

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Pamela Ann Harris

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

Circuit Judge for the United States Court of Appeals for the Fourth Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: Georgetown University Law Center
 600 New Jersey Avenue, NW
 Washington, DC 20001

Residence: Potomac, MD

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

1962; Hartford, CT

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.

1987 – 1990, Yale Law School; J.D., 1990

1980 – 1983, 1984 – 1985, Yale College; B.A. (*summa cum laude*), 1985

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

2012 – present, 2007 – 2010
Georgetown University Law Center
600 New Jersey Avenue, NW

Washington, DC 20001
Visiting Professor (2012 – present, 2007 – 2010)
Executive Director, Supreme Court Institute (2009 – 2010)

2010 – 2012
United States Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue, NW
Washington, DC 20530
Principal Deputy Assistant Attorney General

1999 – 2009
O'Melveny & Myers LLP
1625 I Street, NW
Washington, DC 20006
Of Counsel (2006 – 2009)
Partner (2005 – 2006)
Counsel (1999 – 2004)

1996 – 1999
University of Pennsylvania Law School
3501 Sansom Street
Philadelphia, PA 19104
Associate Professor

1994 – 1996
United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, NW
Washington, DC 20530
Attorney-Advisor

1992 – 1993
Associate Justice John Paul Stevens
Supreme Court of the United States
One First Street, NE
Washington, DC 20543
Law Clerk

September 1991 – June 1992
Shea & Gardner (now Goodwin Procter LLP)
901 New York Avenue, NW
Washington, DC 20001
Associate

1990 – 1991

Judge Harry T. Edwards

United States Court of Appeals for the District of Columbia Circuit

333 Constitution Avenue, NW

Washington, DC 20001

Law Clerk

Summer 1990

Sidley Austin LLP

1501 K Street, NW

Washington, DC 20005

Summer Associate

Summer 1989

Onek, Klein & Farr (no longer in existence)

Washington, DC

Summer Associate

September 1988 – May 1989

Yale Law School

127 Wall Street

New Haven, CT 06511

Research Assistant for Professor Paul Gewirtz

Summer 1988

Public Citizen Congress Watch

215 Pennsylvania Avenue SE

Washington, DC 20003

Summer Associate

January – May 1988

Yale University

New Haven, CT 06520

Teaching Assistant for Professor Jonathan Rieder

Summer 1987

Temps & Co. (no longer in existence)

Washington, DC

Temporary Secretary

1986 – 1987

Council on Financial Competition (now The Advisory Board Company)

2445 M Street, NW

Washington, DC 20037

Research Associate

Other Affiliations (uncompensated):

2013 – present
Georgetown University Law Center
Supreme Court Institute
600 New Jersey Avenue, NW
Washington, DC 20001
Senior Advisor

2012 – present
Constitutional Accountability Center
1200 18th Street, NW
Suite 501
Washington, DC 20036
Board of Directors

2009 – present
Norwood School
8821 River Road
Bethesda, MD 20817
Board of Trustees

2007 – 2009
Harvard Law School
1563 Massachusetts Avenue
Boston, MA 02138
Lecturer and Co-Director, Supreme Court and Appellate Practice Clinic
(on behalf of and in the employ of O'Melveny & Myers)

2001 – 2008
American Constitution Society for Law and Policy
1333 H Street, NW
11th Floor
Washington, DC 20005
Board of Directors

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

I have not served in the military. I was not required to register for the 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.

Harvey Levin Memorial Teaching Award, University of Pennsylvania Law School (1998)

Yale Law & Policy Review, Current Topics Editor (1988 – 1990)

Yale Undergraduate Forum undergraduate essay prize (1985)

Phi Beta Kappa (1985)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Inns of Court, Edward Coke Appellate Inn of Court (2010 – 2013)

National Association of Attorneys General (2004, 2006, 2009)

Served on panel evaluating Attorney General briefs for best brief awards.

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.

Pennsylvania, 1992
District of Columbia, 1994

There have been no lapses in my District of Columbia bar membership, though my membership was inactive for a period between 1996 and 1999 while I was serving as a professor and not practicing law. I did not renew my membership in the Pennsylvania bar in 2010 because I have not lived in Pennsylvania in years. I had previously been inactive since 1995.

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

Supreme Court of the United States, 2000
United States Court of Appeals for the Sixth Circuit, 2005
United States Court of Appeals for the Seventh Circuit, 2006
United States Court of Appeals for the Tenth Circuit, 2003

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 Constitution Society for Law and Policy (2001 – present)

Board of Directors (2001 – 2008)

Co-Chair, Constitutional Interpretation and Change Issue Group (2005)

Co-Chair, Board Development Committee (2004 – 2005)

Chair, Board Development Committee (2003)

Constitutional Accountability Center (2012 – present)

Board of Directors

National Association of Criminal Defense Lawyers (2004 – 2009)

Member and Co-Chair, Amicus Committee (pursuant to pro bono representation at O'Melveny & Myers)

Norwood School (Bethesda, MD) (2009 – present)

Board of Trustees

Chair, Medical Committee (2012 – present)

Yale Law School Class of 1990 (2010)

20th Reunion Co-Chair

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

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

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

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor,

editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Mad Men: A Conversation, Speakeasy, The Wall St. Journal blog, Apr. – June 2013 (with Alan Brinkley, Walter Dellinger, Pam Karlan and Evangeline Morphos). Copies supplied.

United States of America – Supreme Court October Term 2009 Overview, in Public Law, International Survey 2010 (Richard Cornes, editor) (with Vicki Jackson). Copy supplied.

Pleasant Grove v. Sumnum and the Establishment Clause: Giving with One Hand, Taking with the Other?, 46 Willamette Law Rev. 677 (2010). Copy supplied.

The Importance of Stevens' Good Manners, SCOTUSBlog, Apr. 26, 2010. Copy supplied.

Justice Stevens and Religious Diversity, National Law Journal blog on Justice Stevens, Apr. 12, 2010. Copy supplied.

Criminal Procedure: An Undervalued Part of Stevens' Legacy and More on Stevens and His Style on the Bench, National Law Journal blog on Justice Stevens, Apr. 9, 2010. Copies supplied.

Georgetown Supreme Court Institute Seeking Deputy Director, SCOTUSBlog, June 15, 2010. Copy supplied.

Editor, *It Is a Constitution We Are Expounding: Collected Writings on Interpreting Our Founding Document*, American Constitution Society for Law and Policy, 2009 (with Karl Thompson). Copy supplied.

Supreme Court Preview: Abortion and the "Health Exception," ACSblog, Feb. 20, 2007 (with Dawn Johnsen). Copy supplied.

What O'Connor's Retirement Means for Reproductive Liberty, ACSblog, July 5, 2005 (with Dawn Johnsen). Copy supplied.

The Football Prayer Debate, Long Beach Press-Telegram (reprint), Apr. 5, 2000 (with Walter Dellinger). Copy supplied.

The Big Chill and Return of the Secaucus Seven: Relative Distances, Ideological Functions, and Utopian Potentials, Yale Undergraduate Forum, Spring 1985. Copy supplied.

Glimpses of a Rally, Yale Daily News, Nov. 18, 1983. Copy supplied.

Passing the Activist Torch, Yale Daily News, Oct. 11, 1983. Copy supplied.

McGovern's Bid, Yale Daily News, Sept. 27, 1983. Copy supplied.

This March Was Different, Yale Daily News, Sept. 14, 1983. Copy supplied.

Gays in a Hostile World, Yale Daily News, Apr. 18, 1983 (with David Halperin). Copy supplied.

Activism: While There's Time, Yale Daily News, Apr. 12, 1983 (with David Halperin). Copy supplied.

Improper Conduct, Yale Daily News, Apr. 5, 1983 (with David Halperin). Copy supplied.

Reagan: Once Is Too Much, Yale Daily News, Mar. 22, 1983 (with David Halperin). Copy available at:
<http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/200167/rec/10> (page 2).

The Mayor and the Mall, Yale Daily News, Mar. 1, 1983 (with David Halperin). Copy available at:
<http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/200130/rec/19> (page 2).

We Can't Live with First Use, Yale Daily News, Feb. 22, 1983 (with David Halperin). Copy available at:
<http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/199977/rec/12> (page 2).

Udall: Feeling Woe for Mo, Yale Daily News, Feb. 15, 1983 (with David Halperin). Copy supplied.

Student in a Snit with SNET, Yale Daily News, Feb. 8, 1983 (with David Halperin). Copy supplied.

Women on Shaky Ground, Yale Daily News, Feb. 1, 1983 (with David Halperin). Copy supplied.

Suzanne: Sex and Filth, Yale Daily News, Jan. 25, 1983 (with David Halperin). Copy supplied.

Remembering His Dream, Yale Daily News, Jan. 18, 1983 (with David Halperin). Copy supplied.

Career Tip: Don't Be a Corporate Lawyer, Yale Daily News, Jan. 11, 1983 (with David Halperin). Copy supplied.

Reliving Vietnam in Blood and Stone, Yale Daily News, Dec. 2, 1982 (with David Halperin). Copy available at:
<http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/198422/rec/31> (page 2).

Mistakes in El Salvador, Yale Daily News, Nov. 16, 1982 (with David Halperin). Copy supplied.

Public Education: Scapegoats and Real Reform, Yale Daily News, Nov. 9, 1982 (with David Halperin). Copy available at:
<http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/199121/rec/1> (page 2).

Voting By the Few, For the Few, Yale Daily News, Nov. 2, 1982 (with David Halperin). Copy supplied.

What Makes Us Grouchy, Yale Daily News, Oct. 26, 1982 (with David Halperin). Copy supplied.

Beyond the Nuclear Freeze: The Question of Proliferation, Yale Daily News, Oct. 14, 1982 (with David Halperin). Copy supplied.

Nancy Reagan in Little Rock: Desecrating a Fond Memory, Yale Daily News, Oct. 7, 1982 (with David Halperin). Copy available at:
<http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/199263/rec/15> (page 3).

The Muffled Voice of Conservatives at Yale, Yale Daily News, Sept. 28, 1982 (with David Halperin). Copy supplied.

Certified Lies about Salvador, Yale Daily News, Sept. 22, 1982 (with David Halperin). Copy available at:
<http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/199574/rec/35> (page 3).

A Gleam in the Eye of the Bulldog, Yale Daily News, Sept. 14, 1982 (with David Halperin). Copy supplied.

Defining the Left: Up From the Ashes, Yale Daily News, Sept. 8, 1982 (with David Halperin). Copy available at:
<http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/199491/rec/1> (page 2).

Letter to the Editor, Yale Daily News, Mar. 24, 1982 (“Frum and Subjective Interpretation”). Copy supplied.

Letter to the Editor, Yale Daily News, Apr. 15, 1981 (“Father Doesn’t Always Know Best”). Copy supplied.

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

Supreme Court October Term 2010 Preview, report of the Supreme Court Institute, Georgetown University Law Center (Sept. 2010). Copy supplied.

Supreme Court October Term 2009 Preview, report of the Supreme Court Institute, Georgetown University Law Center (Sept. 2009). Copy supplied

While I served on its Amicus Committee from 2004 to 2009, the National Association of Criminal Defense Lawyers compiled lists of amicus briefs submitted to the Supreme Court to which I may have contributed on occasion. Copies supplied.

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

Joint Letter to the Senate Judiciary Committee of Former Office of Legal Counsel Attorneys in Support of the Confirmation of Nina Pillard as Circuit Judge, U.S. Court of Appeals for the District of Columbia Circuit (July 17, 2013). Copy supplied.

Joint Letter to the Senate Judiciary Committee in Support of the Confirmation of Patricia Millett as Circuit Judge, U.S. Court of Appeals for the District of Columbia Circuit (July 2, 2013). Copy supplied.

Joint Letter of Faculty and Administrators to the Georgetown University Law Center Community in Support of Sandra Fluke (2012). Copy supplied.

Joint Letter to the Senate Judiciary Committee in Support of the Confirmation of Sonia Sotomayor as Associate Justice, Supreme Court of the United States (Aug. 5, 2009). Copy supplied.

Letter to the Senate Judiciary Committee regarding the Department of Justice Honors Program and Summer Law Intern Program (July 9, 2008). Although, as a Board member, 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.

Letter to the Massachusetts Judicial Nominating Commission in Support of the Nomination of Peter Rubin to the Massachusetts Supreme Judicial Court (June 18, 2007). Copy supplied.

Letter to the Clerk of the United States Supreme Court, Comments of the National Association of Criminal Defense Lawyers on Proposed Amendments to the Rules of the Supreme Court (June 4, 2007). Copy supplied.

Letter to Senator Specter in Support of the Confirmation of Neil Gorsuch as Circuit Judge, U.S. Court of Appeals for the Tenth Circuit (June 2006). Copy (unsigned) supplied.

Joint Statement of Principles to Guide the Office of Legal Counsel (Dec. 21, 2004). Copy supplied.

Letter to Senator Hatch in Support of the Confirmation of Brett Kavanaugh as Circuit Judge, U.S. Court of Appeals for the District of Columbia Circuit (Apr. 27, 2004). Copy supplied. Quotations from the letter appeared in multiple media sources, though I was not interviewed for those stories.

- 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.

The following list reflects my best efforts to identify the speeches or talks that I have delivered. I have provided representative press coverage where available. To compile the list, I consulted my own files and Internet sources. There may, however, have been other speeches or talks that I have been unable to recall or identify, and I have spoken occasionally at minor events for which I did not retain any record.

September 23, 2013: Panelist, “Anticipating the Supreme Court’s October Term 2013,” Supreme Court Institute, Georgetown University Law Center, Washington,

DC. Press coverage supplied and video available at:
<http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=2107>.

September 19, 2013: Panelist, “Supreme Court 2013 Term Preview and Pizza Lunch,” Supreme Court Institute, Georgetown University Law Center, Washington, DC. This was an event for students at which Georgetown professors spoke about upcoming Supreme Court cases. My recollection is that I focused on the case of *Town of Greece v. Galloway*, involving legislative prayer. I have no notes, transcript or recording. The address of the Supreme Court Institute is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001.

September 16, 2013: Moderator, “Supreme Court 2013 – 2014 Term Preview,” American Constitution Society, Washington, DC. Press coverage supplied and video available at: <http://www.c-span.org/video/?315036-1/supreme-court-20132014-term-preview>.

July 10, 2013: Moot court judge, summer associate program, O’Melveny & Myers, Washington, DC. I participated as a moot court judge for summer associates arguing a fictional case. I have no notes, transcript or recording. The address of O’Melveny & Myers is 1625 I Street, Washington, DC 20006.

June 17, 2013: Panelist, “Supreme Court Review/Preview,” Justice at Stake, Washington, DC. Notes supplied.

February 27, 2013: Panelist, “Same-Sex Marriage Mock Moot Court: *Hollingsworth v. Perry*, No. 12-144,” Supreme Court Institute, Georgetown University Law Center, Washington, DC. Video available at: <http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=1970>.

September 20, 2012: Moderator, “The Supreme Court: Countdown to the First Monday in October,” The Smithsonian Associates, Washington, DC. Notes supplied.

September 18, 2012: Panelist, “Anticipating the Supreme Court’s October Term 2013: What to Expect,” Supreme Court Institute, Georgetown University Law Center, Washington, DC. Press coverage supplied and video available at: <http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=1812>.

July 12, 2012: Remarks at summer associate lunch, O’Melveny & Myers, Washington, DC. Notes supplied.

October 17, 2011: Speaker, “Finding the Roads That Lead to Rome: How to Build Your Own Exciting, Meaningful Legal Career,” Yale Law Women and American Constitution Society, Yale Chapter, Yale Law School, New Haven, CT. I used the same notes supplied for the July 26, 2011 event.

October 17, 2011: Speaker, “Day in the Life” Series, Yale Law Women, Yale Law School, New Haven, CT. Notes supplied.

July 26, 2011: Speaker, “July Brown Bag Lunch,” American Constitution Society, Washington, DC Lawyer Chapter, O’Melveny & Myers, Washington DC. Press coverage and notes supplied.

June 24, 2011: Remarks at summer associate lunch, O’Melveny & Myers, Washington, DC. I spoke over lunch to a group of summer associates about my career and, to the best of my recollection, focused on my work as a government lawyer. I have no notes, transcript or recording. The address of O’Melveny & Myers is 1625 I Street, NW, Washington, DC 20006.

April 28, 2011: Remarks to student members of the Barristers’ Council Appellate Advocacy Division, Georgetown University Law Center, Washington, DC. To the best of my recollection, I spoke about my career in appellate litigation. I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

December 3, 2010: Panelist, “Supreme Court Preview,” District of Columbia Superior Court, Washington, DC. This panel discussed upcoming Supreme Court cases. I have no notes, transcript or recording. The address of the District of Columbia Superior Court is 500 Indiana Avenue, Washington, DC 20001.

October 2010: Remarks at the Office of Legal Policy, Department of Justice. Before I began work at Office of Legal Policy, I attended a brown-bag lunch and spoke informally about the Supreme Court’s upcoming Term. Notes supplied.

October 8, 2010: Moderator, “The Finest Legal Mind, a Symposium in Celebration of Justice John Paul Stevens,” Georgetown University Law Center, Washington, DC. Press coverage supplied and video available at: <http://www.c-spanvideo.org/program/295896-2>.

September 27, 2010: Speaker, “ACS 2010 Supreme Court Preview,” American Constitution Society, Georgetown Law Center Chapter, Washington, DC. With Professor Marty Lederman, I spoke at this informal brown-bag lunch about the upcoming Supreme Court Term. I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

September 20, 2010: Moderator, “Anticipating the Supreme Court’s October Term 2010: What to Expect,” Supreme Court Institute, Georgetown University Law Center, Washington, DC. Press coverage supplied and video available at: <http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=1194>.

September 15, 2010: Speaker, "Lunch Discussion: The Supreme Court Term Ahead," American Constitution Society, Georgetown Law Center Chapter, Washington, DC. Along with Judge Peter Rubin, I spoke at this brown-bag lunch about cases in the upcoming Supreme Court Term. I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

August 28, 2010: Panelist, "Oral Argument Before Trial and Appellate Courts," Tenth Circuit Bench and Bar Conference, Colorado Springs, CO. Notes supplied.

July 7, 2010: Moot court judge, summer associate program, O'Melveny & Myers, Washington, DC. I participated as a moot court judge for summer associates arguing a fictional case. I have no notes, transcript or recording. The address of O'Melveny & Myers is 1625 I Street, Washington, DC 20006.

June 25, 2010: Moderator, "Supreme Court Term Review," North American South Asian Bar Association, Boston, MA. Notes supplied.

June 15, 2010: Panelist, Review of the Supreme Court's Term, Edward Coke Appellate Inn of Court, Washington, DC. Press coverage and notes supplied.

June 2010: Speaker, Street Law Supreme Court Summer Institute for Teachers, Washington, DC. Notes supplied.

May 18, 2010: Panelist, "Supreme Court Nominee Elena Kagan, the Senate Confirmation Process, and a Justice Kagan's Potential Impact on the Court," Supreme Court Institute, Georgetown University Law Center, Washington, DC. Press coverage supplied and video available at: <http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=2289>.

April 29, 2010: Introductory Speaker, End-of-Term Reception Honoring Justice Kennedy, Supreme Court Institute, Georgetown University Law Center, Washington, DC. Press coverage and notes supplied.

April 16, 2010: Remarks on Supreme Court public interest litigation, Harvard Law School Immigration Project, Harvard Law School, Cambridge, MA. I spoke to students at Harvard Law School about my work at O'Melveny & Myers on behalf of public interest organizations. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

April 8, 2010: Moderator, "Women and the Supreme Court Bar," Supreme Court Institute, Georgetown University Law Center, Washington, DC. Press coverage supplied and video available at: <http://www.c-span.org/video/?292899-1/women-supreme-court-bar>.

March 1, 2010: Moderator, "From the Cell to the Community: Issues in Prisoner Reentry," American Constitution Society, Georgetown Law Center Chapter, Washington, DC. As moderator, my primary role was to introduce the speakers and, as I recall, to facilitate a question-and-answer period. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

February 23, 2010: Moderator, "Post-Argument Discussion of *Holder v. Humanitarian Law Project*," Georgetown University Law Center, Washington, DC. Video supplied.

January 26, 2010: Moderator, "State Courts and U.S. Supreme Court Rulings: Will Caperton and Citizens United Change the Way States Pick Judges?," Aspen Institute, Georgetown University Law Center, Washington, DC. I moderated a panel regarding trends in selection of state judges, and my role was to introduce and ask questions of the panelists. I have no notes, transcript or recording. The address for the Aspen Institute is One Dupont Circle, NW, Washington, DC 20036.

December 2, 2009: Interviewer, book talk with Joan Biskupic, author of *American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia*, Supreme Court Institute, Georgetown University Law Center, Washington, DC. I introduced Ms. Biskupic and asked her questions about her book. I have no notes, transcript or recording, but press coverage is supplied. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

November 9, 2009: Moderator, "Is It Cruel and Unusual to Sentence a Child to Life Without the Possibility of Parole? The Supreme Court Hears *Sullivan v. Florida* and *Graham v. Florida*," Georgetown Juvenile Justice Clinic, Juvenile Indigent Defense Action Network, National Juvenile Defender Center, Georgetown Human Rights Institute, Georgetown Youth Advocacy, Georgetown Human Rights Action, and the Georgetown University Law Center chapters of Amnesty International, American Constitution Society, and American Civil Liberties Union, Georgetown University Law Center, Washington, DC. My role as moderator on this panel was to introduce the speakers and facilitate their discussion of the Supreme Court arguments in cases concerning life sentences for juveniles. I have no notes, transcript or recording. The address for Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

October 16, 2009: Panelist, "Symposium: The Future of the First Amendment," Willamette Center for Religion, Law and Democracy and American Constitution Society, Willamette University College of Law, Salem, OR. I have no notes, transcript or recording, but my remarks were based closely on an essay published in the Willamette Law Review, a copy of which has previously been supplied in response to 12a.

September 24, 2009: Panelist, “2009 Supreme Court Preview,” American Constitution Society, Washington, DC. Press coverage supplied and video available at: <https://www.youtube.com/watch?v=wR1Dsila9kg>.

September 21, 2009: Moderator, “Annual Press Briefing on the Supreme Court Term,” Supreme Court Institute, Georgetown University Law Center. Video available at:
<http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=890>.

September 3, 2009: Speaker, “Justice Scalia: Friend of Criminal Defendants?,” Federalist Society, Georgetown Law Center Chapter, Washington, DC. Along with another professor, I discussed recent criminal procedure decisions authored by Justice Scalia. I have no notes, transcript or recording. The address for Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

August 27, 2009: Participant, faculty moot court for first-year orientation program, Georgetown University Law Center, Washington, DC. I played the role of a judge hearing argument, presented by other faculty members, in *United States v. Stevens*, 559 U.S. 460 (2010). I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

July 6, 2009: Panelist, “Sizing Up the 2008 – 2009 Supreme Court Term: A Practitioner’s View,” National Law Journal and Washington Legal Times, Georgetown University Law Center, Washington, DC. Transcript and press coverage supplied and video available at: <http://www.c-span.org/video/?287449-1/20082009-supreme-court-term>.

June 19, 2009: Panelist, “Keeping Faith with the Constitution,” American Constitution Society, Washington, DC. Press coverage and video supplied.

June 3, 2009: Moderator, “President Obama’s Nominee to the U.S. Supreme Court and the Confirmation Process,” Supreme Court Institute, Georgetown University Law Center, Washington, DC. Video available at:
<http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=858>.

May 1, 2009: Panelist, “Book Discussion: ‘Keeping Faith with the Constitution’ and ‘It Is a Constitution We are Expounding: Collected Writings on Interpreting Our Founding Document,’” American Constitution Society, Washington, DC. Video supplied.

December 5, 2008: Panelist, Appellate Advocacy Panel, Vermont Law School, South Royalton, VT. Notes supplied.

September 2008: Remarks, D.C. Law Students in Court, Criminal Division, Washington, DC. I spoke to a clinic class taught by Professors Geoffrey Harris and Moses Cook about preservation of trial issues for appeal. I have no notes, transcript or recording. The address of D.C. Law Students in Court is 4340 Connecticut Avenue, NW, Washington, DC 20008.

June 14, 2008: Panelist, "Our Enduring Constitution: Applications and Interpretations," American Constitution Society, Washington, DC. Video supplied.

December 2007: Commenter, lunchtime discussion regarding *Advocacy Matters Before and Within the U.S. Supreme Court: Transforming the Court by Transforming the Bar*, 90 Geo. L. J. 1487 (2008), Supreme Court Institute, Georgetown University Law Center, Washington, DC. Notes supplied.

November 27, 2007: Panelist, discussion of new Supreme Court practice rules, Edward Coke Appellate Inn of Court, Washington, DC. Notes supplied.

November 5, 2007: Panelist, "And Justice For All: A Constitutional Conversation on the Role of the Justice Department and the Attorney General," The Constitution Project, Washington, DC. Notes supplied.

September 27, 2007: Speaker, "Supreme Court Breakfast Briefing," American Civil Liberties Union, Washington, DC. I spoke at this press briefing about a petition for certiorari I filed on behalf of the American Civil Liberties Union in *Sanchez v. San Diego County*, raising a Fourth Amendment challenge to government inspections of the homes of public assistance recipients. I have no notes, transcript or recording. The address of the American Civil Liberties Union is 125 Broad Street, New York, NY 10004.

August 2007: Speaker, discussion of recent Supreme Court developments in criminal procedure, Annual Meeting, National Association of Criminal Defense Lawyers, San Francisco, CA. This talk reviewed the criminal procedure decisions of the previous Supreme Court Term, focusing on Fourth Amendment cases. I have no notes, transcript or recording. The address of the National Association of Criminal Defense Lawyers is 1660 L Street, NW, 12th Floor, Washington, DC 20036.

July 28, 2007: Moderator, "The Search for Compromise and Consensus on Reproductive Rights," American Constitution Society, Washington, DC. Video is available at: <http://www.youtube.com/watch?v=zjIhZuLu70>.

March 2007: Speaker, discussion of Council of the Great City Schools amicus brief and pending Supreme Court decision in *Parents Involved in Community Schools v. Seattle School District No. 1*, Council of the Great City Schools Annual Legislative Conference, Washington, DC. Notes supplied.

November 8, 2006: Moderator, “The Advocates Speak: Federal Abortion Ban Cases,” American Constitution Society, O’Melveny & Myers, Washington, DC. Notes supplied.

October 16, 2006: Panelist, workshop on the use of law reviews in legal practice, Yale Law Journal, New Haven, CT. I participated on a panel for Yale Law Journal members about the relationship between legal scholarship and legal practice. I have no notes, transcript or recording. The address of the Yale Law Journal is 127 Wall Street, New Haven, CT 06511.

June 17, 2006: Moderator, “An Establishment Clause for the 21st Century,” American Constitution Society, Washington, DC. I introduced the speakers and facilitated discussion regarding the Establishment Clause. I have no notes, transcript or recording. The address of the American Constitution Society is 1333 H Street, NW, 11th Floor, Washington, DC 20005.

December 7, 2005: Panelist, “Petitions and Oppositions to Certiorari,” National Association of Attorneys General Supreme Court Advocacy Seminar, Washington, DC. I spoke on a panel giving Supreme Court practice guidance to lawyers working for state attorneys general. My recollection is that my focus was briefs in opposition to certiorari. I have no notes, transcript or recording. The address of the National Association of Attorneys General is 2030 M Street, NW, Eighth Floor, Washington, DC 20036.

November 9, 2005: Panelist, “*Rumsfeld v. FAIR*: Arguments Leading to the Supreme Court,” University of Maryland Law School, Baltimore, MD. I spoke on a panel for Professor Michael Greenberger’s class and discussed arguments made in a brief I authored in the *Rumsfeld v. FAIR* case. I have no notes, transcript or recording. The address of the University of Maryland Carey School of Law is 500 West Baltimore Street, Baltimore, MD 21201.

September 2005: Panelist, “The John Roberts Confirmation Hearings,” Federalist Society, George Washington University Law School chapter, Washington, DC. To the best of my recollection, the panel focused on testimony at the confirmation hearings for Chief Justice John Roberts and the prospects for confirmation. I have no notes, transcript or recording. The address of the George Washington University Law School is 2000 H Street, NW, Washington, DC 20052.

June 7, 2005: Panelist, “Counting to Five: Arguing the Close Case in the Supreme Court,” American Constitution Society, O’Melveny & Myers, Washington, DC. Notes supplied.

Approximately October 2004: Remarks to Professor Steve Wermiel’s law school class on the Supreme Court at American University Washington College of Law, Washington, DC. Along with other former Supreme Court law clerks, I talked to

Professor Wermiel's class about the role of Supreme Court clerks. I have no notes, transcript or recording. The address of the American University Washington College of Law is 4801 Massachusetts Avenue, NW, Washington, DC 20016.

September 24, 2004: Speaker, "Doing Theory, Doing Law: A Theoretical Guide to the Difference Between Theory and Practice," Dean's Introductory Lecture, Yale Law School, New Haven, CT. Video is available at: <http://www.law.yale.edu/outside/av/ram/lectures/YLSIntroDellingerHarris092404.ram>.

June 19, 2004: Moderator, "A New Birth of Freedom: Liberty, Equality and the Fourteenth Amendment," American Constitution Society, Washington, DC. My recollection is that my role was to introduce the speakers on this panel, who discussed the Fourteenth Amendment and, in particular, section 5 of that amendment. I have no notes, transcript or recording. The address of the American Constitution Society is 1333 H Street, NW, 11th Floor, Washington, DC 20005.

April 26, 2004: Speaker, discussion of Solomon Amendment litigation, Harvard Law School, Cambridge, MA. In the course of representing members of the Harvard Law faculty in their challenge to the federal Solomon Amendment, I spoke at Harvard Law School, along with Harvard professors, about the Solomon Amendment litigation. I have no notes, transcript or recording. The address of the Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

January 21, 2004: Panelist, "Being Liberal at a Large Law Firm," American Constitution Society, D.C. Lawyers' and Georgetown Law Center Chapters, Washington, DC. To the best of my recollection, my remarks on this panel focused on my pro bono work at O'Melveny & Myers. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

February 1990: Moderator, informal open meeting, Yale Law School, New Haven, CT. As moderator, my role was to call on students to discuss their views on a pending Yale Law School address by a Nation of Islam leader. I have no notes, transcript or recording. The address of Yale Law School is 127 Wall Street, New Haven, CT 06511.

- 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.

I have provided copies of all interviews I could identify after consulting my files and searching Internet sources. Many of the listed articles were reprinted in other

editions or outlets, sometimes under different names.

Jeffrey Fisher, *A Clinic's Place in the Supreme Court Bar*, 65 *Stan. L. Rev.* 137, 173-74 (2013). Copy supplied.

Erin McClam, *In Case After Case, Big Wins for Big Business This Year at the Supreme Court*, NBC News, July 7, 2013. Copy supplied.

Adam Liptak, *Three Justices Bound by Beliefs, Not Just Gender*, N.Y. Times, July 1, 2013. Copy supplied.

Robert Barnes, *A Conservative Supreme Court Swerves to Avoid Easy Definition*, Wash. Post, June 27, 2013. Copy supplied.

Jeff Overley, *Dubbed 'First Gay Justice,' Kennedy May Not Be Done Yet*, Law360, June 26, 2013. Copy supplied.

KNX 1070 – CBS Radio Los Angeles, drive-time interview regarding Supreme Court decision in *Windsor v. United States*, June 26, 2013. Audio recording supplied.

Adam Liptak, *High Court Stands Poised to Redefine Legal Equality*, N.Y. Times, June 23, 2013. Copy supplied.

KNX 1070 – CBS Radio Los Angeles, drive-time interview regarding upcoming Supreme Court decision in *Hollingsworth v. Perry*, June 3, 2013. Audio recording supplied.

Robert Barnes, *What Did the Supreme Court Hear About Same-Sex Marriage on Election Day?*, Wash. Post, Nov. 13, 2012. Copy supplied.

Lawrence Hurley, *Speculation Starts on Retirements, Nominations*, E&E Publishing, Nov. 8, 2012. Copy supplied.

Lawrence Hurley, *Ideological Balance on Bench at Stake as Election Approaches*, E&E Publishing, Oct. 16, 2012. Copy supplied.

Mark Walsh, *Affirmative Action Case Queued Up for Hearing at High Court*, Educ. Wk., Oct. 1, 2012. Copy supplied.

Stacey Vanek Smith, *How College Affirmative Action Affects Business*, Marketplace, Oct. 1, 2012. Article supplied and audio available at <http://www.marketplace.org/topics/business/education/how-college-affirmative-action-affects-business>.

Greg Stohr, *Court in New Term Weighs Same-Sex to Race-Related Laws*,

Bloomberg News, Oct. 1, 2012. Copy supplied.

Robert Barnes, *Supreme Court's Focus Shifts to Civil, Gay Rights*, Wash. Post, Sept. 30, 2012. Copy supplied.

Mark Walsh, *A Changing Landscape: In First Court with Three Women, All Eyes Are on Justice Kagan*, ABA Journal, Oct. 1, 2010. Copy supplied.

Maura Kelly Lannan, *Chicago Native Justice John Paul Stevens Steps Down After Serving as the Court's Most Senior Member*, Illinois Issues, University of Illinois Springfield, Sept. 2010. Copy supplied.

Mark Walsh, *K-12 Implications Seen in Some Cases Before High Court*, Educ. Wk., Sept. 29, 2010. Copy supplied.

Kitty Felde, *U.S. Supreme Court to Hear California Cases*, Southern California Public Radio, Sept. 21, 2010. Audio is available at:
<http://www.scpr.org/news/2010/09/21/19405/us-supreme-court-to-hear-california-cases/>.

Lawrence Hurley, *Breyer to Step in As Chief Dissenter*, Daily Journal, July 16, 2010. Copy supplied.

Robert Barnes, *Roberts Led Supreme Court through Assertive Term*, Wash. Post, June 30, 2010. Copy supplied.

Mallie Jane Kim, *Ten Factors That Could Shape Kagan's Supreme Court Decisions*, U.S. News & World Rep., June 30, 2010. Copy supplied.

Robert Barnes, *Kagan Nomination Focuses Attention on Court Clerkships: Relevance of Earlier Work Debated*, Wash. Post, June 14, 2010. Copy supplied.

Geoffrey K. Pullum, *Pamela Harris Did Not Use "Of Diversity" as a Modifier*, Language Log (blog), May 17, 2010. Copy supplied.

Susan Milligan, *Personal Ties Bind Obama, Kagan*, Boston Globe, May 16, 2010. Copy supplied.

Robert Barnes, *In Kagan's Work as Solicitor General, Few Clues to Her Views*, Wash. Post, May 13, 2010. Copy supplied.

Mark Leibovich, *Reshaping Court's Culture, a Woman at a Time*, N.Y. Times, May 11, 2010. Copy supplied.

James Oliphant, *Faith's Role in Picking a New Justice*, The Nation, Apr. 22, 2010. Copy supplied.

Garrett Epps, *The Champion of Fairness*, Baltimore Sun, Apr. 21, 2010. Copy supplied.

Mark Walsh, *Education Cases One Facet of Stevens' High Court Legacy*, Educ. Wk., Apr. 21, 2010. Copy supplied.

Seth Stern, *White House Huddle on Court Mostly Symbolic*, Cong. Q., Apr. 19, 2010. Copy supplied.

James Oliphant, *President May Face Religious Litmus Test for Court Nominee*, Trib. Newspapers (Ft. Lauderdale Sun Sentinel), Apr. 18, 2010. Copy supplied.

Joan Biskupic, *Justice Stevens to Retire from Supreme Court*, USA Today, Apr. 12, 2010. Copy supplied.

Tony Mauro, *Days Shy of Turning 90, Stevens Announces Retirement*, N.Y. Law Journal, Apr. 12, 2010. Copy supplied.

Greg Stohr, *Obama Shuns the Left as White House Mulls U.S. High Court Slot*, Bloomberg, Apr. 12, 2010. Copy supplied.

Greg Stohr, *Justice Stevens, Court's 'Great Liberal Voice,' Stepping Down*, Bloomberg, Apr. 9, 2010. Copy supplied.

AOL News, Apr. 9, 2010. Copy supplied.

Robert Barnes, *Look Who's Talking*, Wash. Post, Apr. 5, 2010. Copy supplied.

Joan Biskupic, *Campaign Case May Have Set Course for Court*, USA Today, Feb. 8, 2010. Copy supplied.

Robert Barnes, *High Court Shows It Might Be Willing to Act Boldly*, Wash. Post, Jan. 22, 2010. Copy supplied.

Adam Liptak, *Settling the Law, Not Seeing the Future*, N.Y. Times, Jan. 19, 2010. Copy supplied.

Joan Biskupic, *Supreme Court's Stevens Keeps Cards Close to Robe*, USA Today, Oct. 19, 2009. Copy supplied.

Adam Liptak, *New Court Term May Give Hints to Views on Regulating Business*, N.Y. Times, Oct. 5, 2009. Copy supplied.

Adam Liptak, *The Newest Justice Takes Her Seat*, N.Y. Times, Sept. 9, 2009. Copy supplied.

Robert Barnes, *Even for Experienced Sotomayor, Many Changes Await*, Wash. Post, Aug. 8, 2009. Copy supplied.

Adam Liptak, *Roberts Shifts Court to Right, with Help from Kennedy*, N.Y. Times, July 1, 2009. Copy supplied.

Kimberly Atkins, *Exclusionary Rule in Peril?*, Lawyers USA, Feb. 24, 2009. Copy supplied.

HDNet World Report, *The Ten Commandments vs. the Seven Aphorisms and the Supreme Court*, Jan. 6, 2009. Available on iTunes at <https://itunes.apple.com/us/tv-season/hdnet-world-report-season-7/id288815459> (number 40).

Marcia Coyle, *Many Familiar Faces to Appear Before Justices*, Nat'l. Law Journal, Sept. 22, 2008. Copy supplied.

Tony Mauro, *Will Defense Lawyers Accept Help on High Court Criminal Cases?*, Legal Times, May 12, 2006. Copy supplied.

Lee Salisbury, *Taliban and Ayatollahs, American Style*, Axis of Logic, Sept. 9, 2004. Copy supplied.

Paul Boynton, *U.S. Supreme Court Rules States Can Be Sued Under FMLA*, Lawyers USA, June 9, 2003. Copy supplied.

Gina Holland, *Justices Won't Set Lawyer Standards; Supreme Court Rejects a Death Row Appeal Based on Inadequate Defense*, Durham Herald-Sun, May 29, 2002. Copy supplied.

Stephanie Goldberg, *Our Country's Top Legal Minds*, Glamour, July 1994. Copy supplied.

Carole Bass, *After a Civil Protest, Yale Law Grapples with Anger*, The Conn. Law Trib., Feb. 19, 1990. Copy supplied.

James Healion, *200 Protest Muslim's Address*, New Haven Reg., Feb. 15, 1990. Copy supplied.

Josh Lauring, *Nation of Islam Spokesman Brings Controversy to Yale*, Yale Daily News, Feb. 9, 1990. Copy available at: <http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/167091/rec/24> (page 1).

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

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

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

I have not held judicial office.

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

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

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

I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

In the fall of 2004, I volunteered with an informal group of lawyers advising the John Kerry presidential campaign on potential election challenges. I also canvassed for the campaign for a day.

Before graduating from college, I played a role in three political campaigns. In the spring of 1984, I volunteered regularly for approximately three months in the press office of the George McGovern presidential campaign in Washington, D.C. In the winter and spring of 1980, I volunteered at the Ted Kennedy presidential campaign headquarters in Washington, D.C. In early 1976, I handed out literature on a few occasions as a volunteer for the Mo Udall presidential campaign in the New Jersey and Pennsylvania primaries.

Although perhaps not directly responsive, in November 2012, I handed out literature at the polls on Election Day as a volunteer with Equality Maryland, in support of Maryland ballot Question 6 providing for marriage equality.

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

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

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

From 1992 to 1993, I served as a law clerk to Justice John Paul Stevens of the United States Supreme Court.

From 1990 to 1991, I served as a law clerk to Judge Harry T. Edwards, Circuit Judge for the United States Court of Appeals for the District of Columbia Circuit.

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

I have not practiced alone. While teaching at Georgetown University Law Center, I have on one occasion been compensated for legal consulting services provided to O'Melveny & Myers in connection with an appellate brief. On other occasions I have consulted informally and without compensation with friends and former colleagues, primarily about Supreme Court briefs and oral arguments.

- 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.

September 1991 – June 1992
Shea & Gardner (now Goodwin Procter LLP)
901 New York Avenue, NW
Washington, DC 20001
Associate

1994 – 1996
Office of Legal Counsel
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Attorney-Advisor

1996 – 1999
University of Pennsylvania Law School
3501 Sansom Street
Philadelphia, PA 19104
Associate Professor

1999 – 2009
O'Melveny & Myers LLP
1625 I Street, NW
Washington, DC 20006
Of Counsel (2006 – 2009)
Partner (2005 – 2006)
Counsel (1999 – 2004)

2007 – 2010, 2012 – present
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, DC 20001
Executive Director, Supreme Court Institute (2009 – 2010)
Visiting Professor (2007 – 2010, 2012 – present)

2007 – 2009
Harvard Law School
1563 Massachusetts Avenue
Cambridge, MA 02138
Lecturer and Co-Director, Supreme Court and Appellate Practice Clinic
(on behalf of and in the employ of O'Melveny & Myers)

2010 – 2012
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Principal Deputy to the Assistant Attorney General

- 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.

As part of a program sponsored by the United States Court of Appeals for the District of Columbia Circuit, I served as a volunteer mediator in one case that was then pending on appeal. The case, which involved claims of malicious prosecution and false arrest, did not settle and ultimately was resolved by the Court of Appeals.

b. Describe:

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

My career has combined litigation, with an extensive focus on Supreme Court and appellate matters; teaching; management of an academic institute that prepares advocates for Supreme Court argument; and work as a government lawyer.

As an associate at Shea & Gardner from 1991 to 1992 between my clerkships, I worked on both trial and appellate matters. The majority of my time was spent on civil discovery and pre-trial preparation.

As an Attorney-Advisor in the Office of Legal Counsel from 1994 to 1996, I worked on a wide range of matters involving federal statutory and constitutional law. I drafted memoranda, offered oral advice, reviewed proposed bills for constitutionality and otherwise assisted the office in providing legal advice to the Department of Justice, other executive agencies, and the President.

As an Associate Professor at the University of Pennsylvania Law School from 1996 to 1999, I taught classes on criminal procedure, the law of church and state, and law and literature.

As a part-time attorney at O'Melveny & Myers from 1999 to 2009, I focused on Supreme Court and appellate litigation, authoring or co-authoring numerous appellate and Supreme Court briefs and delivering two oral arguments. I also worked on trial teams as a drafter of legal motions. I supervised more junior attorneys, reviewing and editing draft briefs, and managed or helped to manage client relationships.

While at O'Melveny & Myers, I also continued to teach. As Co-Director of the Harvard Law School Supreme Court and Appellate Practice Clinic from 2007 to 2009, I worked with O'Melveny colleagues in teaching Supreme Court and appellate practice and supervising students who were participating in drafting briefs. As a Visiting Professor at Georgetown University Law Center from 2007 to 2009, I taught a first-year constitutional criminal procedure class.

As Executive Director of the Supreme Court Institute at Georgetown University Law Center from 2009 to 2010, I managed a moot court program that prepares advocates for oral argument before the Supreme Court on a first-come, first-served basis, without regard to issue or position being argued. I participated as a judge in approximately 20 moot courts. I also developed and participated in educational programming on the Supreme Court for students, scholars, practitioners and the press. While at the Supreme Court Institute, I continued to teach at Georgetown Law as a Visiting Professor.

As Principal Deputy in the Office of Legal Policy from 2010 to 2012, I worked with the Assistant Attorney General to develop, coordinate and implement significant Department of Justice policy initiatives. I worked on a wide variety of issues, often supervising other attorneys in the office. I coordinated with other Department of Justice components and outside executive agencies, and advised on litigation matters within the Department.

My work since 2012 has been as a Visiting Professor at Georgetown University Law Center, where I have taught criminal procedure and constitutional law. As a Senior Advisor at the law school's Supreme Court Institute, I also have participated in moot courts for Supreme Court advocates.

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

As a lawyer at the Department of Justice, my clients were the United States and federal government agencies. In private practice, most of my clients were private companies or nonprofit organizations, though I also represented some individuals in appellate 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.

My work at the Department of Justice in the Offices of Legal Counsel and Legal Policy was advisory in nature. My work in private practice was almost exclusively in litigation, though in a few instances (approximately five percent of my private practice) I provided non-litigation-related advice to private clients. During my time in private practice, I appeared regularly on merits, certiorari and amicus briefs before the Supreme Court, sometimes as lead counsel and more often as co-counsel. I appeared as lead or co-counsel on merits and amicus briefs in the federal courts of appeals and state courts occasionally; I was lead or co-

counsel on approximately 12 federal courts of appeals briefs and fewer than ten state court briefs.

i. Indicate the percentage of your practice in:

1. federal courts: 90%
2. state courts of record: 10%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 50%
2. criminal proceedings: 50%

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

I have not tried a case to verdict. While at O'Melveny & Myers, I occasionally worked with trial teams in the firm's class action and mass tort practice, preparing significant motions in advance of trial. My most sustained participation on a trial team was in 2005 on behalf of Merck in connection with litigation over Vioxx, when I wrote pretrial motions and briefs on discovery and evidentiary issues in *Humeston v. Merck & Co. Inc.*, No. ATL-L-2272-03-MT (N.J. Super. Ct., Atlantic Cty.), a case ultimately tried to verdict. Another example is my participation in briefing on class certification at the district court stage in *In re Bridgestone/Firestone, Inc. Tires Products Liability Litigation*, 205 F.R.D. 503 (S.D. Ind. 2001), on behalf of Ford Motor Company. The majority of my practice was before appellate courts, where I appeared on briefs as counsel or co-counsel in approximately 100 cases before the federal courts of appeals and the United States Supreme Court.

i. What percentage of these trials were:

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

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

As a member of the Supreme Court and appellate practice at O'Melveny & Myers from 1999 to 2009, I practiced regularly in the Supreme Court. I appeared as lead counsel or, more often, co-counsel on briefs at both the merits and certiorari stages, on behalf of both parties and amici. I also argued one case before the Supreme Court. A list of cases is below.

Argued Case:

Pleasant Grove City v. Summum, 555 U.S. 460 (2009) (transcript, 2008 WL 4892845; brief for respondent, 2008 WL 3851624; brief in opposition to certiorari, 2008 WL 508040)

Briefed Cases:

Johnson v. United States, 559 U.S. 133 (2010) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2009 WL 1580306)

McDaniel v. Brown, 558 U.S. 120 (2010) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2009 WL 2247123)

Forest Grove School District v. T.A., 557 U.S. 230 (2009) (amicus brief of Council of the Great City Schools supporting petitioner, 2009 WL 556377)

Caperton v. A.T. Massey Coal Company, 556 U.S. 868 (2009) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2009 WL 27299)

Flores-Figueroa v. United States, 556 U.S. 646 (2009) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2008 WL 5369546)

Dean v. United States, 556 U.S. 568 (2009) (amicus brief of National Association of Criminal Defense Lawyers, National Association of Federal Defenders, and Families Against Mandatory Minimums supporting petitioner, 2009 WL 97753)

Knowles v. Mirzayance, 556 U.S. 111 (2009) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2008 WL 4580043)

Duchesne City v. Summum, 555 U.S. 1210 (2009) (mem.) (brief in opposition to certiorari, 2008 WL 515866)

Waddington v. Sarausad, 555 U.S. 179 (2009) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2008 WL 4642108)

Herring v. United States, 555 U.S. 135 (2009) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2008 WL 2117118)

Bell v. Kelly, 555 U.S. 55 (2008) (amicus brief of National Association of Criminal Defense Lawyers and National Association of Federal Defenders supporting petitioner, 2008 WL 3459585)

Greenlaw v. United States, 554 U.S. 237 (2008) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2008 WL 494944)

Rothgery v. Gillespie County, Texas, 554 U.S. 191 (2008) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2008 WL 218874)

United States v. Santos, 553 U.S. 507 (2008) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2007 WL 2406794)

Commonwealth of Virginia v. Moore, 553 U.S. 164 (2008) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2007 WL 4340875)

Burgess v. United States, 553 U.S. 124 (2008) (amicus brief of National Association of Criminal Defense Lawyers and Families Against Mandatory Minimums supporting petitioner, 2008 WL 261196)

Federal Express Corp. v. Holowecki, 552 U.S. 389 (2008) (brief for petitioner, 2007 WL 2314314; reply brief, 2007 WL 3223219)

Danforth v. Minnesota, 552 U.S. 264 (2008) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2007 WL 2115452)

Watson v. United States, 552 U.S. 74 (2007) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2007 WL 1360321)

Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (amicus brief of Council of the Great City Schools, Magnet Schools of America, Public Education Network, United States Conference of Mayors, and San Francisco United School District supporting respondent, 2006 WL 2882698)

Brendlin v. California, 551 U.S. 249 (2007) (amicus brief of National Association of Criminal Defense Lawyers and National Association of Federal Defenders supporting petitioner, 2007 WL 697590)

Roper v. Weaver, 550 U.S. 598 (2007) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2007 WL 621848)

Schriro v. Landrigan, 550 U.S. 465 (2007) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2006 WL 3742250)

Scott v. Harris, 550 U.S. 372 (2007) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2007 WL 128586)

Abdul-Kabir v. Quarterman, 550 U.S. 233 (2007) (amicus brief of Child Welfare League of America, Juvenile Law Center, and National Association of Criminal Defense Lawyers supporting petitioner, 2006 WL 3425123)

Lawrence v. State of Florida, 549 U.S. 327 (2007) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2006 WL 1759444)

Burton v. Waddington, 549 U.S. 147 (2007) (amicus brief of National Association of Criminal Defense Lawyers and Washington Association of Criminal Defense Lawyers supporting petitioner, 2006 WL 2515633)

United States v. Resendiz-Ponce, 549 U.S. 102 (2007) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2006 WL 2506637)

Shirley v. United States, No. 07-501 (petition for certiorari, 2007 WL 3022794; reply brief, 2008 WL 275493) (cert. denied)

Sanchez v. County of San Diego, No. 07-211 (petition for certiorari, 2007 WL 2363246; reply brief, 2007 WL 3224719) (cert. denied)

Salinas v. United States, No. 07-36 (petition for certiorari, 2007 WL 1985503; reply brief, 2007 WL 2962915) (cert. denied)

Carey v. Musladin, 549 U.S. 70 (2006) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2006 WL 2430574)

State of Washington v. Recuenco, 548 U.S. 212 (2006) (amicus brief of National Association of Criminal Defense Lawyers and Washington Association of Criminal Defense Lawyers supporting respondent, 2006 WL 160298)

Dixon v. United States, 548 U.S. 1 (2006) (amicus brief of National Association of Criminal Defense Lawyers and National Clearinghouse for Defense of Battered Women supporting petitioner, 2006 WL 501634)

Hammon v. State of Indiana, 547 U.S. 813 (2006) (amicus brief of National Association of Criminal Defense Lawyers and Public Defender Service for the

District of Columbia supporting petitioner, 2005 WL 3597820; amicus brief in support of certiorari, 2005 WL 2204187)

Davis v. State of Washington, 547 U.S. 813 (2006) (amicus brief of National Association of Criminal Defense Lawyers, Washington Association of Criminal Defense Lawyers, and Public Defender Service for the District of Columbia supporting petitioner, 2005 WL 3543102; amicus brief of National Association of Criminal Defense Lawyers and Public Defender Service for the District of Columbia in support of certiorari, 2005 WL 1943609)

Brigham City v. Stuart, 547 U.S. 398 (2006) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2006 WL 820363)

Day v. Crosby, 547 U.S. 198 (2006) (re-captioned *Day v. McDonough*) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2005 WL 3279095; amicus brief in support of certiorari, 2005 WL 1364917)

Georgia v. Randolph, 547 U.S. 103 (2006) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2005 WL 2147326)

Rumsfeld v. Forum for Academic and Institutional Rights, 547 U.S. 47 (2006) (amicus brief of Harvard Law professors supporting respondents, 2005 WL 2367595)

Gonzales v. State of Oregon, 546 U.S. 243 (2006) (amicus brief of Cato Institute supporting respondent, 2005 WL 1687167)

Faith Center Church Evangelical Ministries v. Glover, No. 06-1633 (brief in opposition to certiorari, 2007 WL 2274445) (cert. denied)

Hrasky v. United States, No. 06-827 (amicus brief of National Association of Criminal Defense Lawyers in support of certiorari, 2007 WL 844907) (cert. denied)

Pinks v. North Dakota, No. 06-564 (amicus brief of National Association of Criminal Defense Lawyers, Innocence Project, Public Defender Service of District of Columbia, and law professors in support of certiorari, 2006 WL 3419822) (cert. denied)

Schaffer v. Weast, 546 U.S. 49 (2005) (amicus brief of Council of the Great City Schools, American Association of School Administrators, National Education Association, Pennsylvania Association of School Administrators, National Association of Elementary School Principals, Public School Superintendents' Association of Maryland, and Connecticut Association of Public School Superintendents supporting respondent, 2005 WL 1521613)

Johnson v. State of California, 545 U.S. 162 (2005) (amicus brief of NAACP Legal Defense and Educational Fund, Inc., American Civil Liberties Union, American Civil Liberties Union of Northern Carolina, Lawyers' Committee for Civil Rights Under Law, and National Association of Criminal Defense Lawyers supporting petitioner, 2005 WL 429978)

Veneman v. Livestock Marketing Ass'n, 544 U.S. 550 (2005) (amicus brief of American Cotton Shippers Association, Atlantic Cotton Association, California Cotton Growers, Cotton Research and Promotion Defense Council, Delta Council, National Cotton Council of America, Southern Cotton Association, Southern Cotton Growers, Texas Cotton Association Cotton Producers, and Western Cotton Shippers Association supporting petitioner, 2004 WL 1881772)

Rhines v. Weber, 544 U.S. 269 (2005) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2004 WL 1988104)

Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005) (brief for petitioner, 2004 WL 1859982; reply brief, 2004 WL 2597148)

Muehler v. Mena, 544 U.S. 93 (2005) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2004 WL 2491776)

Smith v. Massachusetts, 543 U.S. 462 (2005) (amicus brief of National Association of Criminal Defense Lawyers supporting petitioner, 2004 WL 2190702)

Lovitt v. True, No. 05-5044 (amicus brief of National Association of Criminal Defense Lawyers in support of certiorari, 2005 WL 6735435) (cert denied)

Moore v. Maryland, No. 05-1411 (amicus brief of National Association of Criminal Defense Lawyers in support of certiorari, 2006 WL 1887185) (cert. denied)

Perez v. United States, No. 05-596 (amicus brief of National Association of Criminal Defense Lawyers in support of certiorari, 2006 WL 247281) (cert. denied)

Cooper Industries v. Aviall Svcs. Inc., 543 U.S. 157 (2004) (brief for respondent, 2004 WL 768554)

Devenpeck v. Alford, 543 U.S. 146 (2004) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2004 WL 1900507)

Sosa v. Alvarez-Machain, 542 U.S. 692 (2004) (amicus brief of National Foreign Trade Council, USA *Engage, Chamber of Commerce of the United States of

America, United States Council for International Business, International Chamber of Commerce, Organization for International Investment, Business Roundtable, American Petroleum Institute, and US-ASEAN Business Council supporting petitioner, 2004 WL 162760; amicus brief in support of certiorari, 2003 WL 22429204)

Pliler v. Ford, 542 U.S. 225 (2004) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2004 WL 630589)

Eagles, Ltd. v. Felder, No. 04-1713 (petition for certiorari, 2005 WL 1464611) (cert. denied)

Lawrence v. Texas, 539 U.S. 558 (2003) (amicus brief of Human Rights Campaign; National Gay and Lesbian Task Force; Parents, Families, and Friends of Lesbians and Gays; National Center for Lesbian Rights; Gay and Lesbian Advocates and Defenders; Gay and Lesbian Alliance against Defamation; Pride at Work; AFL-CIO; People for the American Way Foundation; Anti-Defamation League; Mexican American Legal Defense and Educational Fund; Puerto Rican Legal Defense and Education Fund; Society of American Law Teachers; Soulforce; Stonewall Law Association of Greater Houston; Equality Alabama; Equality Florida; S.A.V.E.; Community Center of Idaho; Your Family, Friends, and Neighbors; Kansas Unity and Pride Alliance; Louisiana Electorate of Gays and Lesbians; Equality Mississippi; Promo; North Carolina Gay and Lesbian Attorneys; Cimarron Foundation of Oklahoma; South Carolina Gay and Lesbian Pride Movement; Alliance for Full Acceptance; Gay and Lesbian Community Center of Utah; and Equality Virginia supporting petitioner, 2003 WL 152347)

Grutter v. Bollinger, 539 U.S. 306 (2003) (amicus brief of Law School Admission Council supporting respondent, 2003 WL 399229)

Dastar Corp. v. Twentieth Century Fox Film Corp., 539 U.S. 23 (2003) (brief for respondent, 2003 WL 1101321)

Department of Human Resources v. Hibbs, 538 U.S. 721 (2003) (amicus brief of National Women's Law Center, AARP, American Association of University Professors, American Association of University Women, American Civil Liberties Union, American Jewish Committee, Anti-Defamation League, Business and Professional Women/USA, Center for Constitutional Rights, Center for Women Policy Studies, Connecticut Women's Education and Legal Fund, Disability Rights Education and Defense Fund, Epilepsy Foundation, Equal Rights Advocates, Feminist Majority Foundation, Mexican American Legal Defense and Educational Fund, NARAL Foundation, National Association of Protection and Advocacy Systems, National Council of Jewish Women, National Council of Negro Women, National Education Association, National Employment Law Project, National Employment Lawyers Association, National Health Law Program, National Organization for Women Foundation, 9to5, National

Association of Working Women, Northwest Women's Law Center, Older Women's League, People for the American Way Foundation, Women Employed, Women Work! The National Network for Women's Employment, and Women's Law Project supporting respondent, 2002 WL 31444460)

Norfolk and Western Railway Co. v. Ayers, 538 U.S. 135 (2003) (amicus brief of Coalition for Asbestos Justice, National Association of Manufacturers, American Tort Reform Association, American Chemistry Council, and American Petroleum Institute supporting petitioner, 2002 WL 1352560)

Washington Dep't. of Social and Health Servs. v. Keffeler, 537 U.S. 371 (2003) (brief for petitioners, 2002 WL 1808695; reply brief, 2002 WL 31527638; reply to brief in opposition to certiorari, 2002 WL 32101007)

Los Angeles News Svc. v. Reuters Television Internat'l, No. 03-965 (brief in opposition to certiorari, 2004 WL 745143) (cert denied)

Circuit City Stores v. Mantor, No. 03-605 (petition for certiorari, 2003 WL 22454016; reply brief, 2004 WL 50127) (cert. denied)

Circuit City Stores v. Ingle, No. 03-604 (petition for certiorari, 2003 WL 22454015; reply brief, 2004 WL 50127) (cert. denied)

Top Rank v. Florida State Boxing Comm'n, No. 03-549 (petition for certiorari, 2003 WL 22364176; reply brief, 2003 WL 22970607) (cert. denied)

Cooper v. Boyce, No. 03-176 (petition for certiorari, 2003 WL 22428694) (cert. denied)

Bell v. Cone, 535 U.S. 685 (2002) (amicus brief of National Association of Criminal Defense Lawyers supporting respondent, 2002 WL 377918)

Shwayder v. United States, No. 02-1866 (amicus brief of National Association of Criminal Defense Lawyers in support of certiorari, 2003 WL 22428387) (cert. denied)

Corporation of the Presiding Bishop v. First Unitarian Church of Salt Lake City, No. 02-1350 (amicus brief of Venetian Casino Resort in support of certiorari, copy supplied) (cert. denied)

Mobil Corp. and Honeywell Internat'l, Inc. v. Adkins, No. 02-132 (petition for certiorari, 2002 WL 32134868; reply brief, copy supplied; supplemental brief, 2002 WL 32134880) (cert. denied)

Semtek Internat'l Inc. v. Lockheed Martin Corp., 531 U.S. 497 (2001) (brief for respondent, 2000 WL 1509954; brief in opposition, 2000 WL 33979686)

Circuit City Stores v. Adams, No. 01-1460 (petition for certiorari, 2002 WL 32136015) (cert. denied)

Santa Fe Independent School District v. Doe, 530 U.S. 290 (2000) (amicus brief of American Jewish Congress, American Jewish Committee, Americans United for Separation of Church and State, Anti-Defamation League, Council on Religious Freedom, Hadassah, Interfaith Alliance, Jewish Council for Public Affairs, National Pearl, People for the American Way Foundation, Soka Gakkai International-USA, and Unitarian Universalist Association supporting respondent, 2000 WL 140838)

State of Vermont Agency of Natural Resources v. United States ex rel. Stevens, 529 U.S. 765 (2000) (supplemental amicus brief of Federation of American Health Systems, copy supplied)

Renzi v. Connelly School of the Holy Child, No. 00-1118 (petition for certiorari, 2001 WL 34117145; reply brief, 2001 WL 34117151) (cert. denied)

United Airlines v. Frank, No. 00-948 (petition for certiorari, 2000 WL 34000446) (cert. denied)

Exxon v. Baker, No. 00-90 (petition for certiorari, 2000 WL 33999340; reply brief, 2000 WL 33999338) (cert. denied)

Desiderio v. National Ass'n of Securities Dealers, No. 99-1285 (brief in opposition to certiorari, 1999 WL 33640362) (cert. denied)

Chevron U.S.A. v. Oxy USA, No. 99-494 (brief in opposition to certiorari, copy supplied) (case settled before decision on certiorari).

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

The cases are listed in reverse chronological order based on the date of decision.

1. *Herring v. United States*, 555 U.S. 135 (2009)

This is one of the Supreme Court cases in which I participated on behalf of the National Association of Criminal Defense Lawyers (NACDL), appearing as amicus. In this case, from approximately March to May of 2008, I was lead counsel for NACDL and the principal author of the NACDL amicus brief in support of petitioner. The case involved the scope of the Fourth Amendment exclusionary rule and, in particular, whether the rule should apply to an illegal arrest made by one officer that is the result of a negligent record-keeping error by another police employee. The Supreme Court ruled against petitioner, holding that the “good faith” exception to the exclusionary rule should apply in such cases.

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2. *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009)

As lead Supreme Court counsel for respondent Summum, a religious organization, I argued this case before the Supreme Court and was principal author of respondent's opening and reply briefs on the merits and the brief in opposition to certiorari. My work on this case spanned most of the calendar year 2008. The case arose when the City of Pleasant Grove denied Summum's request to donate a monument to its religious beliefs for display in a public park that contained other privately-donated monuments, including a Ten Commandments monument. The issue before the Supreme Court was whether, as the Court of Appeals for the Tenth Circuit had held, the exclusion of Summum's proposed monument from the park constituted a content-based restriction on speech in a traditional public forum in violation of the First Amendment's Free Speech Clause. The Supreme Court rejected Summum's claim, holding that the city's placement of monuments in its public park constituted government speech not subject to review under the Free Speech Clause.

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3. *United States v. Martha Stewart*, 433 F.3d 273 (2nd Cir. 2006) (Judges Newman, Wesley, and Hall)

O'Melveny & Myers represented Ms. Stewart in her appeal of criminal convictions for false statements and obstruction, and from the summer of 2004 through the spring of 2005, I played a leading role in drafting the opening, reply and supplemental briefs in the Second Circuit. The case arose from an investigation into a sale of stock by Ms. Stewart. Although Ms. Stewart was not charged with insider trading, her communications with government investigators led to the charges of false statements and obstruction on which she was convicted. Numerous issues were raised on appeal, including evidentiary issues regarding government references to the uncharged crime of insider trading; a Sixth Amendment claim under *Crawford v. Washington*, 541 U.S. 36 (2004), as to use of out-of-court statements; prejudice arising from the testimony of a government expert witness that later led to perjury charges against the witness; and possible juror misconduct. The Second Circuit upheld Ms. Stewart's convictions.

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4. *Rumsfeld v. Forum for Academic and Institutional Rights*, 547 U.S. 47 (2006); *Forum for Academic and Institutional Rights v. Rumsfeld*, 446 F.3d 1317 (3rd Cir. 2006) (Judges Ambro, Aldisert, and Stapleton)

Along with colleagues at O'Melveny & Myers, I was counsel to members of the Harvard Law School faculty appearing as amici in the Third Circuit and then in the Supreme Court in support of the Forum for Academic and Institutional Rights ("FAIR"), and was the principal drafter of both briefs. My work on the case began in the winter of 2004 and ended in the fall of 2005. The case involved a challenge by FAIR to the federal Solomon Amendment, which denies certain federal funds to institutions of higher learning that do not provide equal access to military recruiters on campus. The principal issue before the Third Circuit and the Supreme Court was whether the Solomon Amendment violated the First Amendment free speech rights of affected institutions. Our clients also raised an alternative statutory argument: that properly construed, the Solomon Amendment does not apply when an institution of higher learning enforces a generally applicable non-discrimination policy against military recruiters. FAIR prevailed in the Third Circuit on its First Amendment claim. The Supreme Court reversed, holding that the Solomon Amendment does apply to enforcement of a general non-discrimination policy against the military and does not violate the First Amendment.

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5. *Schaffer v. Weast, Superintendent of Montgomery Co. Public Schools*, 546 U.S. 49 (2005)

From roughly the spring to the fall of 2005, I was counsel to the Council of the Great City Schools, appearing as Supreme Court amicus in support of respondent Superintendent Weast, and the primary drafter of the amicus brief filed on behalf of the Council and other organizations. The case arose when the parents of petitioner, a student, challenged the adequacy of the “individualized education program” (“IEP”) established for him by the Montgomery County Public School System pursuant to the Individuals with Disabilities Education Act (“IDEA”). The issue before the Supreme Court was allocation of the burden of proof in administrative hearings challenging IEPs under the IDEA. Our client described for the Court the effort and expertise that goes into initial development of IEPs, and argued that placing the burden of proof on school systems would shift scarce resources to litigation and away from the educational mission of schools. The Supreme Court ruled for respondent and held that the burden of persuasion lies on the party seeking relief, meaning, in cases like this one, on parents challenging the adequacy of a child’s IEP.

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6. *Bradley v. American Household, Inc. and Moffett*, 378 F.3d 373 (4th. Cir. 2004)
(Judges Wilkinson, Luttig, and Michael)

O'Melveny & Myers represented Mr. Moffett, a lawyer, in this appeal of discovery sanctions ordered by a West Virginia district court. I worked on the case from the end of 2003 through the summer of 2004, and was the principal drafter of the appellant's opening and reply briefs. Mr. Moffett had represented Sunbeam Corporation (succeeded by American Household, Inc.) in a previous products liability suit by the Bradleys regarding a Sunbeam electric blanket. After the case settled, the Bradleys moved to reopen the case and argued that Sunbeam and Mr. Moffett had destroyed evidence that was the subject of prior discovery requests and court order. The district court imposed severe sanctions on both Sunbeam and Mr. Moffett, who jointly appealed. The principle issues on appeal were whether the sanctions amounted to criminal contempt penalties imposed without the requisite criminal procedure protections and whether, to the extent the sanctions were not criminal in nature, they nevertheless were foreclosed by the integrated settlement agreement negotiated by the parties. Mr. Moffett also argued that the district court abused its discretion in imposing severe sanctions in the absence of evidence of bad-faith misconduct or prejudice. The Fourth Circuit ruled for Sunbeam and Mr. Moffett and vacated the sanctions award.

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7. *Redman v. State*, Maryland Court of Special Appeals, Docket No. 1954/03 (Nov. 10, 2004)

As part of a cooperative program with the Maryland Office of Public Defender that I established and supervised at O'Melveny & Myers, I was pro bono counsel for Mr. Redman on his appeal of his criminal convictions for second degree rape and child sexual abuse. From the spring through the fall of 2004, I briefed and argued the case before the Maryland Court of Special Appeals, focusing on the adequacy of the charging document and the voluntariness of Mr. Redman's confession. The Court of Special Appeals held that claims regarding the charging document and the chief claim regarding the confession had not been preserved at trial, and it affirmed the convictions.

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8. *Washington State Dep't. of Social and Health Servs. v. Keffeler*, 537 U.S. 371 (2003)

O'Melveny & Myers was counsel to petitioner Washington State Department of Social and Health Services in this case, and from approximately spring to fall of 2002, I played a substantial role in authoring the reply brief on certiorari and the merits briefs (opening and reply). At issue was whether the Social Security Act prohibited the Department's practice of using the social security benefits of children in its foster-care system to pay for the children's maintenance. The Court ruled for the Department, holding that its use of social security benefits to reimburse itself for the cost of foster care did not violate the "anti-attachment" provision of the Social Security Act.

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9. *Mobil Corp. and Honeywell Internat'l, Inc. v. Adkins*, No. 02-132 (2002)

O'Melveny & Myers represented Mobil Corporation in seeking certiorari review in the Supreme Court, and I was the principal drafter of the certiorari petition, the reply brief, and supplemental briefing on certiorari. My involvement in the case, which also included a substantial role in coordinating extensive amicus support for the petition, spanned roughly a year from the fall of 2001 to the fall of 2002. The case arose from a proposed mass aggregation in West Virginia state court of thousands of individual cases alleging asbestos exposure. Mobil argued that the proposed aggregation would violate its Fourteenth Amendment due process rights by unduly hindering its right to defend itself, and that application of West Virginia state law to all of the cases, as contemplated by the proposal, also would violate the Due Process Clause. The Court denied the petition for certiorari.

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10. *Semtek International Inc. v. Lockheed Martin Corp.*, 531 U.S. 497 (2001)

O'Melveny & Myers represented Lockheed Martin in this Supreme Court case, and I was the principal drafter of the brief in opposition to certiorari and a contributor to the merits brief. My involvement in the case ran from the spring to the winter of 2000. The case arose from a breach of contract and business torts suit filed against Lockheed Martin by Semtek, originally in California court. A federal district court in California dismissed the suit as outside the California statute of limitations, and when Semtek filed the same suit in Maryland state court, that court held that the claim was precluded under Federal Rule of Civil Procedure 41(b) and dismissed the new action on res judicata grounds. The issue in the Supreme Court was whether the claim-preclusive effect of the original California diversity judgment should be governed by federal law and Federal Rule of Civil Procedure 41(b), as the Maryland courts had held, or by California law. The

Supreme Court ruled against Lockheed Martin: It agreed that federal law should govern, but instead of Rule 41(b), it adopted a federal common law rule that incorporates the state law of claim preclusion in diversity cases like this one.

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

As an Attorney-Advisor at the Office of Legal Counsel from 1994 to 1996, my practice consisted of advising and counseling. I worked on a wide range of issues involving federal constitutional, statutory and regulatory law. I was engaged in all aspects of the Office's work, including drafting memoranda and opinions, providing oral advice, meeting and coordinating with other Department of Justice components and outside agencies, and reviewing proposed bills for constitutionality and proposed executive orders for form and legality.

As Executive Director of the Supreme Court Institute at Georgetown University Law Center in 2009 and 2010, I managed and participated extensively in a program of moot courts for Supreme Court advocates. This non-partisan program is made available to oral advocates on a first-come, first-served basis, regardless of the nature of the case or the position being argued. In that capacity, I regularly advised lawyers about their cases and oral arguments.

As Principal Deputy in the Office of Legal Policy from 2010 to 2012, my practice again involved advising and counseling, this time on Department of Justice policy initiatives. I worked with the Department's leadership offices and components to review, evaluate and implement policy initiatives and advised on certain litigation matters within the Department.

I have not performed any lobbying activities or registered as a lobbyist.

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.

In 2014, I taught Constitutional Law I: The Federal System at Georgetown University Law School. The course covers structure of government issues such as judicial review, separation of powers, and federalism. Syllabus supplied.

In 2012, I taught Criminal Procedure at Georgetown University Law Center. This is a slightly abbreviated version of the school's standard Criminal Justice course, and covers Fourth and Fifth Amendment issues. Syllabus supplied.

In 2010, also at Georgetown University Law Center and in conjunction with the Supreme Court Institute, I taught a workshop on Supreme Court oral argument. The course focused on attendance at and analysis of Supreme Court Institute moot courts and also covered the fundamentals of Supreme Court oral argument procedure. No syllabus is available.

From 2007 to 2010 and in 2013, I taught Criminal Justice at Georgetown University Law Center. The course covered constitutional issues related to the investigation of crime by the police, with an emphasis on the Fourth and Fifth Amendments. Representative syllabi supplied.

From 2007 to 2009, on behalf of O'Melveny & Myers and with my O'Melveny & Myers colleagues Walter Dellinger and Jonathan Hacker, I co-taught a Supreme Court and Appellate Practice Clinic at Harvard Law School. The clinic covered the basics of Supreme Court and appellate practice, and we supervised students as they worked on briefs. Representative syllabus supplied.

In 1999, I co-taught a seminar on Law and Literature with Anne Kringel at University of Pennsylvania Law School. The seminar explored representations of the law and the legal system in works of fiction. No syllabus is available.

In 1997 and 1998, I taught Constitutional Criminal Procedure at University of Pennsylvania Law School. The course covered constitutional issues related to the investigation of crime by the police, with an emphasis on the Fourth and Fifth Amendments. No syllabus is available, but the course was similar to criminal procedure classes I have taught more recently, for which syllabi are supplied.

In 1997, I taught a seminar in Advanced Topics in Criminal Procedure at University of Pennsylvania Law School. The seminar reviewed legal scholarship relating to criminal procedure, with an emphasis on the Fourth and Fifth Amendments. No syllabus is available.

In 1996 and 1999, I taught Church and State at University of Pennsylvania Law School. The course covered issues related to the First Amendment's Free Exercise and Establishment Clauses. 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 anticipated receipts from deferred income arrangements.

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

I have no current plans, commitments or agreements to pursue any outside employment, with or without compensation, during judicial service if I am confirmed.

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.

If confirmed, I would scrupulously follow the Code of Conduct for United States Judges and all other applicable ethical principles governing recusal. I have not been active in litigation for several years and am not aware of any cases or categories of litigation that are likely to present potential conflicts of interest, but I would recuse from any case on which I had previously worked or in which my impartiality might reasonably be questioned. I also would follow closely the rules for recusal in cases involving or affecting Google, Inc., where my husband is employed, and in any other case that might raise a financial conflict.

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

I would consult applicable rules, canons and decisions addressing conflicts of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges. I would compile a list of matters or parties that might present a financial

or other conflict of interest so that I or other officials of the court could make a timely identification of potential conflicts. In close cases, I would make any necessary inquiries and then consult with judges or any person designated by the court to provide advice on conflicts questions.

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

While at O'Melveny & Myers, I engaged in substantial pro bono legal representation in numerous cases on appeal. My most significant pro bono representation was in the case of *Pleasant Grove City v. Sumnum*, 555 U.S. 460 (2009), in which I was lead counsel in the United States Supreme Court, devoting hundreds of hours to briefing and arguing a First Amendment free speech case on behalf of a religious organization.

Some of my pro bono work involved representation of individuals. Examples include a certiorari petition I filed in the Supreme Court on behalf of Ms. Shirley in a case arising from her rape by a federal correctional officer and presenting issues under the Federal Tort Claims Act (2007 WL 3022794), and substantial work I contributed as counsel to Mr. Jackson in *Jackson v. Birmingham Board of Education*, 544 U.S. 167 (2005), in which the Supreme Court ruled for Mr. Jackson, who was removed from his position coaching girls' basketball after he complained about the unequal treatment of his team, and held that Title IX's private cause of action extends to claims of retaliation. I also established a pro bono program at O'Melveny & Myers in which the firm worked with the Maryland Office of Public Defender to provide pro bono representation to defendants appealing their criminal convictions in state court, and I supervised attorneys participating in the program. As part of the program, I provided pro bono representation to Mr. Redman in his appeal of his criminal convictions to the Maryland Court of Special Appeals.

I also represented many nonprofits and public interest organizations on a pro bono basis. Examples include my work on Supreme Court amicus briefs for the Cato Institute in *Gonzales v. Oregon*, 546 U.S. 243 (2006); the Council of the Great City Schools in cases including *Schaffer v. Weast*, 546 U.S. (2005); the Human Rights Campaign and other similar organizations in *Lawrence v. Texas*, 539 U.S. 558 (2003); the National Women's Law Center and other organizations in *Department of Human Resources v. Hibbs*, 538 U.S. 721 (2003); and the American Jewish Congress and other religious and nonprofit groups in *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000). My most sustained pro bono representation was of the National Association of Criminal Defense Lawyers. For several years, I represented the Association in the Supreme Court as amicus in numerous criminal cases, usually as co-counsel on briefs prepared primarily by lawyers at other firms and occasionally as a principal drafter of a brief prepared at O'Melveny & Myers.

Both while working at O'Melveny & Myers and again starting in 2012, I have volunteered many hours each year as a moot court judge with the Supreme Court Institute at Georgetown University Law Center, helping to prepare lawyers for their oral arguments before the Supreme Court. I have served as a judge on all kinds of cases, without respect to the nature of the case or the position being argued, but many of the lawyers I have assisted have represented disadvantaged clients or nonprofit organizations.

26. Selection Process:

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

In October 2013, I was contacted by an official from the White House Counsel's Office, inquiring whether I was interested in being considered for nomination to the United States Court of Appeals for the Fourth Circuit. On November 4 and 18, 2013, I met in Baltimore, Maryland with members of a committee advising Senators Barbara Mikulski and Ben Cardin on a pending Fourth Circuit vacancy. On December 6, 2013, the committee informed me that it was forwarding my name to the Senators. On December 10, 2013, I met with Senators Mikulski and Cardin in Washington, D.C. Since February 12, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 18, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On May 8, 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.

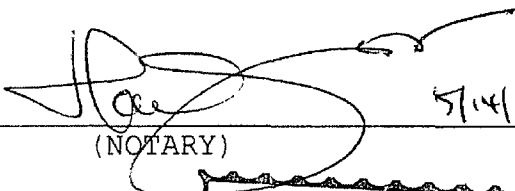
No.

AFFIDAVIT

I, Pamela Ann Harris, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 14, 2014
(DATE)

Pamela Ann Harris
(NAME)

 5/14/2014
(NOTARY)

