

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Alfred Homer Bennett

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

United States District Judge for the Southern District of Texas (Houston Division)

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.

Harris County Civil Courthouse
201 Caroline, 9th Floor
Houston, Texas 77002

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

1965; Ennis, Texas

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

2007, A.A. White Dispute Resolution Center, University of Houston School of Law;
40-Hour Mediation Training Certificate

1988 – 1991, University of Texas School of Law; J.D., 1991

1983 – 1988, University of Houston; B.S., 1988

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.

2009 – Present
61st Civil District Court
201 Caroline, 9th Floor
Houston, Texas 77002
Presiding Judge (2009 – Present)
Administrative Judge (Civil Division) (2010 – 2011)

2003 – 2013
Thurgood Marshall School of Law – Texas Southern University
3100 Cleburne Street
Houston, Texas 77004
Adjunct Professor of Law

1998 – 2008
Law Offices of Alfred H. Bennett
1811 Southmore Boulevard
Houston, Texas 77021
Solo Practitioner

1994 – 1998
Solar & Fernandes L.L.P. (now defunct)
2800 Post Oak Boulevard, Suite 6400
Houston, Texas 77056
Senior Associate

1991 – 1994, Summer 1990
Fulbright & Jaworski L.L.P.
1301 McKinney Street, Suite 5100
Houston, Texas 77010
Associate (1991 – 1994)
Summer Associate (Summer 1990)

Summer 1990
Vinson & Elkins L.L.P.
1001 Fannin Street, Suite 2500
Houston, Texas 77002
Summer Associate

Summer 1990, Summer 1989
Butler & Binion L.L.P. (now defunct)
1000 Louisiana Street
Houston, Texas 77002
Summer Associate

Other affiliations (uncompensated unless otherwise indicated):

2010 – Present

Texas Access to Justice Commission
1414 Colorado
Austin, Texas 78701
Commissioner

2006 – Present

Chane Investment Management, LLC
P.O. Box 88051
Houston, Texas 77288
Member
(Entity manages a family owned nine-unit apartment complex)

2006 – Present

OST/Almeda Corridors Redevelopment Authority & Reinvestment Zone Number Seven
5445 Almeda Road, Suite 545
Houston, Texas 77004
Board of Directors

2005 – Present

Bayou Vista Management Group, LLC
From my private residence
Member
(Entity held a family investment in bio-tech company, which is now defunct)

2004 – 2008

Parkwood Drive Civic Club
P.O. Box 321232
Houston, Texas 77221
President (2006 – 2008)
First Vice-President (2004 – 2006)
Board of Directors (2004 – 2008)

1999 – 2006

East Downtown Management District
1121 Delano Street
Houston, Texas 77003
Vice-Chair (2005 – 2006)
Treasurer (2003 – 2005)
Board of Directors (1999 – 2006)

1996 – 1999

Houston Lawyers Association
P.O. Box 300009

Houston, Texas 77230
Board of Directors (1996 – 1999)
Immediate Past President (1998 – 1999)
President (1997 – 1998)
Chair of the Board of Directors (1997 – 1998)
President-Elect (1996 – 1997)

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 timely registered for selective service.

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

Weldon Berry Judicial Service Award, Houston Lawyers Association (2014)

W.L. Davis District “WEBELOS Leader of the Year 2013”, Boy Scouts of America – Sam Houston Area Council (2014)

2012 Trial Judge of the Year (Nominee), Texas Association of Civil Trial and Appellate Specialists (2012)

Community Leader Award, Texas Women's Empowerment Foundation (2011)

2010 Honoree, Houston Black American Democrats (2010)

Rated AV (very high to preeminent legal ability) in Martindale-Hubbell Legal Directory (2001)

President’s Achievement Award, Houston Lawyers Association (1998)

Distinguished Service Award, The Thurgood Marshall Legal Society – University of Texas School of Law (1990)

Dean’s List (Spring 1987; Fall 1985; Spring 1985), University of Houston

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.

Houston Bar Association (1991 – Present)
Administration of Justice Committee (2012 – 2013)

Bench Bar Pro Bono Awards Committee (2009 – 2011)

Houston Lawyers Association (1991 – Present)
Immediate Past President (1998 – 1999)
President (1997 – 1998)
Board of Directors (1996 – 1999)
Chair (1997 – 1998)
President-Elect (1996 – 1997)
Nominations Committee (2000 – 2002)
Chair (2001 – 2002)
Vice-Chair, HLA Annual Scholarship Golf Classic Committee (1999 – 2000)

Houston Young Lawyers Association (1991 – 2001)

National Bar Association (1988 – Present)
Judicial Council Division (2011 – Present)
Constitution & Bylaws Committee (2000 – 2004)
Vice-Chair, Gertrude E. Rush Mid-Year Planning Committee (1997)

State Bar of Texas (1991 – Present)
College of the State Bar (2009 – Present)
Committee on Lawyer Referral & Information Services (1998 – 2006)
Chair (2005 – 2006)
Vice-Chair (2002 – 2004)
Grievance Committee, District 4A (Houston) (2002 – 2004)
Texas Minority Conference Program Houston Host Committee (1999 & 2003)
President-Elect's Advisory Committee on Strategic Planning (1995 – 1996)

Texas Access to Justice Commission (2010 – Present)
Chair, Strategic Planning Committee (2011 – Present)

Texas Young Lawyers Association (1991 – 2001)
Dropout Prevention & Literacy Committee (1994 – 1995)
Voter Rights & Registration Committee (1992 – 1993)

W. J. Durham Legal Society (1991 – 1994)

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.

Texas, 1991

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of

admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States District Court for the Southern District of Texas (1992)
United States District Court for the Eastern District of Texas (1992)
United States District Court for the Northern District of Texas (1992)

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.

American Leadership Forum (Houston/Gulf Coast Chapter) (February 2014 – Present)
Fellow

Boy Scouts of America, Troop 242 & Pack 242, Wheeler Avenue Baptist Church (2007 – Present)
Sam Houston Area Council Winter Camp Staff (2012 – 2014)
Merit Badge Counselor (2012 – Present)
Assistant Scoutmaster (2012 – Present)
Cub Scout Den Leader (2009 – 2010, 2012 – 2014)
Cub Scout Assistant Den Leader (2010 – 2012)

East Downtown Management District (1999 – 2006)
Vice-Chair (2005 – 2006)
Treasurer (2003 – 2005)
Chair, Service & Assessment Plan Design Subcommittee (2005 – 2006)
Board of Directors (1999 – 2006)

Golf Club of Houston (2011 – Present)

Houston Center Cub (1991 – 1994)

Just the Beginning Foundation
Co-Chair, Houston's Scholarship Golf Tournament Committee (2001 – 2002)

OST/Alameda Corridors Redevelopment Authority & Reinvestment Zone Number
Seven (2006 – Present)
Director

Parkwood Drive Civic Club (2004 – Present)
President (2006 – 2008)
First Vice-President (2004 – 2006)
Director (2004 – 2008)

Sigma Pi Phi Fraternity Incorporated (May 2014 – Present)

University of Houston Alumni Association (1988 – Present)

University of Texas School of Law Alumni Association Executive Committee
(2001 – 2010)
Nominating Committee (2002 – 2008)
Co-Chair, Young Houston Steering Committee (1999 – 2000)

- 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.

Sigma Pi Phi Fraternity Incorporated is a post-collegiate fraternal organization that limits its membership to men. To the best of my knowledge, none of the remaining above listed organizations 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.

A Message from Judge Al Bennett, www.AlBennettForJudge.com, December 2011. Copy supplied.

A Profile in Professionalism, The Houston Lawyer, November/December 2010. Copy supplied.

A Message from Judge Al Bennett, reprinted in Houston Style Magazine, April 21, 2010. Copy supplied.

Thank you for Your Support, Now on to November,
www.AIBennettForJudge.com, March 10, 2008. Copy supplied.

Letter to the Editor, The Daily Cougar, Spring 1986. I wrote a letter to the editor suggesting that intercollegiate athletics should be eliminated at the University of Houston if operating costs continued to rise and student services fees had to be diverted from other core student support services. I have been unable to obtain a copy.

I maintain a campaign website at www.AIBennettForJudge.com. Much of the content was created by a webmaster, but I have personally created some of the web content. Any content I created has been reprinted elsewhere and is listed separately in 12a. This website was previously www.AIBennettForStateRep.com, which was rebranded as www.AIBennettForJudge.com

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

On February 18, 2014, the Texas Access to Justice Commission adopted a proposed Five Year Strategic Plan. I chaired the Strategic Planning Committee, and contributed to the formation of the plan. Copy supplied.

As a board member of the Texas Access to Justice Commission since 2010, my name has appeared on the letterhead of various reports, but I did not sign the reports, and, to the best of my knowledge, I did not participate or consult in any way in their preparation, and the board was never asked to vote on or approve their contents. I have listed them below in an abundance of caution:

Report of the Texas Access to Justice Commission to the Supreme Court of Texas for the period June 1 to November 30, 2013 (November 27, 2013). Copy supplied.

Report of the Texas Access to Justice Commission to the Supreme Court of Texas for the period December 1, 2012 to May 31, 2013 (May 31, 2013). Copy supplied.

Report of the Texas Access to Justice Commission to the Supreme Court of Texas for the period June 1 to November 30, 2012 (November 30, 2012). Copy supplied.

Report of the Texas Access to Justice Commission to the Supreme Court of Texas for the period December 1, 2011 to May 31, 2012 (June 1, 2012). Copy supplied.

Report of the Texas Access to Justice Commission to the Supreme Court of Texas for the period May 1, 2011 to November 30, 2011 (December 1, 2011). Copy supplied.

Report of the Texas Access to Justice Commission to the Supreme Court of Texas for the period May 1 to November 30, 2010 (December 1, 2010). Copy supplied.

In 2005, while I served as chair of the State Bar of Texas' Lawyer Referral and Information Services Committee, professional staff of the state bar prepared an annual report for my signature that was later published in the Texas Bar Journal. Copy supplied.

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

League of Women Voters Guide, Houston, Texas, November 6, 2012. Copy supplied.

As a board member of the Texas Access to Justice Commission since 2010, I attend quarterly meetings of the TAJC. The meetings are open to the public during which committee reports, if any, are delivered, and the chairman and executive director provide status reports. Meeting minutes supplied where available.

In addition, my name has appeared on the letterhead of TAJC correspondence sent out by our chairman, but I did not sign the letters, and, to the best of my knowledge, I did not participate or consult in any way in their preparation, and the Board was never asked to vote on or approve their contents. I have listed them below in an abundance of caution:

Harry Reasoner, *Letter to the Chair of the Family Law Section – State Bar of Texas*, July 30, 2012. Copy supplied.

Harry Reasoner, *Letter to the Chief Justice of the Texas Supreme Court*, January 6, 2012. Copy supplied.

Harry Reasoner, *Letter to State Bar of Texas Board of Directors*, January 3, 2012. Copy supplied.

Charles Kuffner, *Candidate Q&A: Al Bennett*, Off the Kuff Blog, Houston Chronicle, August 26, 2008. Copy supplied.

Endorsement of Borris L. Miles in District 146 Run-off, Houston, Texas, March 16, 2006. Copy supplied.

League of Women Voters Guide, Houston, Texas, March 7, 2006. Copy supplied.

Staff, *Voter's Guide; State Legislature*, Houston Chronicle, February 26, 2006. Copy supplied.

Roy Hill, *Letter to Office of the Secretary*, August 19, 2003. Although, as a board member of the East Downtown Management District, my name appeared on the letterhead, I did not sign the letter, and, to the best of my knowledge, I did not participate or consult in any way in its preparation, and the board was never asked to vote on or approve its contents. Copy supplied.

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

September 21, 2014: Event Speaker, *Teen Meeting*, Jack & Jill of America, Incorporated, Houston, Texas. I commented on character building to a group of teenagers. I have no notes, transcript or recording. The address for Jack & Jill of America, Incorporated (Houston Chapter) is P.O. Box 841, Houston, Texas 77001.

May 6, 2014: Presenter, Elements of Handling a Civil Trial, Houston Lawyers Association CLE Program, Houston, Texas. I commented on general practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for the Houston Lawyers Association is P.O. Box 300009, Houston, Texas 77230.

May 2, 2014: Judicial Panel Member, Collection & Creditors' Rights, TexasBarCLE Program, Houston, Texas. I commented on general practice tips for the Harris County District Courts. I have no notes, transcript or recording. The

address for TexasBarCLE is Texas Law Center, 1414 Colorado Street, Austin, Texas 78701.

May 2, 2014: Presiding Officer, Oath of Public Service, Barbara Jordan – Mickey Leland School of Public Policy, Houston, Texas. I administered the oath of public service to recent graduates of the BJML School of Public Policy. I have no notes, transcript or recording. The address for the BJML School of Public Policy is 3100 Cleburne Street, Houston, Texas 77004.

February 11, 2014: Judicial Panel Member, Mediation from a Judicial Perspective, Houston Bar Association CLE, ADR Section, Houston, Texas. This was an open forum wherein attorneys posed questions regarding mediation policies in the Harris County District Courts. I have no notes, transcript or recording. The address of the Houston Bar Association is 1111 Bagby, Suite 200, Houston, Texas 77002.

February 7, 2014: Event Speaker, Black History Month Commemoration, Harris County District Courts, Houston, Texas. I commented on the early legal career of Barbara Jordan. I have no notes, transcript or recording. The address of the Administrative Office of the Harris County District Courts is 1201 Franklin, 7th Floor, Houston, Texas 77002.

February 6, 2014: Judicial Panel Member, Damages in Civil Litigation, TexasBarCLE Program, Dallas, Texas. Upon questions from a moderator, I commented on practice tips in the Harris County District Courts. I have no notes, transcript or recording. The address for TexasBarCLE is Texas Law Center, 1414 Colorado Street, Austin, Texas 78701.

January 30, 2014: Panel Member, From the Male Perspective, Downtown Luncheon Group Lunch Program, Houston, Texas. I commented on the events that contributed to success, opportunities, and obstacles encountered during my professional career and mentorship. I have no notes, transcript or recording. The Downtown Luncheon Group has no physical address.

December 13, 2013: Presiding Officer, Oath of Public Service, Barbara Jordan – Mickey Leland School of Public Policy, Houston, Texas. I administered the oath of public service to recent graduates of the BJML School of Public Policy. I have no notes, transcript or recording. The address for the BJML School of Public Policy is 3100 Cleburne Street, Houston, Texas 77004.

November 1, 2013: Judicial Panel Member, Quality Lawyering and Avoiding Sanctions, TexasBarCLE Program, Houston, Texas. Upon questions from a moderator, I commented on practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for TexasBarCLE is Texas Law Center, 1414 Colorado Street, Austin, Texas 78701.

October 4, 2013: Keynote Speaker, University of Houston Law Center Black Law Students Association Scholarship Dinner, Houston, Texas. Remarks supplied.

September 12, 2013: Guest Lecturer, Business Law Class, Jesse H. Jones School of Business Texas Southern University, Houston, Texas. I commented on how business executives can incorporate legal considerations into their practices. I have no notes, transcript or recording. The address for the Jesse H. Jones School of Business is 3100 Cleburne Street, Houston, Texas 77004.

July 25, 2013: Luncheon Speaker, National Employment Lawyers Association (Houston Chapter) Monthly Luncheon, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding how to best present employment cases in the Harris County District Courts. I have no notes, transcript or recording. NELA (Houston Chapter) has no physical address.

May 4, 2013: Speaker, Law Day Program, Boy Scouts of America – Troop 242, Houston, Texas. I spoke to a group of boy scouts regarding my duties as a judge and answered questions from the scouts. I have no notes, transcript or recording. Boy Scouts of America – Troop 242's address is c/o Wheeler Avenue Baptist Church, 3826 Wheeler Street, Houston, Texas 77004.

May 3, 2013: Judicial Panel Member, State Bar of Texas' Minority Attorney CLE Program, Houston, Texas. This was an open forum wherein attorneys posed questions regarding the best practices for the Harris County District Courts. I have no notes, transcript or recording. The address for the State Bar of Texas is Texas Law Center, 1414 Colorado Street, Austin, Texas 78701.

April 26, 2013: Guest Speaker, African Bar Association Monthly Meeting, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The African Bar Association (Houston) has no physical address.

March 28, 2013: Guest Speaker, A View From the Bench, Texas Insurance and Tort Law Update, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for the Texas Insurance and Tort Law Update is c/o Thompson Coe, One Riverway, Suite 1600, Houston, Texas 77056.

February 22, 2013: Judicial Panel Member, Texas Insurance Law Symposium, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for the Texas Insurance Law Symposium is 13013 San Jacinto, Houston, Texas 77002.

February 8, 2013: Event Speaker, Black History Month Commemoration, Harris County District Courts, Houston, Texas. I spoke on the history of Olivewood Cemetery, a historic resting place for many freed slaves and some of Houston's earliest black residents. I have no notes, transcript or recording. The address of the Administrative Office of the Harris County District Courts is 1201 Franklin, 7th Floor, Houston, Texas 77002.

June 2011 – February 2013: In the process of campaigning for reelection to the 61st Civil District Court, I gave numerous stump speeches before civic clubs and bar associations. These remarks were brief and extemporaneous. After searching my files and the Internet, I have listed the specific dates (and corresponding sponsoring organization, if any) of particular speaking opportunities below. However, I almost certainly spoke to the following groups as well, even though I am unable to identify the particular dates on which I did so: the Association of Women Attorneys, Braeswood Democrats, Harris County Democratic Lawyers Association, Harris County Tejano Democrats, Harris County Young Democrats, Houston Black American Democrats, Houston Lawyers Association, Meyerland Democrats, Parkwood Drive Civic Club, Pasadena Bar Association, Scott Terrace Civic Club, Sharpstown Democrats, and the West MacGregor Civic Club. I have no notes, transcripts or recordings for these events. After searching my files and the Internet, I have listed below all of the events that I have been able to locate:

February 7, 2013: Speaker, Campaign Fundraiser, Houston, Texas. I spoke to campaign donors and thanked them for supporting my reelection campaign. The Al Bennett for Judge Campaign sponsored the event at a local restaurant.

November 6, 2012: Speaker, Election Night Watch Party, Harris County Democratic Party, Houston, Texas. I spoke at an election night watch party to thank voters and volunteers. The address of the Harris County Democratic Party is 1445 North Loop West, Houston, Texas 77008.

October 29, 2012: Conference Call Participant, Conference Call with Harris County Voters, Houston, Texas. I participated in a Get-Out-the-Vote conference call with Harris County voters. The call was hosted by Congresswoman Sheila Jackson Lee and State Senator Rodney Ellis. My records do not indicate that there was a sponsoring organization for the conference call.

September 27, 2012: Speaker, Campaign Fundraiser at private residence, Houston, Texas. I spoke to campaign donors and thanked them for supporting my reelection campaign. The event was organized by private sponsors at a private residence.

September 19, 2012: Speaker, Oak Forest Area Democrats Monthly Meeting, Houston, Texas. I spoke to club members and asked them to

support my reelection in the November general election. The Oak Forest Area Democrats address is c/o Harris County Democratic Party is 1445 North Loop West, Houston, Texas 77008.

August 25, 2012: Speaker, Harris County Democratic Party Convention, Houston, Texas. I spoke to members and asked them to support my reelection in the November general election. The address for the Harris County Democratic Party is 1445 North Loop West, Houston, Texas 77008.

July 19, 2012: Speaker, Campaign Fundraiser, Houston, Texas. I spoke to campaign donors and thanked them for supporting my reelection campaign. The Al Bennett for Judge Campaign sponsored the event at a local restaurant.

March 29, 2012: Speaker, Campaign Fundraiser, Houston, Texas. I spoke to campaign donors and thanked them for supporting my reelection campaign. The Al Bennett for Judge Campaign sponsored the event at a local restaurant.

March 6, 2012: Keynote Speaker, Texas Coalition of Black Democrats-Harris County Chapter Meeting, Houston, Texas. I urged members to vote and to get the vote out for the upcoming primary election and the upcoming general election. The address of the Texas Coalition of Black Democrats-Harris County is 2450 Louisiana Street, Suite 525, Houston, Texas 77006.

May 16, 2012: Panel Member, Law Day Event, Fifth Ward Missionary Baptist Church, Houston, Texas. I spoke to church members on the importance of jury service. I have no notes, transcript or recording. The address of Fifth Ward Missionary Baptist Church is 4300 Noble Street, Houston, Texas 77020.

May 10, 2012: Panel Member, Effective Legal Writing, Houston Trial Lawyers Association, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding effective advocacy in brief writing. I have no notes, transcript or recording. The address for the Houston Lawyers Association is 1150 Bissonnet Street, Houston, Texas 77005.

May 10, 2012: Presiding Officer, Oath of Public Service, Barbara Jordan – Mickey Leland School of Public Policy, Houston, Texas. I administered the oath of public service to recent graduates of the BJML School of Public Policy. I have no notes, transcript or recording. The address for the BJML School of Public Policy is 3100 Cleburne Street, Houston, Texas 77004.

February 10, 2012: Event Speaker, Black History Month Commemoration, Harris County District Courts, Houston, Texas. Notes supplied.

January 2012: Moot Court Judge, Andrews Kurth Moot Court National Championship, University of Houston Law Center. I served as a moot court judge. I have no notes, transcript or recording. The address for the University of Houston Law Center is 100 Law Center, Houston, Texas 77204.

December 2, 2011: Presiding Officer, Oath of Public Service, Barbara Jordan – Mickey Leland School of Public Policy, Houston, Texas. I administered the oath of public service to recent graduates of the BJML School of Public Policy. I have no notes, transcript or recording. The address for the BJML School of Public Policy is 3100 Cleburne Street, Houston, Texas 77004.

November 2011: Guest Judge, Houston Bar Association Mock Voir Dire Program, Harris County Civil Courthouse, Houston, Texas. I presided over a mock voir dire program conducted for high school students. I have no notes, transcript or recording. The address of the Houston Bar Association is 1111 Bagby, Suite 200, Houston, Texas 77002.

November 15, 2011: Judicial Panel Member, Texas Lawyer "Going Through the Motions Roundtable," Houston, Texas. Transcripts supplied.

October 28, 2011: Judicial Panel Member, TexasBarCLE Advanced Civil Trial Course, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for TexasBarCLE is Texas Law Center, 1414 Colorado Street, Austin, Texas 78701.

October 14, 2011: Judicial Panel Member, TexasBarCLE Business Torts Institute, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for TexasBarCLE is Texas Law Center, 1414 Colorado Street, Austin, Texas 78701.

April 29, 2011: Master of Ceremonies, Houston Lawyers Association Annual Gala, Houston, Texas. I served as the master of ceremonies for the annual HLA dinner. I have no notes, transcript or recording. The address of the Houston Lawyers Association is P.O. Box 300009, Houston, Texas 77230.

April 20, 2011: Keynote Speaker, Black Law Students' Association Spring Banquet, South Texas College of Law, Houston, Texas. Remarks supplied.

March 24, 2011: Judicial Panel Member, College of the State Bar Litigation Strategies Course, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for the State Bar of Texas is Texas Law Center, 1414 Colorado Street, Austin, Texas 78701.

February 2011: Panel Member, Texas Association of Civil Trial & Appellate Specialists CLE, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for TexasBarCLE is Texas Law Center, 1414 Colorado Street, Austin, Texas 78701.

February 11, 2011: Event Speaker, Black History Month Commemoration, Harris County District Courts, Houston, Texas. I spoke on a file involving an African-American litigant from the archives of the Harris County District Clerk. I have no notes, transcript or recording. The address of the Administrative Office of the Harris County District Courts is 1201 Franklin, 7th Floor, Houston, Texas 77002.

February 10, 2011: Event Speaker, Houston Bar Association Importance of Jury Service Program, John W. Peavy, Sr. Senior Center, Houston, Texas. I commented on the importance of jury service and answered questions from senior citizens regarding what to expect when you arrive for jury service. I have no notes, transcript or recording. The address of the Houston Bar Association is 1111 Bagby, Suite 200, Houston, Texas 77002.

December 9, 2010: Keynote Speaker, Fall Commencement, Thurgood Marshall School of Law, Houston, Texas. Remarks supplied.

November 14, 2010: Speaker, Tour of Harris County Civil Courthouse, Houston, Texas. I provided a tour of the Harris County Civil Courthouse to Cub Scout Pack 242. I have no notes, transcript or recording. Cub Scout Pack 242's address is c/o Wheeler Avenue Baptist Church, 3826 Wheeler Street, Houston, Texas 77004.

October 15, 2010: Honoree Remarks, HBAD Annual Dinner, Houston Black American Democrats, Houston, Texas. Remarks supplied.

September 2010: Judicial Panel Member, Duff & Phelps CLE Seminar, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for Duff & Phelps' Houston office is 1111 Bagby Street, Suite 1900, Houston, Texas 77002.

July 13, 2010: Keynote Speaker, Anti-Defamation League's Summer Associate Research Program's Breakfast, Houston, Texas. Remarks supplied.

May 5, 2010: Event Speaker, Dialogue on Freedom, Houston Bar Association, Houston, Texas. I spoke to local high school students about their rights and obligations as citizens. I have no notes, transcript or recording. The address of the Houston Bar Association is 1111 Bagby, Suite 200, Houston, Texas 77002.

February 12, 2010: Event Speaker, Black History Month Commemoration, Harris County District Courts, Houston, Texas. I spoke on a file involving an African-American litigant from the archives of the Harris County District Clerk. I have no notes, transcript or recording. The address of the Administrative Office of the Harris County District Courts is 1201 Franklin, 7th Floor, Houston, Texas 77002.

January 22, 2010: Judicial Panel Member, Texas Insurance Law Symposium, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for the Texas Insurance Law Symposium is 13013 San Jacinto, Houston, Texas 77002.

December 11, 2009: Keynote Speaker, Fall Commencement, Thurgood Marshall School of Law, Houston, Texas. Remarks supplied.

December 8, 2009: Guest Speaker, Hobby Center for Public Policy, Mickey Leland Congressional Intern Program, University of Houston, Houston, Texas. I shared my personal experiences as a past congressional intern in the University of Houston/Texas Southern University Leland Congressional Internship program. I have no notes, transcripts or recordings. The address for the Hobby Center for Public Policy is 306 McElhinney Hall, Houston, Texas 77204.

September 2009: Guest Speaker, HBA Litigation Section Series Luncheon, Houston, Texas. I addressed general questions pertaining to practicing in the Harris County Civil District Courts, with a particular focus on the 61st Civil District Court. I have no notes, transcript or recording. The address of the Houston Bar Association is 1111 Bagby, Suite 200, Houston, Texas 77002.

September 2009: Panel Member, American Bar Association's Litigation Section's Chemical Product & Toxic Tort Seminar, Houston, Texas. This was an open discussion wherein attorneys posed questions regarding best practice tips for the Harris County District Courts. I have no notes, transcript or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois, 60654.

September 15, 2009: Guest Reader, HBA Real Men Read Program, Houston, Texas. I read "Winnie the Pooh and Some Bees" to toddlers at a bookstore. I have no notes, transcript or recording. The address of the Houston Bar Association is 1111 Bagby, Suite 200, Houston, Texas 77002.

August 2009: Keynote Speaker, Top Teens Awards Banquet, Rice University, Houston, Texas. Remarks supplied.

August 15, 2009: Guest Speaker, Families Under Urban and Social Attack of Houston's (FUSA) 9th Annual Children's Health Day Event, Almeda Mall, Houston, Texas. I urged families to have their school age children eat a healthy

diet before school each day and to have a safe school year. I have no notes, transcript or recording. The address for FUSA is 3402 Dowling Street, Houston, Texas 77004.

February 26, 2009: Presiding Officer, Oath of Office, Houston Citizens Chamber of Commerce, Houston, Texas. I swore in the new officers and board members of the HCCC. I have no notes, transcript or recording. The address of the HCCC is 2808 Wheeler Avenue, Houston, Texas 77004.

February 22, 2009: Theme Speaker, Annual Black History Program, St. Luke Missionary Baptist Church, Houston, Texas. I spoke about the need for African-Americans to pursue higher education and careers in the legal field. I have no notes, transcript or record. The address for St. Luke Missionary Baptist Church is 714 Detering Street, Houston, Texas 77007.

February 20, 2009: Event Speaker, Black History Month Commemoration, Harris County District Courts, Houston, Texas. I spoke on a file involving an African-American from the archives of the Harris County District Clerk. I have no notes, transcript or recording. The address of the Administrative Office of the Harris County District Courts is 1201 Franklin, 7th Floor, Houston, Texas 77002.

January 23, 2009: Presiding Officer, Oath of Office, 59th Annual Awards & Installation Banquet, Houston Black Real Estate Association, Houston, Texas. I swore in the new officers and board members of HBREA. I have no notes, transcript or recording. The address of the Houston Black Real Estate Association is 11303 Chimney Rock Road, Suite 110, Houston, Texas 77045.

January 9, 2009: Investiture Remarks, Harris County Civil Courthouse, Houston, Texas. Remarks supplied.

2009: Guest Speaker, Houston Bar Association Law Day Program, Houston, Texas. I spoke to high school students on their civil duty to vote and participate in jury service. I have no notes, transcript or recording. The address of the Houston Bar Association is 1111 Bagby, Suite 200, Houston, Texas 77002.

August 2007 – December 2008: In the process of campaigning for election to the 61st Civil District Court, I gave numerous stump speeches before civic clubs and bar associations. These remarks were brief and extemporaneous. After searching my files and the Internet, I have listed the specific dates (and corresponding sponsoring organization, if any) of particular speaking opportunities below. However, I almost certainly spoke to the following groups as well, even though I am unable to identify the particular dates on which I did so: the Area 5 Democrats, Association of Women Attorneys, Bay Area Association of Democratic Women, Braeswood Democrats, Foster Place Civic Club, Galleria Area Democrats, Harris County Democratic Lawyers Association, Harris County Tejano Democrats, Harris County Young Democrats, Houston Black American

Democrats, Houston Lawyers Association, Houston Stonewall Young Democrats, Kingwood Area Democrats, Humble Area Democrats, MacGregor Palm Civic Club, Meyerland Democrats, Oak Forest Area Democrats, Parkwood Drive Civic Club, Scott Terrace Civic Club, Sharpstown Democrats, South Union Civic Club, and the West MacGregor Civic Club. I have no notes, transcripts or recordings for these events. After searching my files and the Internet, I have listed below all of the events that I have been able to locate:

December 4, 2008: Speaker, Campaign Fundraiser, Houston, Texas. I spoke to campaign donors and thanked them for supporting my election campaign. The Al Bennett for Judge Campaign sponsored the event at a local restaurant.

November 4, 2008: Acceptance Speech, 2008 General Election, Houston, Texas. I spoke at election night party to thank my family and supporters. The Al Bennett for Judge Campaign sponsored the event at a local event center.

August 2005 – March 2006: In the process of campaigning to be the State Representative for District 146 (Houston), I gave numerous stump speeches before civic clubs and community groups. These remarks were brief and extemporaneous. After searching my files and the Internet, I have listed the specific dates (and corresponding sponsoring organization, if any) of particular speaking opportunities below. However, I almost certainly spoke to the following groups as well, even though I am unable to identify the particular dates on which I did so: the Braeswood Democrats, Foster Place Civic Club, Harris County Tejano Democrats, Houston Black American Democrats, MacGregor Palm Civic Club, Meyerland Democrats, Parkwood Drive Civic Club, Scott Terrace Civic Club, South Union Civic Club, and the West MacGregor Civic Club. I have no notes, transcripts or recordings for these events. After searching my files and the Internet, I have listed below all of the events that I have been able to locate:

February 2006: Candidate, Candidate Forum, Southeast Precinct Judges Council, Houston Texas. I participated in a candidate forum. The address for the SPJC is c/o Harris County Democratic Party, 1445 North Loop West, Suite 110, Houston, Texas 77008.

February 2006: Speaker, Campaign Fundraiser, Houston, Texas. I spoke to campaign donors and thanked them for supporting my election campaign. The event was organized by private sponsors at a private residence.

Spring 1999: Guest Speaker, Lawyers in Public Schools, Houston Bar Association, Houston, Texas. I spoke to local high school students about their rights and obligations as citizens. I have no notes, transcript or recording. The address of the Houston Bar Association is 1111 Bagby, Suite 200, Houston, Texas 77002.

Early 1990s: I was the keynote speaker for the Ennis Negro Chamber of Commerce's Annual Dinner in Ennis, Texas. My remarks were on professionalism. I have no notes, transcript or recording. The address for the Ennis Negro Chamber of Commerce is 1100 South Sherman, Ennis, Texas 75119.

May 18, 1991: Student Speaker, Spring Commencement, University of Texas School of Law, Austin, Texas. As Permanent Class President, I congratulated my fellow law school classmates on our graduation. I have no notes, transcripts or recording. The address of the University of Texas School of Law is 727 East Dean Keaton Street, Austin, Texas 78705.

December 15, 1990: Student Speaker, Fall Commencement, University of Texas School of Law, Austin, Texas. As Permanent Class President, I congratulated law school classmates on their graduation. I have no notes, transcripts or recording. The address of the University of Texas School of Law is 727 East Dean Keaton Street, Austin, Texas 78705.

May 26, 1990: Keynote Speaker, Graduation Dinner, Ennis, Texas. At the request of a local church, I gave a speech to the graduating African-American students from Ennis High School. I have no notes, transcript or recording. I cannot recall the name of the church and thus unable to provide an address for the church.

- 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.

Host Ben Hall, *Legal Hour with Ben Hall*, 1230 AM KCOH, regarding radio listeners' questions on jury service, March 27, 2014. I have no notes, transcript or clip.

Isiah Carey, *The Isiah Factor*, Fox 26, regarding the Harris County swearing-in ceremony for county-wide officials, January 1, 2013. I have no notes, transcript or clip.

Mary Alice Robbins, *Newsmakers: High Court Reappoints Three to Texas Access to Justice Commission*; Tex Parte Blog, The Texas Lawyer, December 28, 2012. Copy supplied.

Hosts Bill Russell & Ralph Cooper, *Car Talk*, 1430 AM KCOH, regarding radio listeners' questions on jury service and voter turnout, October 12, 2012. I have no notes, transcript or recording.

Editorial Page, *Civil Court Endorsements, Part 1*, Houston Chronicle, September 19, 2012. Copy supplied.

Ed Mayberry, *The Jury Wheel Database Reloaded*, Houston Public Media News, March 28, 2011. Copy supplied.

John Council, *Value Proposition: Judges Approach Structured Settlement Payment Transfers in Different Ways*, The Texas Lawyer, March 21, 2011. Copy supplied.

John Council, *A Judge Named "Shane,"* The Texas Lawyer, July 12, 2010. Copy supplied.

Students Head to D.C. for Leland Internship Program, U.S. Fed News, January 14, 2010. Copy supplied.

Host Marisa Ramirez, *UH Moment: "Leland Congressional Interns,"* 88.7 FM KUHF, December 30, 2009. Transcript supplied.

John Council, *Inadmissible*, The Texas Lawyer, December 14, 2009. Copy supplied.

John Council, *Judge Al Bennett Elected Administrative Judge of Harris County, Civil District Courts*, Tex Parte Blog, The Texas Lawyer, December 10, 2009. Copy supplied.

Jennifer Rustay, *Judicial Profile – Judge Al Bennett*, The AWA Brief (Vol. 1, Issue 1), Summer 2009. Copy supplied.

John Council, *The Replacements: New Harris County Judges Get Mostly High Marks in First 100 Days*, The Texas Lawyer, April 6, 2009. Copy supplied.

Bill Murphy & Rosanna Ruiz, *New Judges Take the Bench*, Houston Chronicle, January 2, 2009. Copy supplied.

Staff, *Ennis Graduate New County Judge*, The Ennis Daily News, November 13, 2008. Copy supplied.

Editorial Page, *Civil District Courts: 16 Races for Harris County Civil District Judge*, Houston Chronicle, October 27, 2008. Copy supplied.

Al Bennett Files for the 61st Civil District Court, www.AlBennettForJudge.com, December 7, 2007. Copy supplied.

Kristen Mack, *No Rest on Seventh Day for Candidates/Rivals Seeking Support Before Tuesday Primary*, Houston Chronicle, March 6, 2006. Copy supplied.

Editorial Page, *State Representatives: The Chronicle Recommends Newcomer Al Bennett and Incumbents Kevin Bailey and Garnet Coleman*, Houston Chronicle, March 4, 2006. Copy supplied.

Kristen Mack, *Rivals Contend District 146 Needs Change*, Houston Chronicle, March 2, 2006. Copy supplied.

Charles Kuffner, *Statement from Al Bennett*, Off the Kuff Blog, Houston Chronicle, March 1, 2006. Copy supplied.

Staff, *Get to Know Alfred "Al" Bennett*, Houston Business Connections, January 2006 (reprinted February 2006). Copy available at <http://tinyurl.com/kboadhb>.

Host Tj Baker-Holm, *The Constitution: The Giant Killer*, Houston Media Source, Houston, Texas, regarding my candidacy for House District 146, February 2006. I have no notes, transcript or clip.

Kristen Mack, *Edwards' Fight Moves Beyond Cheerleading*, Houston Chronicle, December 2, 2005. Copy supplied.

Thayer Evans, *East Downtown Board to Discuss Assessment Plan; Newly-Chosen Volunteers Pick Up Where Old Left Off*, August 25, 2005. Copy supplied.

Deborah Tedford, *Chevron Makes its Case for Removal of Jurist; Kennedy Heights Trial is Put on Hold*, Houston Chronicle, August 7, 1997. Copy supplied.

In 1986, I recall being interviewed as a student senator at the University of Houston by a local television station on the student senate bill regarding the elimination of intercollegiate athletics at University of the Houston. I have no notes, transcript or clip, and I do not recall which local station conducted the interview.

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

I was elected presiding judge of the 61st Civil District Court, Harris County, Texas in November 2008 and was reelected in November 2012. The 61st Civil District Court has been designated as a court of original jurisdiction only for civil matters, which includes injunctive relief, contract, tort, declaratory judgments, expunctions, and Jones Act cases. In addition in 2011, I sat on a First Court of Appeals panel by assignment, although I did not author the opinions for the cases we heard.

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

I have presided over 8,400 cases that have gone to verdict, judgment, settled (with a later signed judgment), nonsuited, and/or have been dismissed. Since January 1, 2009, I have tried 80 cases to jury verdicts and conducted 562 bench trials (this includes default judgments). Taken together, this would be 642 “tried” cases. I have answered the below portion of the question based upon the number of tried cases.

i. Of these, approximately what percent were:

jury trials:	12%
bench trials:	88%
civil proceedings:	100%
criminal proceedings:	0%

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

Pursuant to Local Rules 3.3.1 and 3.3.2 of the Harris County District Courts (Civil Trial Division), all motions and responses “shall be accompanied by a proposed order” granting the relief sought. Therefore, I have not written any opinions in the traditional sense, but rather issue orders or judgments, granting or denying requested relief, which are supplied by the prevailing party in a case. If I disagree with the prevailing party’s draft order, I may require them to correct any errors or make revisions before approving them. Citations to my orders that are reviewed on appeal are available from Westlaw and a list is attached herewith.

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. *Graves v. Continental Alloys & Services Inc.*, Cause No. 2011-55706

Plaintiff Graves, a truck driver for Terald’s Delivery Services, was making a pickup of heavy round pipes at defendant Continental Alloys & Services. The flat-bed truck that the plaintiff was driving had been leased by defendant C & D Couriers, which was hauling material for defendant Big Dog Group. As a piece of pipe was being loaded onto the truck, it accidentally rolled off and onto plaintiff crushing his right leg. Plaintiff’s right leg below his knee was eventually amputated. The defendants denied all liability. I oversaw all pretrial discovery and pretrial motions. A jury was empaneled, and the case was tried over seven days. After deliberations, the jury returned a \$6 million verdict for the plaintiff against the defendants. After I disposed of the post-trial motions, I entered an Agreed Judgment in August 2013.

Counsel for Plaintiff

Stephen Boutros
Stephen Boutros, LTD.
917 Franklin Street, Suite 300
Houston, TX 77002
(713) 425-4300

Counsel for Co-Defendant Continental Alloy & Services, Inc.

Andrew T. McKinney IV
Litchfield Cavo LLP
One Riverway, Suite 1000
Houston, TX 77056
(713) 418-2002

Counsel for Co-Defendant Big Dog Group, Inc.

Terry M. Womac
Phillips, Akers & Womac
3200 Southwest Freeway, Suite 3200
Houston, TX 77027
(713) 552-9595

2. *South Central Cement Ltd. v. CCC Group, Inc. et al.*, Cause No. 2009-50242

Plaintiff alleged that it had contracted with defendant River Consulting to provide engineering and construction management services in connection with the construction of two large warehouses with interior retaining walls to hold bulk cement. defendant CCC Group actually constructed the warehouses. While the first shipment of cement product was being off-loaded into the first warehouse, the retaining walls collapsed in several locations. Plaintiff alleged a host of breaches in the design and construction of the warehouses. I oversaw all pretrial discovery and pretrial motions. A jury was empaneled, and the case was tried over six days. After deliberations, the jury returned a \$2.6 million verdict for the plaintiff against defendants CCC Group and River Consulting. However, defendant River Consulting was nonsuited after the verdict and before the judgment was entered. After I disposed of the post-trial motions, I signed judgment for plaintiff in April 2013.

Counsel for Plaintiff

Carlton Wilde
Crady, Jewett & McCulley, LLP
2727 Allen Parkway, Suite 1700

Houston, TX 77019
(713) 739-7007

Counsel for Co-Defendant CCC Group, Inc.

David V. Wilson II
Hays, McConn, Rice & Pickering, P.C.
1233 West Loop South, Suite 1000
Houston, TX 77027
(713) 654-1111

Counsel for Co-Defendant River Consulting, LLC

William Luyties
Lorance & Thompson, P.C.
2900 North Loop West, Suite 500
Houston, TX 77092
(713) 868-5560

3. *Munich Re Capital Ltd. v. Southern Union Gas Services, Ltd.*, Cause No. 2010-34902

Plaintiff Munich Re Capital Ltd., as representative of Certain Underwriters at Lloyd's London, insured a Selexol process carbon dioxide plant against fire loss. defendant Southern Union Gas Services (SUGS) operated the plant. In June 2008, there was a fire that caused a major failure at the plant. Plaintiff alleged that the fire was caused by the negligence and gross negligence of defendant SUGS in both the maintenance and operation of the plant. Plaintiff sued for the costs to repair the plant and to clean up and remediate pollution, as well as for exemplary damages. The defendant denied all liability. I oversaw all pretrial discovery and pretrial motions. A jury was empaneled, and the case was tried over eight days. After deliberations, the jury returned a verdict for the defendant. After I disposed of the post-trial motions, I entered a January 2013 judgment for defendant based upon the jury's verdict.

Counsel for Plaintiff

David Pybus
Preis & Roy
24 Greenway Plaza, Suite 2050
Houston, TX 77046
(713) 355-6062

Counsel for Defendant

Jerry Mitchell
Fulkerson Lotz LLP
700 Louisiana Street, Suite 5200
Houston, TX 77002
(713) 654-5837

4. *Ho Ho Ho Express, Inc. v. Cleveland Mack Sales, Inc., et al.*, Cause No. 2008-24797

Plaintiff Ho Ho Ho Express is in the business of transporting perishable produce and food items across the country in refrigerated trucks. Prior to 2004, all of plaintiff's trucks were Peterbilt trucks with Caterpillar engines. In 2004, defendant Cleveland Mack Sales, Inc. (d/b/a Performance Kenworth) began to market to plaintiff Kenworth trucks with a newer Caterpillar engine that were manufactured by defendant Paccar, Inc. Eventually, CitiCapital (a non-party) purchased 12 Kenworth tractor trucks, which it then leased to the plaintiff. Plaintiff alleged the Kenworth trucks immediately began having operational problems. Defendants countered that the issues were caused by plaintiff's maintenance issues. Plaintiff eventually sued for lost profits, loss of value to the trucks, and consequential damages. I oversaw all pretrial discovery and pretrial motions. A jury was empaneled, and the case was tried over ten days. After deliberations, the jury returned a \$1.7 million verdict for the plaintiff. After I disposed of the post-trial motions, I entered a December 2012 judgment for plaintiff based upon the jury's verdict. The case was appealed to the First Court of Appeals of Texas. The parties thereafter settled the case and agreed to have the judgment vacated and the case was dismissed.

Counsel for Plaintiff

Stephen Ray Smith
Christian Smith & Jewell, LLP
2302 Fannin Street, Suite 500
Houston, TX 77002
(713) 659-7617

Counsel for Co-Defendants Caterpillar Inc. and Cleveland Mack Sales, Inc.

W. Ray Whitman
Baker Hostetler
1000 Louisiana, Suite 200
Houston, TX 77002
(713) 751-1600

Counsel for Co-Defendant Paccar Inc.

Chris Pearson
Germer Beaman & Brown PLLC
301 Congress Avenue, Suite 1700
Austin, TX 78701
(512) 472-0288

5. *Church v. ExxonMobil Co.*, Cause No. 2009-66696

Plaintiff Church visited a gas station owned by defendant ExxonMobil in Houston, Texas. While in the women's restroom the sink fell off of the wall and shattered on the floor, injuring plaintiff. She was required to undergo two surgeries to repair her severed Achilles tendon. Plaintiff alleged the sink was improperly installed and thus unreasonably dangerous. Defendant countered that the plaintiff was engaged in horseplay in the restroom with a friend, thus causing her own injuries. I oversaw all pretrial discovery and pretrial motions. A jury was empaneled, and the case was tried over four days. After deliberations, the jury returned a take-nothing verdict for the defendant. After I disposed of the post-trial motions, I entered a June 2011 judgment for defendant based upon the jury's verdict. The judgment was appealed to the First Court of Appeals of Texas and affirmed November 2012.

Counsel for Plaintiff

Bradford Oesch
Bradford N. Oesch, P.C.
8303 Southwest Freeway, Suite 810
Houston, TX 77074
(713) 771-7555

Counsel for Defendant

R. Clive Markland
Wilson Elser Moskowitz Edelman & Dicken LLP
909 Fannin Street, Suite 3300
Houston, TX 77010
(713) 353-2000

6. *Cotright v. C&G Hot Shot Service LLC, et al*, Cause No. 2008-31419

Plaintiff Cotright, a truck driver, was severely burned when the tanker trucker he was driving and its cargo of the highly flammable chemical xylene ignited. He was monitoring the loading of the xylene when the xylene vapors ignited and engulfed him in flames. Plaintiff suffered second degree burns to his lower legs, chest, and arms, and broke both ankles when he jumped from the burning tanker.

Defendant C&G Hot Shot Service countered that the plaintiff's own acts and omissions caused his injuries. I oversaw all pretrial discovery and pretrial motions. A jury was empaneled, and the case was tried over six days. After deliberations, the jury returned a \$6.6 million verdict for the plaintiff. After I disposed of the post-trial motions, I entered an October 2010 judgment for plaintiff based in part upon the jury's verdict. I disregarded an award of future medical care expenses for lack of required proof.

Counsel for Plaintiff

Jason Gibson
Gibson Law Firm
440 Louisiana Street, Suite 2400
Houston, TX 77002
(713) 650-1010

Counsel for Defendant

Steven E. Thompson (Deceased)

7. *Sugar Land – Settlers Way/Ponderosa Ltd. v. Stewart Title et al.*, Cause No. 2008-40783

Plaintiff Sugar Land – Settlers Way/Ponderosa Ltd. sought to purchase property in Sugar Land, Texas for the express purpose of leasing the property to a financial institution. Plaintiff alleged that defendant AmeriPoint Title Company, as agent for defendant Stewart Title, issued a commitment for title insurance with knowledge of the property's intended use. The transaction closed, and, while plaintiff was in discussions with its intended end user, Chase Bank, it was discovered that an easement agreement existed that prohibited the use of the property for a financial institution. Chase terminated discussions with the plaintiff. Plaintiff sued the defendants for damages resulting from its loss of lease contract with Chase as well as bad faith and misrepresentations. I oversaw most pretrial discovery and pretrial motions. A jury was empaneled, and the case was tried over seven days. After deliberations, the jury returned a \$1.8 million verdict for the plaintiff. After I disposed of the post-trial motions, I entered an August 2010 judgment for plaintiff based upon the jury's verdict. The judgment was appealed to the Fourteenth Court of Appeals of Texas. The parties then reached a post-judgment settlement and agreed to have the judgment reversed and rendered as a take-nothing judgment in January 2012.

Counsel for Plaintiff

Rusty Hardin
Rusty Hardin & Associates, LLP
1401 McKinney, Suite 2250

Houston, TX 77010
(713) 652-9000

Counsel for Co-Defendant Stewart Title

Paul McConnell
DeLange Hudspeth McConnell & Tibbets, LLP
1177 West Loop South, Suite 1700
Houston, TX 77027
(713) 871-2005

Counsel for Co-Defendant AmeriPoint Title Company

Eric Lipper
Hirsch & Westheimer
1414 Louisiana, 36th Floor
Houston, TX 77002
(713) 220-9181

8. *Franco, M.D. et al. v. Memorial Hermann Hospital System, et al.*, Cause No. 2006-79945

Plaintiffs, a group of doctors, alleged that defendant Memorial Hermann blocked them from opening a new hospital that would compete with Memorial Hermann for patients. Plaintiffs asserted various causes of action, including an anti-trust claim for several hundred million dollars. The defendants countered that plaintiffs were bad businessmen who caused their start-up hospital to fail. The case involved contentious pre-trial discovery. I oversaw most of the pretrial discovery and pretrial motions. A jury was empaneled and the trial lasted two-and-a-half months. After deliberations, the jury returned a verdict for the defendants. After I disposed of the post-trial motions, I entered an April 2010 judgment for defendants based upon the jury's verdict.

Over a dozen attorneys appeared of record for various parties at various times throughout the case. I have only listed below those counsels that had significant participation at time of trial:

Counsel for Plaintiffs

Richard Zook
Attorney at Law
(no address provided by State Bar)
(832) 746-1100

Counsel for Co-Defendant Memorial Hermann Hospital System

David Beck
Beck Redden LLP
1221 McKinney Street, Suite 4500
Houston, TX 77010
(713) 951-3700

Counsel for Co-Defendant MPT West Houston MOB, LP

Scott Funk
Gray Reed & McGraw, P.C.
1300 Post Oak Boulevard, Suite 2000
Houston, TX 77056
(713) 986-7000

Counsel for Co-Defendant Leaf on a Tree

Dale Jefferson
Martin, Disiere, Jefferson & Wisdom
808 Travis Street, Suite 1800
Houston, TX 77002
(713) 632-1700

9. *Marinepar v. Commerce Trading Inc., et al.*, Cause No. 2006-18031

Plaintiff Marinepar is a Brazilian company that manufactures and exports hardwood floors which are sold through an American distributor, Commerce Trading, Inc. and its Brazilian counterpart, Imports International, Ltd. In late 2004, the plaintiff was informed that a large shipment of flooring had been rejected due to quality issues. Plaintiff agreed to split the losses with the defendants. Defendant Commerce Trading later sold the allegedly damaged hardwood floors for a significant profit and still charged plaintiff for the losses it did not incur. Plaintiff alleged that Commerce Trading was unjustly enriched because it covered its losses through the sale of the allegedly damaged hardwood floors but required the plaintiff to pay for losses it never incurred. Plaintiff also alleged that defendant Commerce Trading through Imports International breached its contract with them by not paying the balance due on numerous invoices and by refusing to pay for subsequent shipments of hardwood floors from the plaintiff. In addition, the plaintiff alleged that defendant Neelley, individually and as a representative of defendant International Wood, LP, made false representations to plaintiff about the extent of the damage to the hardwood floors and the price at which it was reselling the allegedly rejected shipment of flooring. I oversaw the pretrial discovery and pretrial motions. A jury was empaneled, and the case was tried over nine days. After deliberations, the jury returned a unanimous verdict for the plaintiff against defendants International Wood and Commerce Trading

jointly and severally in the amount of \$304,944, as well as individual verdicts against defendant International Wood in the amount of \$103,238 and defendant Commerce Trading in the amount of \$115,000. After I disposed of the post-trial motions, I entered a judgment based upon the jury's verdict in June 2009.

Counsel for Plaintiff

Greg Lee Goldstein
Attorney at Law
515 San Felipe, Suite 1600
Houston, TX 77056
(713) 625-7137

Counsel for Defendants

J. Grady Randle
Randle Law Office Ltd., LLP
820 Gessner, Suite 1570
Houston, TX 77024
(281) 657-2000

10. *Yarbrough v. Union Pacific Railroad Company*, Cause No. 2006-59721

Plaintiff Yarbrough, a retired employee of Union Pacific Railroad Company, alleged that during his employment he was exposed to various ergonomic risk factors to his hands, wrists, arms, neck, back and legs resulting in disorders of the musculoskeletal and/or nervous system. Defendant claimed that when the plaintiff retired he had no physical ailments. The expert testimony focused on ergonomic risk factors for railroad workers. I oversaw most of the pretrial discovery and all pretrial motions. A jury was empaneled, and the case was tried over four days. After deliberations, the jury returned a verdict of \$7,933 for the plaintiff. I signed an unopposed judgment for the plaintiff on the jury's verdict in April 2009.

Counsel for Plaintiff

John Zgourides
Attorney at Law
9595 Six Pines, Suite 8210
The Woodlands, TX 77380
(713) 876-7001

Counsel for Defendant

Mainess Gibson
Connelly Baker Wotring LLP

600 Travis, Suite 700
Houston, TX 77002
(713) 980-1700

- 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.

As noted above, Local Rules 3.3.1 and 3.3.2 of the Harris County District Courts (Civil Trial Division), require that all motions and responses “shall be accompanied by a proposed order” granting the relief sought. Therefore, I have not written any opinions in the traditional sense, but rather issue orders or judgments, granting or denying requested relief, which are supplied by the prevailing party in a case. If I disagree with the prevailing party’s draft order, I may require them to correct any errors before approving them.

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

To the best of my knowledge, there are no cases that I have been involved with as a judge in which certiorari was requested or granted.

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

Talisman Energy USA, Inc. v. Enduring Res., LLC, Cause No. 2011-36224, 2012 WL 9494906 (Tex. Dist. Nov. 29, 2012), *rev’d*, 2014 WL 4219514 (Tex. App. – Houston 2014, no pet.)

Talisman Energy USA, Inc. and Statoil Texas Onshore Properties, LLC (collectively “plaintiffs”) sued Enduring Resources, LLC (“Enduring”) for a declaratory judgment, alleging that after the parties closed a \$1.26 billion transaction for the purchase of approximately 1,500 oil and gas leases, Enduring retained an additional \$3.9 million payment obligation to a third-party. Enduring counter-claimed and alleged that the \$3.9 million payment obligation was one that plaintiffs assumed under their purchase agreement. After a bench trial, I denied the declaratory judgment, found for Enduring on its counter-claim, and awarded Enduring its attorney’s fees. The First Court of Appeals reversed the judgment, and remanded the case back to the trial court for further proceedings on the issue of the plaintiffs’ attorney’s fees.

ERG Res., L.L.C. v. Parex Res., Inc., Cause No. 2012-16446, *aff’d in part, rev’d in part*, 427 S.W.3d 407 (Tex. App. – Houston 2014, pet. filed)

ERG Resources (“ERG”) sued Parex Resources (“Parex Canada”), Ramshorn International Limited (“Ramshorn”), and Parex Resources (Bermuda) (“Parex Bermuda”) regarding a deal involving a failed agreement to purchase shares of a Bermudian oil and gas company from a Bermudian holding company. After an evidentiary hearing, I denied the special appearances of Parex Canada and Ramshorn, and granted the special appearance of Parex Bermuda. The Fourteenth Court of appeals reversed the decision to deny Parex Canada’s special appearance and affirmed the decisions to deny Ramshorn’s special appearance and to grant the special appearance of Parex Bermuda.

Rodriguez v. City of South Houston, Cause No. 2011-59812, 2012 WL 10785609 (Tex. Dist. Nov. 27, 2012), *rev’d*, 425 S.W.3d 629 (Tex. App. – Houston 2014, pet. filed)

A former chief municipal clerk filed suit against her former employer, the City of South Houston, alleging retaliatory discharge for her reporting of allegedly illegal conduct. I denied the city’s plea based on governmental immunity pursuant to the Whistleblower Act after determining the plaintiff was a public employee and that she had in good faith alleged a violation of the Whistleblower Act. The appellate court reversed the decision after determining it was not reasonable for the employee to believe that the conduct she reported violated the law in light of her training and experience.

Houston Belt & Terminal Ry. Co. et al. v. City of Houston, Cause No. 2012-62909, 2013 WL 7344166 (Tex. Dist. Jan. 18, 2013), *aff’d in part, rev’d in part*, 424 S.W.3d. 663 (Tex. App. – Houston 2014, no pet.)

The City of Houston enacted an ordinance that allowed the imposition of a drainage fee on certain of the railroads’ properties, specifically to recover the city’s cost of service to provide drainage to “benefitted properties.” The railroads sued the City and Krueger, the Director of Public Works, seeking declarations on the validity of “the drainage fee ordinance and, if valid, whether Krueger acted in violation of the ordinance by imposing drainage fees on their ‘non-benefitted properties.’” The City and Krueger filed a plea to the jurisdiction based on governmental immunity. I sustained the plea as to the ultra vires claims against Krueger after determining he had used discretion to determine what constituted “benefitted properties.” The appellate court affirmed the decision with respect to the granting of the plea to Krueger’s decision on the “benefitted properties,” and reversed in part on Krueger’s decisions, if any, that impacted “non-benefitted properties.”

ETC Mktg. LTD., v. Harris Cnty. Appraisal Dist., Cause No. 2009-63998, 2010 WL 9548403 (Tex. Dist. Aug. 23, 2010), *rev’d*, 399 S.W.3d 364 (Tex. App. – Houston 2013, pet. filed)

The appellate court reversed the denial of the plea to the jurisdiction and the

granting of the motion for the summary judgment based an interstate commerce argument that had been raised for the first time at the district court, concluding that the plaintiff had not exhausted its administrative remedies. The case was sent back for further proceedings on whether ETC was subject to double taxation.

Stinson v. Fontenot, Cause No. 2008-72561, 2010 WL 7785848 (Tex. Dist. Nov. 19, 2010), *rev'd*, 369 S.W.3d 268 (Tex. App. – Houston 2011), *aff'd on other grounds*, --- S.W.3d ---, 2014 WL 2547068 (2014)

On December 12, 2008, Stinson filed suit in state district court against Fontenot, a deputy with the Harris County Sheriff's Office, alleging various intentional torts. On December 29, 2008, Stinson filed a complaint against the Harris County Sheriff in federal district court. Fontenot moved for summary judgment arguing he was immune from suit under section 101.106 of the Texas Practice and Remedies Code. Following a First Court of Appeals decision, I denied the motion to dismiss as Stinson had first sued Fontenot in state court. The Fourteenth Court of Appeals, to which the appeal was taken, reversed and dismissed the case against Fontenot, finding that Stinson's later federal case against Harris County barred Stinson's suit against Fontenot regardless of who was sued first.

James v. Easton, Cause No. 2010-12915, 2010 WL 8749758, *aff'd in part, rev'd in part*, 368 S.W.3d 799 (Tex. App. – Houston 2012), *pet. denied*)

James sued Easton and an attorney for out-of-court behavior. Easton argued in his special exception that all complaints by one litigant about an opposing litigant's conduct in a lawsuit must be remedied in the lawsuit in which the conduct occurred and that it cannot be the basis for independent tort claims. I denied the temporary injunction and dismissed the case on special exceptions as to both Easton and the attorney. The appellate court affirmed the denial of the temporary injunction, but reversed the portion of the judgment dismissing the case on special exceptions ruling that James could bring independent torts claims in a separate suit for Easton's conduct and remanding for further proceedings.

James v. Calkins, Cause No. 2008-75812A, 2012 WL 8944696 (Tex. Dist. Feb. 14, 2012), *rev'd*, 2014 WL 810851 (Tex. App. – Houston 2014, no *pet. h.*) (mem. *op.*)

An appeal was taken regarding my decision not to strike an intervention. The parties later agreed that I should have dismissed the claims at issue and asked the court to reverse my judgment, which it did without further comment. .

Amcap Mortg. v. Citizen, Cause No. 2009-73072, *aff'd in part, rev'd in part*, 2014 WL 708492 (Tex. App. – Houston 2014, no *pet. h.*) (mem. *op.*)

The appellate court determined that an improper measure of damages related to Amcap's fraud claim against JAAV was submitted to the jury. The appellate court

concluded that while actual damages did exist, the jury was asked to determine improper consequential damages. That portion of the judgment was reversed and remanded for a new trial on Amcap's fraud claim against JAAV. The remaining portions of the judgment were affirmed.

Galvan v. Mem'l Hermann Hosp. Sys., Cause No. 2012-52629, *rev'd*, 2014 WL 295166 (Tex. App. – Houston 2014, no pet. h)

The defendant hospital filed a motion to dismiss under chapter 74, asserting Ms. Galvan's claim was a health care liability claim and that she failed to timely serve any expert report as required by chapter 74. I denied the motion to dismiss after determining the slip-and-fall was a negligence claim and not a health care liability claim. The Fourteenth Court of Appeals, after examining the split decisions from the various appellate courts, determined it was a health care liability claim and reversed the order denying the motion to dismiss. However, under a more recent First Court of Appeals decision (*Williams v. Riverside General Hospital, Inc.* (Tex. App. – Houston 2014, no pet.)), my ruling would have been affirmed.

Sugar Land – Settlers Way/Ponderosa, Ltd. v. Stewart Title Guar. Co., Cause No. 2008-40783 (Tex. Dist. Aug. 9, 2010), *rev'd*, 2012 WL 195527 (Tex. App. – Houston 2012, no pet.) (mem. op)

An appeal was taken from a jury trial judgment. During the pendency of the appeal, the parties reached an agreement to settle and compromise their differences in the underlying suit. As part of the settlement agreement, the parties asked the appellate court to reverse my judgment and render judgment effectuating the parties' agreement. The merit of my decision was not discussed.

Crowder v. Univ. of Tex. Health Sci. Ctr., Cause No. 2009-26579, *rev'd*, 349 S.W.3d 640 (Tex. App. – Houston 2011, no pet.)

The government moved to dismiss the claims against its employee under section 101.106(e) of the Texas Civil Practice and Remedies Code. Claimants countered that dismissal would violate the Open Courts provision of the Texas Constitution by abrogating their common-law negligence claims against a government-employed doctor based on the doctor's negligence. Claimants also argued that that doctor may not have been in the course and scope of her employment with the hospital at the time of the surgery. I denied the motion to dismiss. The appellate court reversed, stating within the meaning of section 101.106(e) the employee doctor was within the course and scope of her employment and entitled to dismissal of all claims against her.

Ace Am. Ins. Co. v. Thompson, Cause No. 2008-19436, 2010 WL 4167368 (Tex. Dist. Aug. 19, 2010), *rev'd*, 2011 WL 3820889 (Tex. App. – Houston, pet denied) (mem. op.)

Thompson argued that Ace had waived its right to include a date of injury in its question to the jury in the jury charge because it specifically failed to appeal the date of injury from the Division of Workers' Compensation and did not include the issue in its original petition. Ace argued the date should be included in the question as the injury date because the original hearing officer found an injury date. I included the date of injury in the jury charge. The appellate court determined by including the date of injury in the charge it had the probable effect of misleading the jury and reversed the judgment and remanded for further proceedings.

- 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.

As a state trial court judge, I have not authored opinions. My rulings on various matters are entered via orders or judgments, most of which are supplied by the party being afforded the relief being granted in the order or judgment. All of those opinions are stored in court files maintained by the District Clerk of Harris County.

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

I have not had any significant opinions on federal or state constitutional issues.

- 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 not 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 strictly adhere to Texas Rules of Civil Procedure 18a and 18b on recusal and determine on a case-by-case basis whether a valid reason to recuse exists. I have voluntarily recused myself in the following seven cases for the stated reasons.

Karl Newman v. Delvin Chicas, Cause No. 2013-14728. I represented Mr. Newman immediately prior to taking the bench.

U.S. National Bank v. Janiero Roberts, et al., Cause No. 2007-74934. While in private practice, I previously provided Mr. Roberts legal advice on several unrelated matters.

Jeffrey Pitsenberg v. Richard Peters, Cause No. 2006-61053. I appeared as counsel of record for Mr. Peters in this case before taking the bench.

Redstone Golf Club v. Harris County Appraisal District, Cause No. 2011-71101. I am a member of Golf Club of Houston (f/k/a Redstone Golf Club).

Latonia Conversion v. U.S. Auto Insurance Co., Cause No. 2007-68271. I had represented two of the co-defendants in another matter immediately prior to taking the bench.

George Watkins v. Lyondell Chemical, Cause No. 2008-38436. The defendant was my wife's then current employer.

Ecosorb International, Inc. v. Supply Pro, Inc., Cause No. 2012-24524. The potential third-party defendant was my wife's then current employer.

I also was asked to recuse myself by plaintiff's counsel in *Carolyn James v. Richard Stephen Calkins*, Cause No. 2008-75812, after counsel alleged that I was biased in favor of the opposing party. I denied the motion and, pursuant to the Texas Rules of Civil Procedure and the Harris County District Court Rules, I referred the matter to Judge Olen Underwood, Presiding Judge of the Second Administrative Judicial Region, for further handling. After a full evidentiary hearing, the motion to recuse was denied for the second time.

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.

Since 2006, I have served on the Board of Directors for the OST/Alameda Corridors Redevelopment Authority & Reinvestment Zone Number Seven, after being appointed by then-Houston Mayor Bill White.

From 1999 to 2006, I served on the East Downtown Management District Board, after being appointed by then-Houston Mayor Lee Brown.

In 2006, I was an unsuccessful candidate in the Democratic primary for State Representative District 146 (Houston).

- 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.

After consulting my records and the Internet, below is all of the information that I can recall regarding my political activities in addition to my own campaigns, though there may be some events that I missed.

In 2008, I was a Senate District 13 Delegate to the Texas Democratic Party state convention. I was one of several dozen delegates elected to serve, but I did not attend the state convention due to a conflict in my schedule. In 2006, I was a Senate District 13 Delegate to the Texas Democratic Party state convention. I was one of several dozen delegates elected to serve and attended several open forums and the nominations meeting of the state party officers during the convention.

I have participated in four campaigns other than my own. After the March 2006 Democratic Primary, I issued a statement endorsing Borris L. Miles in the April 2006 run-off for State Representative District 146 (Houston). In 2006, I also volunteered to hand out election materials at a poll location for Ellen Cohen's race for state representative, and I volunteered as a phone banker for the Harris County Democratic Party's "Get Out The Vote" Campaign. In 1984, while a college student, I was paid to hand out election materials at a poll location for Sheila Jackson Lee's campaign for district court judge.

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 did not serve as a judicial clerk.

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

1998 – 2008
Law Offices of Alfred H. Bennett
1811 Southmore Boulevard
Houston, Texas 77004
Solo Practitioner

- 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.

1991 – 1994
Fulbright & Jaworski LLP
1301 McKinney Street, Suite 5100
Houston, Texas 77010
Associate

1994 – 1998
Solar & Fernandes LLP (now defunct)
2800 Post Oak Boulevard, Suite 6400
Houston, Texas 77056
Senior Associate

1998 – 2008
Law Offices of Alfred H. Bennett
1811 Southmore Boulevard
Houston, Texas 77004
Solo Practitioner

- 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.

Although trained as a mediator, I have not served as a mediator or arbitrator in any matter.

b. Describe:

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

Starting in 1991 as an associate at Fulbright & Jaworski LLP, a large international firm, I frequently worked on cases involving Fortune 500 companies. I was assigned to the Energy & Environmental Section, a section that specialized in energy and commercial litigation for the firm's

energy clients. The matters I worked on were pending in both state and federal courts throughout Texas. In addition to aiding in discovery and trial preparation in large-scale litigation matters, I was part of a small group of firm associates selected to receive their own docket of small to mid-size insurance defense files for a national insurance company. The cases involved both contract and tort matters. This required me to work up my own cases from pretrial discovery to trial preparation.

Starting in 1994 as an associate at Solar & Fernandes LLP, a small litigation firm, I continued to work on cases involving Fortune 500 companies, as well as representing individuals in tort and personal injury matters. I appeared in court more frequently both in motion practice and trial matters.

Starting in 1998 as the owner of my own law firm, I continued to work on tort matters but also represented larger companies in smaller litigation matters and small business owners and individuals involved in litigation in both state and federal courts. Additionally, I provided clients with assistance in negotiating franchise agreements, lease agreements, employee separation agreements, non-compete agreements, and build-out agreements. I also developed a tax practice that focused on protesting ad valorem valuations for large apartment complexes and commercially zoned property.

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

While at Fulbright & Jaworski LLP from 1991 to 1994, my typical clients were Fortune 500 companies in commercial and energy related matters. While at Solar & Fernandes LLP, my typical clients were mid-sized to large corporations in commercial matters and individuals in tort matters. As a solo practitioner, my typical clients were individuals and small business owners. I also represented large corporations on collection matters.

- 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.

The vast majority of my legal practice was devoted to civil litigation, which required me to appear in court for various types of court proceedings, primarily oral arguments and to a lesser degree trials. Initially, at Fulbright & Jaworski LLP from 1991 to 1994, my court appearances were infrequent. At Solar & Fernandes LLP from 1994 to 1998, my court appearances noticeably increased in frequency. As a sole practitioner from 1998 to 2008, I was required to appear in court even more frequently. In addition, my practice expanded to include non-litigation legal

work which constituted less than 10% of my law practice at any given time. As an associate at prior firms, my practice was solely devoted to civil litigation.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 2% |
| 2. state courts of record: | 95% |
| 3. other courts: | 2% |
| 4. administrative agencies: | 1% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

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

Over the course of my career, I tried 15 cases to verdict. Of those 15 cases, I was sole legal counsel in 12 cases (three jury trials and nine bench trials). In three other cases, I was appointed guardian ad litem counsel to represent the best interests of a minor while another lawyer was the lead lawyer during trial.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 33% |
| 2. non-jury: | 67% |

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

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

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

- the date of representation;
- 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. *Summers Group, Inc. v. Paige Electrical Company, L.P.*, Cause No. 2005-32442 (295th Judicial District Court); Judge Christopher

I represented defendant and third party plaintiff Paige Electrical Company, L.P. in a suit filed by plaintiff Summers Group, Inc., which alleged that it had been overcharged freight charges. The parties originally agreed that the freight charges would be \$67,000, but due to changed circumstances the actual freight charges were \$135,830. Defendant submitted invoices for that amount and was paid \$121,214. As a result, plaintiff sued for \$54,214 in overcharges plus attorney fees. My client argued that it was not responsible for any freight costs, freight errors, or shipping costs overruns once the electrical cable in question was picked up by a common carrier. Paige Electrical sued the common carrier, UPS Supply Chain Solutions, Inc. which in turn sued Lufthansa Cargo AG, the air carrier that picked up the cargo in question in Johannesburg, South Africa, for transport to Atlanta, Georgia. After a one-day bench trial, the court entered a judgment and findings of fact and conclusions of law which absolved Paige Electrical of any legal liability.

Counsel for Plaintiff

Ben Adelholt
Coats Rose P.C.
3 East Greenway Plaza, Suite 2000
Houston, TX 77046
(713) 651-0111

Counsel for Third-Party Defendant UPS Supply Chain Solutions, Inc.

James Koecher
Brown Sims
1177 West Loop South, 10th Floor
Houston, TX 77027
(713) 351-6227

Counsel for Third-Party Defendant Lufthansa Cargo AG

Stuart Brown
Jackson Walker LLP
901 Main Street, Suite 6000
Dallas, TX 75202
(214) 953-5819

Dates of representation: August 2005 – June 2007

2. *Simdesk Technologies, Inc. v. First Genesis, Inc.*, Cause No. 2004- 00390 (113th Civil District); Judge Hancock

Plaintiffs sued defendants First Genesis and Mr. Harris, their former employee, alleging that defendants had stolen valuable source code and were now marketing the source code in knock-off products that damaged plaintiff's ability to sell its product. Plaintiff sought both a temporary restraining order and a permanent injunction against the defendants. Because Mr. Harris had left the employment of defendant First Genesis, I was retained to represent him individually. Due to the nature of the relief sought by the plaintiff, we engaged in extensive expedited discovery, including expert witness and party depositions. After a temporary restraining order hearing and multiple-day injunction hearing, the court determined the source code did in fact belong to the plaintiff and granted the temporary restraining order and later the permanent injunction.

Counsel for Plaintiff

Brian Melton
Susman Godfrey L.L.P.
1000 Louisiana, Suite 5100
Houston, TX 77002
(713) 651-9366

Counsel for Co-Defendant First Genesis et al.

Joe Redden, Jr.
Beck Redden LLP
1221 McKinney, Suite 4500
Houston, TX 77010
(713) 951-3700

Dates of representation: January 2004 – August 2004

3. *Mott v. Red's True Value Hardware*, Cause No. 2003-36360 (164th Civil District Court); Judge Jamison

I represented defendant Red's True Value Hardware after the plaintiff sued, alleging an electrical "easy roter" that had been rented by the plaintiff short-circuited and shocked him while he was using the roter to clear a sewer pipe. Plaintiff claimed physical injuries, medical care expenses, loss of wage earning capacity, physical impairment, disfigurement, pain and suffering, mental anguish, and loss of consortium. Central issues were whether post-factory replacements of parts on the roter rendered the roter defective prior to its rental. We defended the case on the premise that the post-factory replacement of parts was standard procedure if parts had become worn. In addition, the roter had never short-circuited before or after the incident in question. We also alleged the improper

operation of the roofer by the plaintiff led to the malfunction. After extensive pre-trial discovery, the case was settled at mediation and later dismissed.

Counsel for Plaintiff

John Wittenmyer
LeBoeuf & Wittenmyer, P.C.
3200 Wilcrest, Suite 460
Houston, TX 77042
(713) 463-5422

Dates of representation: June 2003 – September 2004

4. *Miller v. El Patio Mexican Restaurant*, Cause No. 2002-65740 (190th Judicial District Court); Judge Elrod

I represented Ms. Miller, a customer of El Patio Mexican Restaurant, after she was injured in an accident inside the restaurant. During Ms. Miller's visit to the restaurant, one of the defendant's employees bumped a table and knocked it over, causing the table and broken glass to fall over on Ms. Miller and open a large gash on her lower right leg. Ms. Miller's injuries required over 70 stitches to close. The defendant was sued for negligence and gross negligence. A jury was empaneled, and the case was tried over two days. After deliberations, the jury returned a verdict placing 60% fault on the plaintiff and 40% fault on the defendant. Based upon the plaintiff's percentage of fault, she was barred from recovery. A judgment was entered and signed in November 2004.

Counsel for Defendant

Maureen Spector
3355 West Alabama, Suite 1200
Tribble & Ross
Houston, TX 77098
(713) 622-0444

Dates of representation: December 2002 – November 2004

5. *Midtown Redevelopment Authority v. Honeywell, Inc.*, Cause No. 2001-20459 (190th Civil District Court); Judge Elrod

I represented Midtown Redevelopment Authority, a local governmental entity that owned real property that previously was the site of a gasoline service station in the 1960s that was operated and/or supplied with hydrocarbons by corporate interests that were now owned by Honeywell. After the gasoline service station ceased to do business, an underground storage tank was left in place with hydrocarbons still present. Midtown Redevelopment incurred significant expense

to determine the extent of the contamination and to remove the underground tanks from the property. Honeywell removed the case to federal court shortly after its filing and after additional extensive pre-trial discovery the case settled in mediation.

Counsel for Defendant

Marcy Rothman
Kane Russell Coleman & Logan PC
919 Milan, Suite 2200
Houston, TX 77002
(713) 425-7444

Dates of representation: April 2001 – April 2003

6. *Mouton v. Uniformed Security of America, Inc.*, Cause No. 1999-18891 (189th Civil District Court); Judge Work

I represented Mr. Mouton, a young man who was shot as he walked out of a Randalls Food Market by an armed security guard. The security guard told investigators he believed Mr. Mouton was a shoplifter. As a result of the shooting, Mr. Mouton underwent emergency surgery, which included the removal of his right kidney and the repair of numerous internal organs. It was later shown that the security guard had minimal training and had been working as an armed security guard less than a year. After extensive pre-trial discovery, the case settled.

Counsel for Co-Defendant Randalls Food Markets, Inc.

Steven Howard
Tucker Taunton Snyder & Slade
10370 Richmond Avenue, Suite 1400
Houston, TX 77042
(713) 965-4914

Counsel for Co-Defendant Uniformed Security of America, Inc.

William Sherwood
Gordon Arata McCollam Duplantis & Eagan LLC
1980 Post Oak Boulevard, Suite 1800
Houston, TX 77056
(713) 333-5500

Dates of representation: April 1999 – May 2000

7. *Eldridge v. Almost Heaven Campground & Recreation*, Cause No. 1997-01197 (333rd Civil District Court); Judge Halbach

I represented the family of a teenager who drowned at a campground. The teenager had gone to the campground with a scout group. One of the recreational amenities advertised by the campground to attract scout groups and other day campers was a pond with a designated swimming area. The pond was in fact an abandoned sand pit filled with water. Despite having designated an area of the pit for swimming, the rope marking the swimming area was not properly secured, which allowed it to drift over deeper parts of the pit. The teenager was within the designated swimming area when he stepped off into a sinkhole and drowned. A water-safety expert also demonstrated that the pit had not been properly prepared for swimmers and was unreasonably dangerous. After discovery, including the deposition of a nationally known water-safety expert, the case settled at mediation.

Counsel for Defendant

David Cluck
Attorney at Law
P.O. Box 201329
Austin, TX 78720
(512) 477-4405

Dates of representation: January 1997 – February 1998

8. *Adams v. Houston Lighting & Power Co.*, Cause No. 1995-48441 (190th Civil District Court); Judge Devine

I represented Houston Lighting & Power Co. after a pole to which a power line was attached fell, landed on a garage, and caused a fire destroying all of its contents. Ms. Adams, the plaintiff, was a recent wealthy divorcee who had allegedly stored all of her personal belongings in the garage after the divorce. Pre-trial discovery focused on what caused the pole to fall because numerous utilities had connecting lines on the pole at the time, as well as recreating an inventory of rare and valuable property stored in the garage and assigning an appropriate value to the same. Numerous valuation experts were hired to value clothing, furniture, artwork, and other items. The case was settled after extensive discovery.

Counsel for Plaintiff

Scott Lannie
Attorney at Law
4000 Garth Road, Suite 150
Baytown, TX 77521
(281) 303-9200

Counsel for Co-Defendant TCI Cablevision of Texas, Inc.

Kevin Hood
Fabrega Hood, L.L.P.
1221 McKinney, Suite 3150
Houston, TX 77056
(713) 228-2322

Dates of representation: September 1995 – August 1997

9. *Obregon v. Mario's El Dorado Ltd.*, Cause No. 1994-63355
(129th Civil District Court); Judge Mizell

Along with a partner at the firm, I represented the family of Mr. Obregon, who was stabbed and killed by an unknown assailant outside a Houston nightclub. Earlier in the night, Mr. Obregon had been involved in an altercation with unknown men inside the nightclub. The bouncer at the nightclub evicted Mr. Obregon and the other men from the nightclub and steered them into the parking lot where the altercation continued and Mr. Obregon was eventually stabbed. The nightclub had previous problems with patrons fighting in the parking lot but failed to take any steps to secure the parking lot for their patrons' safety. Extensive pretrial discovery was conducted, including reviews of adherence to Texas Alcohol & Beverage Commission standards and personal safety standards both inside of the nightclub and in the parking lot. The case settled at mediation.

Counsel for Co-Defendant Mario's El Dorado, Ltd.

Robert McCabe
Oldenettel & McCabe
510 Bering, Suite 675
Houston, TX 77057
(713) 622-9220

Counsel for Co-Defendant/Cross Plaintiff Almeda Mall, Inc.

Bruce C. Gaible
Hays, McConn, Rice & Pickering
1233 West Loop South, Suite 100
Houston, TX 77027
(713) 654-1111

Dates of representation: December 1994 – March 1996

10. *Reyes v. Floyd*, Cause No. 1990-65365 (151st Civil District Court); Judge Garcia

I represented Mr. Floyd, who was a member of the Houston Rockets, against a civil assault case filed by the plaintiff. The case was filed after the plaintiff approached Mr. Floyd and his then-girlfriend as they were having a loud discussion outside of their car in a parking lot. The plaintiff attempted to intervene and ascertain whether Mr. Floyd's girlfriend was all right. He was pushed away from the scene by Mr. Floyd, who testified that he believed the plaintiff was attempting to steal his wallet from inside of the open car. As a result of the push, Mr. Reyes fell and suffered abrasions to his hands and arms. He visited an emergency clinic that night and was charged less than \$300 for the doctor's visit. Mr. Reyes filed suit and demanded over \$50,000 in damages. Extensive discovery was conducted. The case was tried to a jury over two days. After deliberations, the jury returned a verdict of \$250.

Counsel for Plaintiff

Mark Weycer
The Weycer Firm, PC
4545 Bissonnet Street, Suite 294
Houston, TX
(713) 668-4545

Dates of representation: November 1991 – June 1993

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.)

Since becoming a judge, I have served two terms as Administrative Judge for the Harris County Civil District Courts. This position had required me to chair the monthly board meetings of the civil district judges' board, appoint committee chairs and members to the board's standing committees, reassign cases after voluntary recusals, and sit on the Executive Committee of the Harris County District Judges. I currently chair the Rules Committee for the Harris County Board of District Judges and the Internal Procedures Committee for the Harris County Civil District Court Board of Judges.

I continue to be active in bar work, including serving as a Commissioner on the Texas Access to Justice Commission, serving on committees for the Houston Bar Association (Administration of Justice, Bench Bar Pro Bono Awards), and serving as a guest speaker at continuing legal education events (State Bar of Texas, Houston Lawyers Association,

Houston Bar Association, and African Bar Association).

I have not performed any lobbying activities on behalf of any entity or individual.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I taught Trial Advocacy at Thurgood Marshall School of Law–Texas Southern University as an Adjunct Professor of Law from 2003 to 2013. The course covered the basics of trial from opening statement to final arguments. Representative syllabus supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no deferred income arrangements, stock, options, uncompleted contracts, or other future benefits from which I anticipate payment.

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

No.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest

when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not anticipate that any family members might pose conflicts of interest. As is my current practice, I would continue to take very seriously any actual or potential conflicts-of-interest and recuse myself as appropriate.

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

If confirmed, I would closely follow 28 U.S.C. 455, Canon 3 of the Code of Conduct for United States Judges, as well as the related advisory opinions issued by the ethics committee of the Judicial Conference. I would utilize the court's automated conflict checking system. I would assess any potential conflicts, and determine for myself whether I believed they justified my recusal or not. If so, I would follow the procedure used by the district court for the Southern District of Texas in recusing myself.

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.

Early in my career, I frequently participated in Fulbright & Jaworski's volunteer night at the Houston Bar Association's Legal Lines, which provided free legal advice to callers on a wide-range of topics. I also took on several cases from the Houston Volunteer Lawyers Program, which involved divorces and other simple civil matters. After I moved to Solar & Fernandes, I continued to participate in Legal Lines, as well as assisting on cases that were pro bono and reduced fee.

After I formed my own firm in 1998, I personally took on several clients on a pro bono basis. My work was mainly focused on drafting basic wills for elderly clients and assisting the disadvantaged with debt collection efforts. However, in one more complex case I assisted an elderly client with clearing title to inherited real property that in turn allowed her to deed the property to her children.

Since I have been on the bench, my efforts have been geared towards bar activities that provide recognition or assistance to lawyers and firms engaged in pro bono efforts. Specifically, I served on the Houston Bar Association's Bench Bar Pro Bono Awards Committee from 2009 to 2011, which determined HBA award recipients based upon their previous year's pro bono service. Since October 2011, I have served as a Commissioner on the Texas Access to Justice Commission ("TAJC"). The TAJC seeks to improve the quality of justice in civil legal matters for low-income Texans by developing initiatives that increase access and reduce barriers to the judicial system. I also currently chair the TAJC's Strategic Planning Committee.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In early 2013, I submitted an application to the Congressional Judicial Selection Committee formed by Congressman Al Green. In March 2013, I participated in three interviews with the Committee in Houston, Texas. In August 2013, I submitted an application to the Texas Federal Judicial Evaluation Committee (FJEC) formed by Senators Cornyn and Cruz. In September 2013, I met with the chief legal counsels for Senators Cornyn and Cruz in Washington, D.C. On December 13, 2013, I interviewed with the FJEC in Houston, Texas. Since June 24, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 17, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. Later the same day, I met with Senators Cornyn and Cruz in Washington, D.C. On September 18, 2014, the President submitted my nomination to the Senate.

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

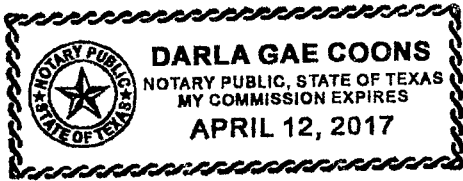
No.

AFFIDAVIT

I, Alfred H. Bennett, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

9/19/14
(DATE)

Alfred H. Bennett
(NAME)



Darla Gae Coons
(NOTARY)