docket. I was the first magistrate judge in the United States to be named FBA national president.

My other community service work is set forth in detail above and includes volunteer work for Big Brothers/Big Sisters, the American Red Cross, the Friends of the Cincinnati Pops Orchestra, National Public Radio (WVXU, WGUC & WMUB radio), and other bar associations in addition to the FBA—the Ohio State Bar Association, the Ohio Women's Bar Association, the Dayton Bar Association, and the Cincinnati Bar Association—among many other acts of community service and dedication to those less fortunate.

I was honored and humbled to receive, in 2010, the Boots Fisher Public Service Award, given to one lawyer in the United States for “exemplary community, public and charitable service.”

**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.

Senators Portman and Brown have created a bipartisan judicial selection commission in Ohio. I applied in April 2019 and was interviewed by the bipartisan judicial selection committee on October 5, 2019. I was advised the same day that I was one of several names to be forwarded for further consideration. I interviewed with Senator Portman in early October 2019. On November 1, 2019, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington,

D.C.

- 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.