

COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Patricia Ann Millett

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

United States Circuit Judge for the District of Columbia 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: Akin Gump Strauss Hauer & Feld LLP
 1333 New Hampshire Avenue, NW
 Washington, DC 20036

Residence: Alexandria, VA

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

1963; Dexter, ME

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

1985 – 1988, Harvard Law School; J.D. (*magna cum laude*), 1988

1981 – 1985, University of Illinois at Urbana-Champaign; 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.

2007 – present
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, NW

Washington, DC 20036
Partner (2007 – present)
Head of Supreme Court Practice (2011 – present)
Co-Head of Supreme Court Practice (2007 – 2010)
Co-Chair of the National Appellate Practice (2011 – present)

1996 – 2007
United States Department of Justice
Office of the Solicitor General
950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant to the Solicitor General

1993 – 1996
George Washington University Law School
2000 H Street, NW
Washington, DC 20052
Adjunct Professor of Legal Research & Writing

1992 – 1996
United States Department of Justice
Civil Division, Appellate Section
950 Pennsylvania Avenue, NW
Washington, DC 20530
Attorney

1990 – 1992
United States Court of Appeals for the Ninth Circuit
401 West Washington Street
Phoenix, AZ 85003
Law Clerk to the Honorable Thomas Tang

Summer 1987, 1988 – 1990
Miller & Chevalier
655 15th Street, NW
Washington, DC 20005
Associate (1988 – 1990)
Summer Associate (Summer 1987)

January – February 1985, August – September 1988
Frost & Sullivan, Inc.
555 Eighth Avenue
New York, NY 10018
Temporary Consultant on Papua New Guinea

Fall 1986, Fall 1987
Harvard Law School
1563 Massachusetts Avenue
Cambridge, MA 02138
Legal Methods Instructor for Professor Abram Chayes

Summer 1987
United States Attorney's Office for the District of Massachusetts
1 Courthouse Way
Boston, MA 02210
Volunteer Law Clerk

Summer 1986
Bryan Cave LLP
One Metropolitan Square
St. Louis, MO 63102
Summer Associate

Summer 1985
The Hon. Bruce George, Member of Parliament
House of Commons of the United Kingdom
London, UK SW1A 0AA
Volunteer Summer Intern

Other Affiliations (uncompensated):

2012 – present
Supreme Court Historical Society
224 East Capitol Street, NE
Washington, DC 20003
Member, Board of Trustees

2011 – present
Supreme Court Fellows Commission
Office of the Counselor to the Chief Justice
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543
Commissioner

2011 – present
Supreme Court Institute
Georgetown University Law Center
600 New Jersey Avenue, NW
McDonough Hall Room 463

Washington, DC 20001
Member, Outside Advisory Board

2010 – present
Lawyers' Committee for Civil Rights Under Law
1401 New York Avenue, NW, Suite 400
Washington, DC 20005
Member, Board of Trustees

2008 – present
Dwight D. Opperman Institute of Judicial Administration
New York University School of Law
40 Washington Square South
New York, NY 10012
Member, 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 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.

The 100 Most Influential Lawyers in America, The National Law Journal (2013)

Litigation Star, Benchmark Appellate (2013)

Second Degree Black Belt in Tae Kwon Do (2013)

Best Lawyers in America, Appellate Practice List (2012 – 2013)

Washington DC Super Lawyers (2009 – 2013)

Leading Lawyer, Appellate Practice, Chambers USA (2009 – 2013)

The Appellate Hot List, The National Law Journal (2008 – 2013)

500 Leading Lawyers in America, LawDragon (2012)

Appellate MVP, Law 360 (2012)

Top Lawyer & DC Litigation Star, BenchMark Appellate (2011 – 2012)

Black Belt in Tae Kwon Do (2010)

Top Lawyer, Supreme Court Advocacy, Washingtonian Magazine (2010 – 2012)

National Association of Attorneys General Award for Assistance to the States in Preparation for Their Appearances before the Supreme Court of the United States (2011)

100 Most Powerful Women in Washington, DC, Washingtonian Magazine (2011)

100 Best Lawyers in Washington, DC, Super Lawyers (2011)

Washington's 100 Most Influential Women Lawyers, National Law Journal/Legal Times (2010)

Litigator of the Week, American Lawyer (October 15, 2010)

Inducted into the American Academy of Appellate Lawyers (2007)

Department of Justice, Environment & Natural Resources Division Special Commendation, for outstanding performance and invaluable assistance in support of the activities of the Division (2005)

Department of Justice, Attorney General's Distinguished Service Award, for representing the interests of the United States before the Supreme Court (2004)

Highest Distinction in Political Science, University of Illinois at Urbana-Champaign (1985)

Member of the Bronze Tablet, University of Illinois at Urbana-Champaign (top 3% of graduating class) (1985)

Phi Beta Kappa (1985)

Phi Kappa Phi Honorary Society & Scholarship recipient (1985)

Dean's List in College (every semester) (1981 – 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 Academy of Appellate Lawyers

Amicus Committee (2009 – present)

Committee on Appeals and Aggregate Litigation (2008)

Fellow (2007)

American Bar Association

- The Woman Advocate Committee (2013 – present)
- Appellate Practice Committee (2012 – present)
- Standing Committee on Amicus Curiae Briefs (2012 – present)

American Bar Foundation

- Fellow (2013 – present)

American Inns of Court, Edward Coke Appellate Inn of Court

- Master (approximately 2008 – present)
- Barrister (approximately 2003 – approximately 2008)

American Law Institute

- Advisor on the Restatement Third, The Law of American Indians (2012 – present)

Bar Association of the District of Columbia (1990 – present)

Bar Association of the Third Circuit (2008 – present)

District of Columbia Bar (1990 – present)

Dwight D. Opperman Institute of Judicial Administration, New York University School of Law

- Member, Board of Directors (2008 – present)

Lawyers' Committee for Civil Rights Under Law

- Member, Board of Trustees (2010 – present)
- Amicus Committee (2010 – 2012)

Legal Aid Society

- Honorary Chair of Generous Associates Campaign (2012)

Supreme Court Fellows Commission

- Commissioner (2011 – present)

Supreme Court Historical Society

- Member, Board of Trustees (2012 – present)

Supreme Court Institute, Georgetown University Law Center

- Member, Outside Advisory Board (2011 – present)

Virginia Bar Association (2008 – present)

- Appellate Practice Section (2008 – present)
- Section Council (2012 – present)

Virginia Women Attorneys Association (2008 – present)

Women’s Bar Association of the District of Columbia (2004 – present)

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.

District of Columbia, 1990
Massachusetts, 1988 (inactive)

During this judicial nomination process, I learned that for approximately six months in 1991 and 1992, while I was clerking and not practicing law, my membership in the District of Columbia bar temporarily lapsed due to a delayed payment of membership dues, likely caused by my move from Washington, DC to Arizona. There have been no other lapses in membership.

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

Supreme Court of the United States, 1992
United States Court of Appeals for the District of Columbia Circuit, 1993
United States Court of Appeals for the Federal Circuit, 1993
United States Court of Appeals for the Second Circuit, 1993
United States Court of Appeals for the Third Circuit, 1993
United States Court of Appeals for the Fourth Circuit, 1994
United States Court of Appeals for the Fifth Circuit, 1992
United States Court of Appeals for the Sixth Circuit, 1992
United States Court of Appeals for the Seventh Circuit, 1992
United States Court of Appeals for the Eighth Circuit, 1993
United States Court of Appeals for the Ninth Circuit, 1991
United States Court of Appeals for the Tenth Circuit, 1993
United States Court of Appeals for the Eleventh Circuit, 1994
United States District Court for the District of Columbia, 2011
United States District Court for the Western District of Michigan, 2011
United States Court of International Trade, 2011

My membership in the United States Court of Appeals for the Eleventh Circuit lapsed in 1999 because the court assessed a fee for maintaining membership and I have had no cases there that necessitated renewal. There have been no other 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 Health Lawyers Association (2012 – present)

Faith & Politics Institute (2007 – present)

Harvard Law School Alumni Association (1988 – present)

University of Illinois Alumni Association (1990 – 1997)

Washington Literacy Council (1993 – approximately 2004)

- 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 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.

Free Speech and the Future of Off-Label Pharmaceutical Marketing Regulation After United States v. Caronia (with James E. Tysse & Mark Mansour), Life Sciences Law & Industry Report, Jan. 25, 2013. Copy supplied.

Blurb on “*Nuanced Absolutism*,” by Ronald K.L. Collins. 2013. Copy supplied.

Legal Aid Breaks New Record for Generous Associates Campaign, Making Justice Real blog, July 24, 2012. Copy supplied.

Without the Minimum Coverage Provision, The Balance of the Law Cannot Function, National Law Journal, Mar. 19, 2012. Copy supplied.

Crumbling Cornerstones: The Evolution of Preemption Law in the Supreme Court's 2010 Term (with Hyland Hunt), 26 Legal Backgrounder 22, Sept. 23, 2011. Copy supplied.

Commentary on the Tohono O'odham Decision (with James Meggesto), Turtle Talk, Apr. 27, 2011. Copy supplied.

Supreme Court Rules That Corporations Do Not Have "Personal Privacy" Interests Protected Under the Freedom of Information Act (with Anne Lee), National Chamber Litigation Center Case Alert, Mar. 3, 2011. Copy supplied.

Developments in the Osage Case, Turtle Talk, Feb. 22, 2011. Copy supplied.

Second District Court Finds Individual Mandate Unconstitutional (with Jorge Lopez Jr. & Hyland Hunt), Health Reform Resource Center, Akin Gump Strauss Hauer & Feld LLP, Feb. 2, 2011.

Commentary on D.C. Circuit's Patchak Decision, Turtle Talk, Jan. 31, 2011. Copy supplied.

U.S. v. Tohono O'odham Oral Argument Recap (with James Meggesto), Turtle Talk, Nov. 2, 2010. Copy supplied.

Mixed Signals: The Roberts Court and Free Speech in the 2009 Term (with Kevin R. Amer, Jonathan H. Eisenman, & Josh N. Friedman), 5 Charleston L. Rev. 1 (2010). Copy supplied.

"We're Your Government and We're Here to Help": Obtaining Amicus Support from the Federal Government in Supreme Court Cases, 10 J. App. Pract. & Process 209 (2009). Copy supplied.

Practice Pointer: Mootness and Munsingwear Vacatur, SCOTUSBlog, June 10, 2008. Copy supplied.

Petition Explores Waivers of FMLA Rights, SCOTUSBlog, Oct. 23, 2007. Copy supplied.

Papua New Guinea: A South Pacific Democracy (with Bruce George, MP), The World Today (Aug. – Sept. 1984). 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.

To the best of my knowledge, I have not prepared or contributed in the preparation of any such reports, memoranda, or policy statements.

- 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 Senate Judiciary Committee supporting the nomination of Richard Taranto to become a Judge on the United States Court of Appeals for the Federal Circuit (February 16, 2012). Copy supplied.

Joint letter to Senate Judiciary Committee supporting the nomination of Edward DuMont to become a judge on the United States Court of Appeals for the Federal Circuit (March 22, 2011). Copy supplied.

Joint letter to Senate Judiciary Committee supporting the nomination of Caitlin Halligan to become a judge on the United States Court of Appeals for the District of Columbia Circuit (March 4, 2011). Copy supplied

Joint letter to Senate Judiciary Committee supporting the nomination of Donald Verrilli to become Solicitor General (February 10, 2011). Copy supplied.

Joint letter to Senate Judiciary Committee supporting the nomination of Elena Kagan to become an Associate Justice of the Supreme Court (June 25, 2010). Copy supplied.

Joint letter to Senate Judiciary Committee supporting the nomination of Sonia Sotomayor to become an Associate Justice of the Supreme Court (August 5, 2009). Copy supplied.

On July 23, 2008, I testified before the Senate Judiciary Committee at a hearing entitled, "*Courting Big Business: The Supreme Court's Recent Decisions on Corporate Misconduct and Laws Regulating Corporations.*" Transcript, responses to questions for the record, and written testimony supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the

date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best effort to identify the speeches or talks that I have delivered. To compile this list, I searched my own records, my law firm's records, and Internet sources. There may, however, be other speeches or talks that I have been unable to recall or identify.

April 17, 2013: Remarks to Professor Steve Goldblatt's law school class at Georgetown University about appellate advocacy, the Solicitor General's Office, skills needed for successful legal practice, and brief writing and oral argument tips, Washington, DC. I have given the same talk to Professor Goldblatt's Appellate Advocacy Clinic every spring since approximately 1997. I have no individualized notes, transcript or recording of those discussions. I have found undated notes from one such class, which are provided. I recall reusing them as a general guide for a number of the class discussions. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

April 11, 2013: Panelist, "From *Carcieri* to *Ramah*—Mining the Supreme Court's Jurisprudence," 38th Annual Federal Bar Association Indian Law Conference, Santa Fe, NM. Notes supplied.

April 8, 2013: Speaker, Casey Family Programs' Indian Child Welfare Act media briefing regarding an amicus brief filed on behalf of child welfare organizations with the Supreme Court in *Adoptive Couple v. Baby Girl*, Washington, DC. Audio and notes supplied.

April 4, 2013: Remarks to Harvard Law School students about Appellate Practice, Cambridge, MA. Notes supplied.

April 1, 2013: Remarks to Professor Ross Guberman's law school class at George Washington University School of Law about brief drafting, strategy, and oral argument, Washington, DC. I have no notes, transcript, or recording. The address of the George Washington University School of Law is 2000 H Street, NW, Washington, DC 20052.

March 27, 2013: Panelist, "A Post-Argument Panel Discussion of the Same-Sex Marriage Cases *Hollingsworth v. Perry* and *United States v. Windsor*," Supreme Court Institute, Georgetown University Law Center, Washington, DC. Notes supplied.

March 26, 2013: Remarks to judicial assistants of the United Kingdom Supreme Court Justices on appellate advocacy at the Georgetown University Law Center, Washington, DC. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

February 12, 2013: Panelist, “High Court Halftime: The October 2012 Term at Midpoint,” Washington Legal Foundation, Washington, DC. Notes supplied. Webcast available at: http://www.wlf.org/communicating/mediabriefing_detail.asp?id=239 (registration required).

February 6, 2013: Remarks to Professor Dan Metcalfe’s law school class at American University Washington College of Law, about Supreme Court practice and oral argument skills, Washington, DC. 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.

November 29, 2012: Panelist discussing “Merits Briefs” at the Supreme Court Advocacy Seminar, National Association of Attorneys General, Washington, DC. Notes supplied.

November 16, 2012: Panelist, “202 Appellate Advocacy: Building Skills, Building a Practice,” National Asian Pacific American Bar Association, Washington, DC. Notes supplied.

November 7, 2012: Remarks to Professor Jeffrey Fisher’s law class at Stanford Law School about Supreme Court litigation, Stanford, CA. I have no notes, transcript or recording. The address of Stanford Law School is 559 Nathan Abbott Way, Stanford, CA 94305.

October 26, 2012: Panelist, “Appellate Advocacy 2012,” District of Columbia Bar, Washington, DC. I have no notes, transcript or recording. The address of the District of Columbia Bar is 1101 K Street, NW, Washington, DC 20005.

October 22, 2012: Remarks to Professor Art Murphy’s and Judge Thomas Ambro’s undergraduate class at Georgetown University, Washington, DC, about tips on oral argument delivery and preparation. I have no notes, transcript or recording. The address of Georgetown University is 3700 O Street, NW, Washington, DC 20057.

October 8, 2012: Speaker, “The Supreme Court’s Indian Law Docket in Review,” Arizona State University of Law and the Native American Bar Association, Tempe, AZ. PowerPoint presentation supplied.

October 5, 2012: Panelist, “The Evolution of Appellate Specialization and the Emergence of Appellate Bars,” The American Academy of Appellate Lawyers 2012 Fall Meeting, Colorado Springs, CO. I have no notes, transcript or recording. The address of the American Academy of Appellate Lawyers is 9707 Key West Avenue, Suite 100, Rockville, MD 20850.

October 4, 2012: Panelist, “My Perspectives on the U.S. Supreme Court,” Product Liability Advisory Council Fall Conference, Irving, TX. PowerPoint presentation supplied.

September 20, 2012: Panelist, “Supreme Court Review and Preview Panel,” American Constitution Society University of Pennsylvania Law School Chapter, Philadelphia, PA. I have no notes, transcript or recording, but press coverage is supplied. The address of the American Constitution Society University of Pennsylvania Law School Chapter is 3501 Sansom Street, Philadelphia, PA 19104.

September 13, 2012: Panelist, “The Supreme Court: Countdown to the First Monday in October,” The Smithsonian Associates, Washington, DC. Notes supplied.

July 25, 2012: Panelist, Supreme Court CLE Program, Northern Virginia Chapter, Federal Bar Association, Washington, DC. Notes supplied.

July 19, 2012: Panelist, webinar “Supreme Court Review,” State and Local Legal Center (via video conference). PowerPoint presentation supplied.

June 26, 2012: Panelist, “Appellate Experts To Review October 2011 Supreme Court Term,” Washington Legal Foundation, Washington, DC. Notes supplied. Webcast available at:
http://www.wlf.org/communicating/mediabriefing_detail.asp?id=233 (registration required).

June 25, 2012: Speaker, “Supreme Court: Implications of the Affordable Care Act Decision,” Eighth Annual National Council for Community Behavioral Healthcare, Hill Day, Washington, DC. PowerPoint presentation supplied.

June 21, 2012: Panelist, “The Supreme Court Review 2012,” Federal Circuit Bar Association Annual Bench and Bar Conference, San Diego, CA. Notes supplied.

June 19, 2012: Panelist, “2011 – 2012 Supreme Court Review,” American Constitution Society, Washington, DC. Video recording available at:
<http://www.acslaw.org/news/video/2011-2012-supreme-court-review>.

June 15, 2012: Speaker, Supreme Court Review Discussion, Maryland State Bar Association, Inc., Annual Meeting, Ocean City, MD. I have no notes, transcript

or recording, but press coverage is supplied. The address for the Maryland State Bar Association is 520 West Fayette Street, Baltimore, MD 21201.

June 14, 2012: Panelist, “The United States Supreme Court: A Discussion of Obama Care and Other Significant High Court Cases,” Maryland State Bar Association’s Annual Meeting, Ocean City, MD. Notes supplied.

June 4, 2012: Speaker, 2012 Legal Aid Society of the District of Columbia Generous Associates Campaign Reception, Washington, DC. Notes supplied.

May 18, 2012: Remarks to Professor Ron Collins’s law school class at the University of Washington Law School about Supreme Court practice (via Skype). I have no notes, transcript or recording. The address of the University of Washington Law School is William H. Gates Hall, P.O. Box 353020 (4293 Memorial Way), Seattle, WA 98195.

May 14, 2012: Remarks to Professor Jeffrey Fisher’s law class at Stanford Law School about Supreme Court litigation, Stanford, CA. I have no notes, transcript or recording. The address of Stanford Law School is 559 Nathan Abbott Way, Stanford, CA 94305.

April 20, 2012: Panelist, “Effective Appellate Advocacy: Views from the Bench and the Bar,” Dwight D. Opperman Institute of Judicial Administration, the Edward Coke Appellate Inn of Court, and the American Academy of Appellate Lawyers, Washington, DC. Notes supplied.

April 17, 2012: Speaker, National Financial Partners Corporation presentation on the Affordable Care Act, Washington, DC. PowerPoint presentation supplied.

April 11, 2012: Speaker, Legal Overview: An Update on Supreme Court Litigation, American Farm Bureau Federation Health Care Reform Conference, Washington, DC. PowerPoint presentation supplied.

April 2, 2012: Panelist, “Post-Argument Panel Discussion of Affordable Care Act Arguments” Supreme Court Institute, Georgetown University Law Center, Washington, DC. I have no notes, transcript or recording, but press coverage is supplied. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

March 29, 2012: Judge, 2012 Robert J. Beaudry Moot Court Competition, Georgetown University Law Center, Washington, DC. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

March 22, 2012: Remarks to students from the American Constitution Society Harvard Law School Chapter, at a luncheon at Akin Gump Strauss Hauer & Feld

LLP, Washington, DC. I have no notes, transcript or recording. The address of the American Constitution Society Harvard Law School Chapter is 1563 Massachusetts Avenue, Cambridge, MA 02138.

March 9, 2012: Keynote Speaker, "Second Annual Capital Area Legal Writing Conference," Georgetown University Law Center, Washington, DC. Notes supplied.

February 24, 2012: Panelist, "The Women at the United States Supreme Court," The Supreme Court Fellows Alumni Association, Southwestern Law School, Los Angeles, CA. Video and press coverage supplied.

February 15, 2012: Remarks to Professor Steve Goldblatt's law school class at Georgetown University about appellate advocacy, the Solicitor General's Office, skills needed for successful legal practice, and brief writing and oral argument tips, Washington, DC. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on April 17, 2013, for which notes have been provided. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

February 9, 2012: Speaker, "Treason and Sedition in American History," Smithsonian Resident Associates Program, Washington, DC. PowerPoint presentation supplied.

February 8, 2012: Remarks to Professor Steven Wermiel's law school class at American University Washington College of Law, about Supreme Court advocacy, Washington, DC. 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.

December 13, 2011: Panelist, "The View from the Bar: Effective Advocacy in the D.C. Circuit," Federal Communications Bar Association, Judicial Practice Committee, Washington, DC. I have no notes, transcript or recording. The address of the Federal Communications Bar Association is 1020 19th Street, NW, Washington, DC 20036.

December 1, 2011: Panelist, "*Microsoft v. i4i* and Pending Supreme Court Cases: Understanding Their Collective Implications for the Biotechnology Industry," American Conference Institute – 13th Advanced Forum on Biotech Patents, Boston, MA. PowerPoint presentation and notes supplied.

November 15, 2011: Panelist, "Federal Court Update," 13th Annual DC Indian Law Conference, Washington, DC. Notes and materials supplied.

November 14, 2011: Remarks to Professor Art Murphy's and Judge Thomas Ambro's undergraduate class at Georgetown University, Washington, DC, about

tips on oral argument delivery and preparation. I have no notes, transcript or recording. The address of Georgetown University is 3700 O Street, NW, Washington, DC 20057.

November 11, 2011: Panelist, “From Your Court to the Supreme Court: Discretionary Review in the Supreme Court of the United States,” Appellate Judges Education Institute (AJEI), AJEI–SMU Dedman School of Law, Washington, DC. I have no notes, transcript or recording but press coverage is supplied. The address of the AJEI–SMU Dedman School of Law is 3315 Daniel Avenue, Dallas, TX 75205.

November 9, 2011: Presenter, Mock argument in *Texas v. White* (representing White), Supreme Court Historical Society, Washington, DC. Notes and press coverage supplied.

November 3, 2011: Panelist, “Supreme Court Merits Briefs Discussion,” National Association of Attorneys General, Washington, DC. 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.

September 14, 2011: Panelist, “Supreme Court Preview. The 2011 – 2012 Term,” New York University Law School, New York, NY. Video available at: <http://www.youtube.com/watch?v=8ZpH7mAtREo>.

July 26, 2011: Presenter, “Everything You Always Wanted to Know about the U.S. Supreme Court But Were Afraid To Ask,” Aldersgate United Methodist Church, Alexandria, VA. PowerPoint presentation supplied.

July 22, 2011: Panelist, “The Roberts Court at Age Five: The 2010 U.S. Supreme Court Term in Review,” The Virginia Bar Association, Hot Springs, VA. I have no notes, transcript or recording. The address of The Virginia Bar Association is 701 East Franklin Street, Suite 1120, Richmond, VA 23219.

June 28, 2011: Media briefing on “Assessing the October 2010 U.S. Supreme Court Term,” Washington Legal Foundation, Washington, DC. Press coverage is supplied. Webcast available at: http://www.wlf.org/communicating/mediabriefing_detail.asp?id=220 (registration required).

April 13, 2011: Remarks to Professor Steve Goldblatt’s law school class at Georgetown University about appellate advocacy, the Solicitor General’s office, skills needed for successful legal practice, and brief writing and oral argument tips, Washington, DC. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on April 17, 2013, for which notes have been provided. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

March 16, 2011: Remarks to Professor Irv Gornstein's law school class at Georgetown University Law Center about Supreme Court practice and the Supreme Court case of *City of Indianapolis v. Edmond*, Washington, DC. I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

February 2, 2011: Remarks to Professor Dan Metcalfe's law school class at American University Washington College of Law, about Supreme Court practice and oral argument skills, Washington, DC. 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.

November 18, 2010: Panelist, "Supreme Court Preview," The Smithsonian Associates, Washington, DC. I have no notes, transcript or recording. The address of the Smithsonian Resident Associate Program is 1100 Jefferson Drive, SW, Washington, DC 20026.

November 8, 2010: Panelist, "A Look at the New Supreme Court. Hot Topics Before the New Court," American Academy of Appellate Lawyers Fall Meeting, Washington, DC. I have no notes, transcript, or recording. The address of the American Academy of Appellate Lawyers is 9707 Key West Avenue, Suite 100, Rockville, MD 20850.

November 5, 2010: Keynote speaker, 12th Annual Washington, DC Indian Law Conference, Indian Law Section of the Federal Bar Association, in conjunction with the National Native American Bar Association and the Native American Bar Association of Washington, DC, Washington, DC. I discussed recent developments in the Roberts Court's Indian Law rulings, the current state of Indian law and upcoming issues, and effective advocacy before the Supreme Court. I have no notes, transcript, or recording but press coverage is supplied. The address of the Indian Law Section of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, VA 22201.

May 20, 2010: Panelist, "Arizona Immigration Law – Constitutionality," Independent Women's Forum and Georgetown Law Supreme Court Institute, Washington, DC. Video available at: <http://www.cspanvideo.org/program/LawCons> and press coverage supplied.

May 17, 2010: Participant, "Faith Community Conference Call: Elena Kagan and the Judicial Nomination Process," Religious Action Center of Reform Judaism (via telephone). Audio supplied.

May 12, 2010: Panelist, "Reports on Recent Developments in the Law," (*United States v. Stevens*), District of Columbia Bar, Arts, Entertainment, Media and Sports Law Section, Media Law Committee, Washington, DC. I have no notes,

transcript or recording. The address of the District of Columbia Bar is 1101 K Street, NW, Suite 200, Washington DC 20005.

April 14, 2010: Remarks to Professor Steve Goldblatt's law school class at Georgetown University about appellate advocacy, the Solicitor General's Office, skills needed for successful legal practice, and brief writing and oral argument tips, Washington, DC. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on April 17, 2013, for which notes have been provided. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

April 8, 2010: Panelist, "Women and the Supreme Court Bar," Georgetown University Law Center, Washington, DC. Video available at: http://www.youtube.com/watch?v=tife4XiKDg4&feature=player_detailpage and press coverage supplied.

March 23, 2010: Panelist, "Assessing the Supreme Court's Case Selection Process," Yale Law School Supreme Court Advocacy Clinic, Spring Symposium, New Haven, CT. I have no notes, transcript or recording. The address of the Yale Law School Supreme Court Advocacy Clinic is 127 Wall Street, New Haven, CT 06511.

March 9, 2010: Moderator, "Appellate Lawyers and the War on Terror," Edward Coke Appellate Inn of Court, Washington, DC. I have no notes, transcript or recording. The address of the Edward Coke Appellate Inn of Court is Tayloe House, Howard T. Markey National Courts Building, 717 Madison Place, NW, Washington, DC 20439.

February 18, 2010: Panelist, "High Court Halftime: The October 2009 Term at Midpoint," Washington Legal Foundation, Washington, DC. Webcast available at: http://www.wlf.org/communicating/mediabriefing_detail.asp?id=200 (registration required). Press coverage supplied.

January 27, 2010: Remarks to Professor Dan Metcalfe's law school class at American University Washington College of Law, about Supreme Court practice and oral argument, Washington, DC. 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.

January 22, 2010: Remarks to a group of Harvard Law School students visiting Washington, DC, about "Legal Writing." I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

January 11, 2010: Remarks to Professor Lisa McElroy's law school class from Drexel University Earle Mack School of Law visiting Washington, DC. I have no

notes, transcript or recording. The address of Drexel University Earle Mack School of Law is 3320 Market Street, Philadelphia, PA 19104.

December 9, 2009: Remarks to Professor Steve Goldblatt's law school class at Georgetown University about appellate advocacy, the Solicitor General's Office, skills needed for successful legal practice, and brief writing and oral argument tips, Washington, DC. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on April 17, 2013, for which notes have been provided. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

October 9, 2009: Speaker, *United States v. Stevens*, the American Constitution Society Georgetown University Law Center Chapter, Washington, DC. I have no notes, transcript or recording. The address of the American Constitution Society Georgetown University Law Center Chapter is 600 New Jersey Avenue, NW, Washington, DC 20001.

September 25, 2009: Remarks to Professor Jeffrey Fisher's law school class at Stanford Law School, on Supreme Court practice and brief writing, Stanford, CA. Notes supplied.

September 17, 2009: Remarks to Professor Steve Goldblatt's law school class at Georgetown University about appellate advocacy, the Solicitor General's Office, skills needed for successful legal practice, and brief writing and oral argument tips, Washington, DC. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on April 17, 2013, for which notes have been provided. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

June 19, 2009: Panelist, "11th Bench and Bar: Excellence in Appellate Advocacy – The Do's and Don'ts of Oral Advocacy," Federal Circuit Bar Association, Annual Meeting, White Sulphur Springs, WV. I have no notes, transcript or recording. The address of the Federal Circuit Bar Association is 1620 I Street, NW, Suite 801, Washington, DC 20006.

June 17, 2009: Panelist, "Discussion of *U.S. v. Stevens*," Freedom Forum, Washington, DC. I have no notes, transcript or recording. The address of the Freedom Forum is 555 Pennsylvania Avenue, NW, Washington, DC 20001.

June 3, 2009: Panelist, "President Obama's nominee to the U.S. Supreme Court and the Confirmation Process," Georgetown University Law Center's Supreme Court Institute, Washington, DC. Audio available at: http://apps.law.georgetown.edu/webcasts/assets/GL_200961662539.mp3 and press coverage supplied.

May 1, 2009: Speaker, “Welcoming of Elena Kagan,” Georgetown Supreme Court Institute, Washington, DC. Notes and press coverage supplied.

April 6, 2009: Speaker, “The Supreme Court in the Classroom,” Close Up Foundation Teacher luncheon, Washington, DC. I have no notes, transcript or recording. The address of the Close Up Foundation is 44 Canal Center Plaza, Alexandria, VA 22314.

April 2, 2009: Panelist, “American Indian Religious Freedom and the Religious Freedom Restoration Act,” Federal Bar Association’s Indian Law Conference, Santa Fe, NM. Paper on which discussion was based supplied.

March 18, 2009: Remarks to Professor Steve Goldblatt’s law school class at Georgetown University about appellate advocacy, the Solicitor General’s Office, skills needed for successful legal practice, and brief writing and oral argument tips, Washington, DC. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on April 17, 2013, for which notes have been provided. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

February 17, 2009: Participant, moot court judge for PBS documentary on Alexander Hamilton and the Federalist Papers at the Georgetown Supreme Court Institute, Hotung Building, Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001. The PBS documentary is available for purchase at: <http://manifoldproductions.com/AlexanderHamiltonfilm.html>.

February 4, 2009: Remarks to Professor Dan Metcalfe’s law school class at American University Washington College of Law, about Supreme Court practice and oral argument skills, Washington, DC. 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.

January 8, 2009: Remarks to a group of Harvard Law School students visiting Washington, DC, about “Legal Writing.” I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

November 20, 2008: Panelist, “The Roberts Court and the 2008 Term,” National Women’s Law Center, Washington, DC. I have no notes, transcript or recording. The address of the National Women’s Law Center is 11 Dupont Circle, NW, Washington, DC 20036.

November 20, 2008: Panelist, “Overview of the Supreme Court and Supreme Court Practice,” Smithsonian Institution, Washington, DC. I have no notes, transcript or recording. The address of the Smithsonian Institution is SI Building, Room 153, MRC 010, Washington, DC 20013.

November 14, 2008: Panelist, “Effective Advocacy in the Federal Appellate Courts,” Pennsylvania Bar Institute, about preparing for and delivering oral arguments, Philadelphia, PA. Notes supplied.

October 17, 2008: Panelist, “Trends in Supreme Court decisionmaking under the Roberts Court and their impact on Indian law,” DC Indian Law Conference, Indian Law Section of the Federal Bar Association, the National Native American Bar Association, and the Native American Bar Association of Washington, DC, Washington, DC. Notes supplied.

September 29, 2008: Remarks to Professor Dan Metcalfe’s law school class at American University Washington College of Law, about Supreme Court practice and oral argument skills, Washington, DC. 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.

July 16, 2008: Panelist, “*Quanta Computer v. LG Electronics*: IP License Strategies After Court’s Unanimous Ruling on Patent Exhaustion?,” Winston & Strawn LLP, Washington, DC. Notes supplied.

July 9, 2008: Panelist, “7th Annual Program on the Supreme Court,” Legal Times, Washington, DC. Transcript and press coverage supplied.

June 10, 2008: Panelist, “2008 Supreme Court Term and issues of significance to the FCC Bar,” Federal Communications Bar Association, Washington, DC. I have no notes, transcript or recording. The address of the Federal Communications Bar Association is 1020 19th Street, NW, Washington, DC 20036.

April 30, 2008: Panelist, “Do’s and Don’ts of Effective Appellate Advocacy,” Third Circuit Judicial Conference, Cambridge, MD. Notes supplied.

April 16, 2008: Remarks to Professor Steve Goldblatt’s law school class at Georgetown University about appellate advocacy, the Solicitor General’s Office, skills needed for successful legal practice, and brief writing and oral argument tips, Washington, DC. I have no notes, transcript or recording, but the presentation would have been substantially similar to the one on April 17, 2013, for which notes have been provided. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

April 3, 2008: Remarks to first-year law students at Harvard Law School, about oral argument, in preparation for moot courts, Cambridge, MA. Notes supplied.

March 27, 2008: Remarks to Professor Neil Siegel’s law school class at Duke Law School, about Supreme Court practice, Durham, NC. I have no notes,

transcript or recording. The address of Duke Law School is 210 Science Drive, Durham, NC 27708.

March 26, 2008: Remarks to Judge Tom Ambro's class at Georgetown University, Washington, DC, about oral argument. I have no notes, transcript or recording. The address of the Georgetown University is 3700 O Street, NW, Washington, DC 20057.

February 28, 2008: Panelist, "The Roberts Court – An Assessment," Defense Research Institute Conference, Orlando, FL. PowerPoint presentation supplied.

February 12, 2008: Panelist, "Assessing the U.S. Supreme Court at Its Mid-Term Point," Washington Legal Foundation, Washington, DC. Webcast available at: http://www.wlf.org/communicating/mediabriefing_detail.asp?id=159 (registration required).

January 31, 2008: Remarks to Professor Richard Lazarus's law school class at Georgetown University Law Center about Supreme Court practice, Washington, DC. I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

January 23, 2008: Remarks to Professor Dan Metcalfe's law school class "Secrecy Controversies Seminar," at American University Washington College of Law, about appellate advocacy, Washington, DC. Notes supplied.

January 17, 2008: Remarks to Harvard Law School Students about Supreme Court Practice, Cambridge, MA. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

January 14, 2008: Remarks on Supreme Court Oral Arguments, Quill and Grill Group, Wilmington, DE. Notes supplied.

December 8, 2007: Panelist, "Domestic Violence Legal Empowerment and Appeals Project Symposium," Professor Joan Meier, George Washington University Law School, Washington, DC. I have no notes, transcript or recording. The address of George Washington University Law School is 2000 H Street, NW, Washington, DC 20052.

October 11, 2007: Panelist, "Upcoming Supreme Court Term," American Constitution Society Harvard Law School Chapter, Cambridge, MA. I have no notes, transcript or recording, but press coverage is supplied. The address of the American Constitution Society Harvard Law School Chapter is 1563 Massachusetts Avenue, Cambridge, MA 02138.

October 3, 2007: Remarks to law school students at Widener Law School about Supreme Court practice and high-profile cases for the upcoming Supreme Court Term, Harrisburg, PA. I have no notes, transcript or recording but press coverage is supplied. The address of Widener Law School is 3800 Vartan Way, Harrisburg, PA 17110.

March 5, 2007: Panelist, "Appellate Advocacy," Rutgers-Camden Law School, New Jersey. I have no notes, transcript or recording. The address of Rutgers-Camden Law School is 217 North Fifth Street, Camden, NJ 08102.

November 17, 2006: Panelist, "Effective Advocacy in the Federal Appellate Courts," Pennsylvania Bar Institute, The CLE Conference Center, Philadelphia, PA. I have no notes, transcript or recording, although content would have mirrored the presentations in earlier years and in 2008, for which notes have been supplied. The address of the Pennsylvania Bar Institute is 100 Penn Square East, Philadelphia, PA 19107.

October 10, 2006: Speaker, Remarks on effective appellate brief writing, Utah Bar Association, Salt Lake City, UT. Notes supplied.

May 2, 2006: Panelist, "Effective Appellate Briefwriting and Effective Appellate Advocacy," Third Circuit Judicial Conference, Nemaquin Resort, PA. Notes supplied.

January 26, 2006: Remarks on "Government and Religion – What You Must Do, What You Can't Do and Everything in Between," Defense Research Institute, Civil Rights and Governmental Tort Liability Seminar, Henderson, NV. Paper on which discussion was based supplied.

December 2005: Panelist, Annual luncheon on the Supreme Court and disability rights, Bazelon Center for Mental Health Law, Washington, DC. I have no notes, transcript or recording. The address of the Bazelon Center for Mental Health Law is 1101 15th Street, NW, Washington, DC 20005.

June 2005: Co-speaker, Annual conference on disability issues in the Supreme Court in the 2004 and 2005 Terms, National Disability Rights Center, Training & Advocacy Support Center, Alexandria, VA. I have no notes, transcript or recording. The address of the National Disability Rights Network is 900 Second Street, NE, Washington, DC 20002.

May 3, 2005: Panelist, Discussion of Supreme Court briefing, oral argument, and decision in *KP Permanent Make-Up, Inc. v. Lasting Impressions, Inc.*, No. 03-409, District of Columbia Bar Association, Intellectual Property Section & Women's Bar Association, Washington, DC. Notes supplied.

April 13, 2005: Panelist, “*Tennessee v. Lane*: Disability Rights in the New Millennium” Symposium, University of Tennessee Law School, Knoxville, TN. Transcript supplied.

March 2005: Remarks at Pepperdine Law School’s “Lives in the Law” series, Pepperdine Law School, Malibu, CA. I have no notes, transcript or recording. The address of Pepperdine Law School is 24522 Pacific Coast Highway, Malibu, CA 90263.

November 19, 2004: Panelist, “Effective Advocacy in the Federal Appellate Courts,” Pennsylvania Bar Institute, CLE Course, Philadelphia, PA. Notes supplied.

March 8, 2004: Remarks on “The Supreme Court and the Separation of Church and State: Current Issues,” Ormond Church and State Lecture, Greenville College, Greenville, IL. Following my remarks, I met with and spoke with students at the college. Remarks and outline of student discussion supplied.

January 13, 2004: Panelist, “Post-argument Discussion on *Tennessee v. Lane*,” American Constitution Society, Washington, DC. Video available at: <http://www.c-spanvideo.org/program/CourtsAm>.

January 8, 2003: Speaker, Remarks on the role of women in Supreme Court advocacy and the Solicitor General’s office, Women and Politics Institute, American University, Washington, DC. Notes supplied.

November 22, 2002: Panelist, “Effective Advocacy in the Federal Appellate Courts,” Pennsylvania Bar Institute, CLE course, Pittsburgh, PA. I have no notes, transcript or recording, although content would have mirrored the presentations in subsequent years, for which notes have been supplied. The address of the Pennsylvania Bar Institute is 100 Penn Square East, Philadelphia, PA 19107.

November 15, 2002: Panelist, “Effective Advocacy in the Federal Appellate Courts,” Pennsylvania Bar Institute, CLE course, Philadelphia, PA. I have no notes, transcript or recording, although content would have mirrored the presentations in subsequent years, for which notes have been supplied. The address of the Pennsylvania Bar Institute is 100 Penn Square East, Philadelphia, PA 19107.

November 3, 2000: Panelist, “Effective Advocacy in the Federal Appellate Courts,” Pennsylvania Bar Institute, CLE course, Philadelphia, PA. I have no notes, transcript or recording. The address of the Pennsylvania Bar Institute is 100 Penn Square East, Philadelphia, PA 19107.

Week of July 10, 2000: Panelist, Panel on recent Supreme Court employment decisions, including *Reeves v. Sanderson Plumbing Prods.*, No. 99-536, American

Bar Association, Litigation Sub-Committee on Employment and Labor Relations Law, New York, NY. I have no notes, transcript or recording. The address of the Litigation Sub-Committee on Employment and Labor Relations is 321 North Clark Street, Chicago, IL 60654.

March 20, 2000: Speaker, Remarks on oral argument in *Reeves v. Sanderson Plumbing Prods.*, No. 99-536, Bronx High School of Science, student visit to Washington, DC. I have no notes, transcript or recording. The address of the Bronx High School of Science is 75 West 205th Street, New York, NY 10468.

- 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.

Nominee Pattie Millett: Black Belt, Legal Bisnow, June 5, 2013 (interview provided previously). Copy supplied.

Lawrence Hurley, *U.S. Supreme Court Rules for Monsanto in Patent Fight*, Reuters, May 13, 2013. Copy supplied.

Irv Gornstein, et al., *Supreme Court Institute Annual Report 2012 – 2013*, May 6, 2013 (interview provided previously). Copy supplied.

Marcia Coyle, *Harvard Professor Makes a High-Pressure, High-Profile Court Debut*, National Law Journal, Apr. 1, 2013. Copy supplied.

Steven T. Taylor, *Appellate Practices Turn Profits, Perform Pro Bono Work and Recruit a Different Breed*, Of Counsel, Apr. 2013 (interview provided previously). Copy supplied.

Supreme Court Takes Up Same-Sex Marriage, Weekends with Alex Witt, MSNBC, Mar. 24, 2013. Video available at:
<http://tv.msnbc.com/2013/03/26/scotus-preview-understanding-the-doma-and-prop-8-arguments/>.

Jamie Malanowski, *Patricia Millett*, Illinois Alumni, Spring 2013. Copy supplied.

Supreme Court Considers the Voting Rights Act, MSNBC Live with Thomas Roberts, MSNBC, Feb. 27, 2013. Video available at:
<http://video.msnbc.msn.com/msnbc/50974997#50974997>.

Erin Fuchs, *The Supreme Court Is Deciding Whether Cops Can Force Open Your Mouth and Swab Your DNA*, Business Insider, Feb. 26, 2013. Copy supplied.

Supreme Court Takes Up Challenge to Voting Rights Act, Weekends with Alex Witt, MSNBC, Feb. 24, 2013. Video available at:
<http://video.msnbc.msn.com/weekends-with-alex-witt/50930285#50930285>.

Tony Mauro, *Practitioners Mourn Francis Lorson, the Court's Institutional Memory*, National Law Journal, Jan. 14, 2013. Copy supplied.

Supreme Court, Weekends with Alex Witt, MSNBC, Jan. 12, 2013. I have been unable to obtain a copy of the recording.

Max Stendahl, *SEC Faces Uphill Battle In Supreme Court Gabelli Showdown*, Law 360, Jan. 4, 2013. Copy supplied.

Thai Phi Le, *Affordable Care Act and the Scope of Federal Power*, Washington Lawyer, Jan. 2013. Copy supplied.

Lisa T. McElroy, *Cameras at the Supreme Court: A Rhetorical Analysis*, 2012 BYU L. Rev. 1837 (2012). Copy supplied.

Supreme Court to Hear Same-Sex Marriage Cases, Weekends with Alex Witt, MSNBC, Dec. 8, 2012. Video available at:
<http://video.ca.msn.com/watch/video/inside-scotus-doma/17yyi1spd>.

Jeremy Heallen, *Appellate MVP: Akin Gump's Patricia A. Millett*, Law 360, Dec. 5, 2012. Copy supplied.

SCOTUS to Announce Plan for Same-Sex Marriage Cases, Weekends with Alex Witt, MSNBC, Dec. 1, 2012. Audio available at:
<http://video.msnbc.msn.com/msnbc/50039106#50039106>.

Weekends with Alex Witt, MSNBC, Sept. 29, 2012. I have been unable to obtain a copy of the recording.

Victor Li, *Oyez! Oyez! Oyez!*, The American Lawyer, Aug. 29, 2012. Copy supplied.

The Affordable Care Act As Dissected by a Constitutional Expert, The Metropolitan Corporate Counsel, Aug. 16, 2012. Copy supplied.

Ann Gerhart, *For Verrilli and Other Supreme Court Advocates, Waiting May Be the Hardest Part*, The Washington Post, June 24, 2012. Copy supplied.

Emily Belz, *Still Clean TV*, World: Today's News, Christian Views, June 21, 2012. Copy supplied.

Tony Mauro, *Akin Gump: A Good Year on Both Coasts*, National Law Journal, June 18, 2012. Copy supplied.

SCOTUS Health Care Ruling Could Come Soon, Weekends with Alex Witt, MSNBC, June 9, 2012. Video available at: <http://video.msnbc.msn.com/msnbc-tv/47747486/#47747486>.

Kali Borkoski, *Q&A with Patricia Millett*, SCOTUSblog, May 25, 2012. Copy supplied.

Tony Mauro, *Millett Sets Record with 31st Supreme Case*, National Law Journal, Apr. 30, 2012. Copy supplied.

A History-Making SCOTUS Argument, Legal Bisnow, Apr. 27, 2012. Copy supplied.

Elizabeth Amon, *Akin Gump, Mark Lewis, Skadden, Sheppard: Business of Law*, Bloomberg, Apr. 26, 2012. Copy supplied.

Tony Mauro, *Millett Takes the Lead for Most Arguments by a Woman*, Supreme Court Insider, Apr. 24, 2012. Copy supplied.

Hannah Hayes, *Women in Black: The New Normal, Perspectives*, Vol. 20 (Spring 2012). Copy supplied.

Tony Mauro, *Millett Set to Become Second Woman to Argue 30 Cases at the Court*, National Law Journal, Jan. 4, 2012. Copy supplied.

Andrew Ramonas, *Relentless Pursuit of Justice for Survivors*, National Law Journal, Jan. 2, 2012. Copy supplied.

John Council, *David Beck of Beck Redden & Secrest Makes History at U.S. Supreme Court*, Tex Parte Blog, Nov. 18, 2011. Copy supplied.

Kimberly Atkins, *The New Class of 2011: U.S. Supreme Court Defeats Didn't End Class Actions, But They Did Change Them*, Lawyers USA, July 26, 2011. Copy supplied.

Samuel Howard, *Pro Bono Firm of 2011: Akin Gump*, Law 360, July 11, 2011. Copy supplied.

Marcia Coyle, *Sketching Out the U.S. Supreme Court's Term*, Texas Lawyer, July 6, 2011. Copy supplied.

Kimberly Atkins, *In Drug Tort Suits, It's a Name Game: U.S. Supreme Court Ruling Subjects Name-Brand Generic Drugs to Different Liability*, Lawyers USA, July 5, 2011. Copy supplied.

Marcia Coyle & Tony Mauro, *From High Court Heavyweights, Highlights of the 2010 Term*, National Law Journal, June 29, 2011. Copy supplied.

Aaron Bouchie, *Patents on the Line*, BioCentury, Apr. 25, 2011. Copy supplied.

Supreme Court Agrees to Hear "Waiver of Arbitration" Case, Dispute Resolution Journal, Feb./Apr. 2011. Copy supplied.

Allison Grande, *Rising Star: Jones Day's Shay Dvoretzky*, Law 360, Mar. 14, 2011. Copy supplied.

Michael Dresser, *WWII Controversy Surfaces in Annapolis*, Baltimore Sun, Feb. 19, 2011. Copy supplied.

Jessica Gresko, *U.S. Supreme Court Hears from Few Female Lawyers*, Washington Post, Jan. 20, 2011. Copy supplied.

All Things Considered: Pro-Gay Groups 'Desperate' For Obama To Take Action, National Public Radio, Oct. 18, 2010. Transcript supplied.

Tosin Sulaiman, *Pro Bono Lawyer Fights to Uphold Five Somalis' Faith in U.S. Justice*, Thomson Reuters Foundation, Sept. 23, 2010. Copy supplied.

Jerry Markon, *In Immigration Uproar, an Attorney with Subtlety*, Washington Post, July 31, 2010. Copy supplied.

The Supreme Court's Latest Rulings and Confirmation Hearings for Elena Kagan, The Diane Rehm Show, WAMU/National Public Radio, June 29, 2010. Transcript supplied.

Nina Totenberg, *How Women Changed The High Court ... And Didn't*, NPR News, June 25, 2010. Copy supplied.

Marisa M. Kashino, *Fashion Crimes*, Washingtonian.com, May 25, 2010. Copy supplied.

Jessica Dye, *Friends, Past Opponents Hint at Kagan's Judicial Style*, Law 360, May 11, 2010. Copy supplied.

Fox Hosts Supreme Court Expert to Debunk Myth that "Incredibly Smart" Kagan isn't Qualified, Fox News Live, May 10, 2010. I have been unable to obtain a copy of the recording.

Katie Connolly, *Supreme Court: Kagan's Philosophy Hard to Define*, BBC News, May 10, 2010. Copy supplied.

Is Elena Kagan the Right Choice?, CNN.com, May 10, 2010. Copy supplied.

Elena Kagan Announced As Obama's Supreme Court Pick, Fox Chicago News, May 10, 2010. Copy supplied.

The Press Pool hosted by Joe Mathieu, Sirius XM Radio, May 7, 2010. I discussed the Supreme Court nomination of Elena Kagan. I have been unable to obtain a copy of the recording.

Joseph P. Tartaro, *High Court's 8-1 Ruling Protects Hunting Media*, Gunweek.com, May 2010. Copy supplied.

Joan Biskupic, *High Court Negates Animal-Cruelty Law As Too Broad*, USA Today, Apr. 21, 2010. Copy supplied.

Brian Bowling, *Supreme Court Rules Law that Led to W. Pa. Conviction Unconstitutional*, Pittsburgh Tribune Review, Apr. 21, 2010. Copy supplied.

Ariane de Vogue, *Supreme Court Overturns Law Banning Depictions of Animal Cruelty*, ABC News, Apr. 20, 2010. Copy supplied.

Ex-Obama Insider Advises Goldman Sachs; From Wall Street to Washington; Supreme Court Rules on Animal Fighting Videos, The Situation Room, CNN radio, Apr. 20, 2010. Transcript supplied.

A First Amendment Victory: U.S. v. Stevens, NRA News, Apr. 20, 2010. Video available at: <http://www.nranews.com/resources/video/a-first-amendment-victory-u-s-v-stevens/list/amicus-briefs>.

Joan Biskupic, *Supreme Court Kills Animal-Cruelty Law*, USA Today, Apr. 20, 2010. Copy supplied.

Tony Mauro, *Justices Find Animal Cruelty Law Goes Too Far*, National Law Journal, Apr. 20, 2010. Copy supplied.

National Shooting Sports Foundation, *Supreme Court Shoots Down Law Hostile to Hunting Videos*, Opposing Views, Apr. 20, 2010. Copy supplied.

Tony Mauro, *Battling the Bomb*, National Law Journal, Apr. 19, 2010. Copy supplied.

Supreme Court, Fox News, Apr. 10, 2010. I have been unable to obtain a copy of the recording.

Justice John Paul Stevens to Retire, Weekends with Alex Witt, MSNBC, Apr. 10, 2010. I have been unable to obtain a copy of the recording.

Court Vacancy a Big Challenge for Obama, CNN, Apr. 9, 2010. Copy supplied.

Jordan Weissmann, *Appeals Court Hands Contractors a Reprieve in FOIA Case*, The BLT: The Blog of Legal Times, Mar. 24, 2010. Copy supplied.

Samantar v. Yousuf, KPFK Radio, Mar. 3, 2010. Audio supplied.

Marisa M. Kashino, *Power Players: Last Woman at the High Court*, Washingtonian, Nov. 13, 2009. Copy supplied.

Sound Bites: What Are Your Thoughts on the New SCOTUS Term?, Legal Bisnow, Oct. 27, 2009. Copy supplied.

Animal Cruelty, CTV News, Oct. 6, 2009. Transcript supplied.

Bill Mears, *High Court Debates Dog Fighting Videos*, CNN, Oct. 6, 2009. Copy supplied.

Nina Totenberg, *Dogfighting Case Gets Its Day In Court*, National Public Radio, Oct. 6, 2009. Copy supplied.

Joan Biskupic, *Animal-Abuse Videos Are Test of Free Speech*, USA Today, Oct. 5, 2009. Copy supplied.

Supreme Court Has Plenty of Work Waiting as it Goes into Session Monday, NBC Nightly News, Oct. 4, 2009. Transcript supplied.

Tony Mauro, *"Lobbying" the SG's Office*, National Law Journal, Aug. 17, 2009. Copy supplied.

Supreme Court, Alex Witt of MSNBC, Aug. 8, 2009. I have been unable to obtain a copy of the recording.

Interview on Fox News regarding Sonia Sotomayor, Aug. 6, 2009. I have been unable to obtain a copy of the recording.

Interview on CBS News regarding Sonia Sotomayor, Aug. 6, 2009. I have been unable to obtain a copy of the recording.

Interview by Shepard Smith of Fox News regarding Sonia Sotomayor, July 13, 2009. I have been unable to obtain a copy of the recording.

Interview by Kelly Wright of Fox News regarding Sonia Sotomayor, July 12, 2009. I have been unable to obtain a copy of the recording.

Interview on The Michael Eric Dyson Show regarding the confirmation hearing of Sonia Sotomayor, July 10, 2009. I have been unable to obtain a copy of the recording.

Darren Warner, *Why Should This Photo Be Illegal?*, NRAhuntersrights.org, Jul 9, 2009. Copy supplied.

Ricci, et al. v. DeStefano, et al., Fox News, June 29, 2009. I have been unable to obtain a copy of the recording.

James Rowley, *Sotomayor May Have Some Unlikely Allies on Gun Issue*, Bloomberg, June 2, 2009. Copy supplied.

John D. McKinnon, *Another Hot Issue: Intellectual Property*, Wall Street Journal, May 29, 2009. Copy supplied.

Evan Weinberger, *Sotomayor May Not Get Quick OK Obama Hopes For*, Law 360, May 26, 2009. Copy supplied.

Christopher S. Rugaber, *Nominee Has Pragmatic Record on Business*, Associated Press, May 26, 2009. Copy supplied.

Steve LeVine & Theo Francis, *Sotomayor: A Moderate on Business Issues*, Business Week, May 26, 2009. Copy supplied.

Nightly Business Report: A Look at the Business Impact From Sonia Sotomayor's SCOTUS Nomination, PBS television, May 26, 2009. Transcript supplied.

Theo Francis & Steve LeVine, *What the Supreme Court Pick Will Mean for Business*, Business Week, May 14, 2009. Copy supplied.

Carrie Johnson, *Holder's Comments on Race Prompt Requests for Legal Help*, Washington Post, May 13, 2009. Copy supplied.

In Memoriam: Mark Levy, Legal Bisnow, May 1, 2009. Copy supplied.

Alexander Heffner, *Obama's Law: The Future of the Supreme Court*, Huffington Post, May 1, 2009.

Tony Mauro, *Refusal to Take Monument Called Within City's Rights*, N.Y. L.J., Feb. 26, 2009. Copy supplied.

Mike Scarcella, *Race Develops for Open 4th Circuit Seats*, Legal Times, Feb. 16, 2009. Copy supplied.

Lawyer2Lawyer, LegalTalkNetwork, Feb. 12, 2009. Audio available at: <http://legaltalknetwork.com/podcasts/lawyer-2-lawyer/2009/02/justice-ruth-bader-ginsburg/>.

Joe Palazzolo, *Obama Announces 4 Picks for Key DOJ Slots*, The Legal Intelligencer, Jan. 6, 2009. Copy supplied.

Jocelyn Allison, *Obama Names 1st Female SG, Other Top DOJ Posts*, Law 360, Jan. 5, 2009. Copy supplied.

Tony Mauro, "Superstar" *Elana Kagan is Named SG*, The BLT: The Blog of Legal Times, Jan. 5, 2009. Copy supplied.

Jocelyn Allison, *Change To Come Slowly To SG Office Under Obama*, Law 360, Nov. 7, 2008.

Thelen RIP; Akin Gump Fashion Show; Fight Night, Legal Bisnow, Oct. 29, 2008. Copy supplied.

Mike Scarcella, *Bush Makes Last Stand to Defend Record in Court*, Miami Daily Bus. Rev., Sept. 8, 2008. Copy supplied.

Mike Scarcella, *Last Chance at D.C. Circuit*, Legal Times, Sept. 1, 2008. Copy supplied.

William Triplett, *Bipartisan Blitz Tackles FCC*, Variety, Aug. 18, 2008. Copy supplied.

John Schwartz, *Back to Court, Decades After Atomic Tests*, New York Times, Aug. 7, 2008. Copy supplied.

Dan Slater, *50 Years After Nuclear Tests, Bikini Atoll Case Hits Federal Circuit*, Wall Street Journal, Aug. 7, 2008. Copy supplied.

Supreme Court Wrap: Akin Gump, Mayer Brown, WilmerHale, Legal Bisnow, July 10, 2008. Copy supplied.

Joan Biskupic, *Supreme Court Begins Its Finale Today*, USA Today, June 9, 2008. Copy supplied.

What's It Like ... to Argue a Case Before the Supreme Court?, MORE Mag., June 2008. Copy supplied.

Attila Berry, Nathan Carlile, & Marisa McQuilken, *Keeping Score*, Legal Times, Oct. 8, 2007. Copy supplied.

To the Point: A Change of Direction for the Roberts Supreme Court?, KCRW and Public Radio International, Oct. 1, 2007. Audio supplied.

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

I have not held any judicial office

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

- i. Of these, approximately what percent were:

jury trials:	____%
bench trials:	____% [total 100%]
civil proceedings:	____%
criminal proceedings:	____% [total 100%]

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

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never been a judge.

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

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

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

I have not held any public offices. I have not had any unsuccessful candidacies for elective 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.

From September 2008 to November 2008, I was a volunteer legal advisor for the campaign of now-President Barack Obama. I provided legal assistance to the Voter Protection Teams for Ohio and New Hampshire, including preparing for potential election challenges.

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 1990 to 1992, I served as a law clerk to Judge Thomas Tang, Circuit Judge of the United States Court of Appeals for the Ninth Circuit.

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

I have never practiced alone.

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

1988 – 1990
Miller & Chevalier
655 15th Street, NW
Washington, DC 20005
Associate

1992 – 1996
United States Department of Justice
Civil Division, Appellate Section
950 Pennsylvania Avenue, NW
Washington, DC 20530
Attorney

1996 – 2007
United States Department of Justice
Office of the Solicitor General

950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant to the Solicitor General

2007 – present
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036
Partner (2007 – present)
Head of Supreme Court Practice (2011 – present)
Co-Head of Supreme Court Practice (2007 – 2010)
Co-Chair of the National Appellate Practice (2011 – present)

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

I have never served as a mediator or arbitrator.

b. Describe:

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

My law practice has focused extensively on appellate and Supreme Court practice. The bulk of that practice has been with the federal government (from 1992 to 2007), with increasing levels of responsibility. In private practice, I also provide legal analysis and counsel to clients outside of litigation, generally on constitutional, statutory construction, litigation procedure, or administrative law questions. I handle a broad variety of legal issues, both civil and criminal, although predominantly civil.

As an associate at Miller & Chevalier from 1988 to 1990, my principal role was to research and prepare initial drafts of briefs and analytical memoranda for litigation and legal consulting assignments, as well as assisting more senior attorneys with oral argument preparation.

As an attorney in the Civil Division, Appellate Staff from 1992 to 1996, I wrote briefs and presented approximately twenty oral arguments in the federal courts of appeals and state appellate courts. I prepared appeal, rehearing, and certiorari authorization memoranda for the Solicitor General's Office. I also occasionally assisted with the drafting of briefs and oral argument preparation by more senior attorneys, as well as drafting Supreme Court certiorari-stage briefs for the Solicitor General's Office.

As an Assistant to the Solicitor General from 1996 to 2007, I drafted Supreme Court merits and certiorari-stage briefs, presented twenty-five oral arguments in the Supreme Court, assisted more senior attorneys with oral argument preparation, and prepared appeal, rehearing, and certiorari-authorization memoranda for the Solicitor General's decision making.

As a partner at Akin Gump Strauss Hauer & Feld from 2007 to the present, I have presented 7 arguments in the Supreme Court, and nineteen arguments in the federal and state appellate courts. I initially co-headed and now head the firm's Supreme Court practice and co-head the national appellate practice. I primarily lead the legal team on client matters, manage client relationships, review and edit drafts of briefs and client memoranda prepared by junior lawyers, and present oral argument in the courts.

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

At Miller & Chevalier, my typical clients were businesses and business entities. I also represented a death row inmate and the Salvation Army in pro bono matters. During my work in the Civil Division, my clients were federal agencies or the United States generally concerning their civil litigation matters. I specialized in appellate litigation on a broad array of civil issues. During my work in the Solicitor General's Office, my clients were the United States Government, federal agencies, and occasionally the Congress or federal courts. I represented them in all litigation matters, civil and criminal. My specialization was Supreme Court practice on a broad array of civil and criminal matters. At Akin Gump Strauss Hauer & Feld, my clients are primarily businesses and related entities involved in appellate matters on a broad range of legal issues. I have also represented individuals, American Indian Tribes, and state and local governments. Through pro bono matters, I have also represented indigent individuals and non-profit entities in both civil and criminal 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 practice has been 85% litigation, 15% legal consulting. I had only one court appearance while at Miller & Chevalier. Since joining the Justice Department in September 1992, virtually all of my practice has been litigation, primarily in appellate courts and the Supreme Court. I have also had infrequent appearances in federal district court and state courts. I have argued a total of 32 cases in the Supreme Court, 36 cases in the federal courts of appeals, 4 cases in state appellate courts, 3 cases in federal district court, and 1 case in state trial court.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 95%
 - 2. state courts of record: 5%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 85%
 - 2. criminal proceedings: 15%
- 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.

Other than one pro bono small claims court trial in Washington, DC, on behalf of the Salvation Army, in 1989 or 1990, I have not done substantial trial work. During my time in private practice, I have been involved as lead counsel for clients in three trial court cases that were resolved on motions for judgment. For example, I was lead counsel in a federal district court proceeding on behalf of a client that brought a constitutional challenge to a state beverage regulation law. I was also lead counsel for clients in state court, originally as amicus curiae and subsequently as parties, who challenged a state law as an unconstitutional taking.

- i. What percentage of these trials were:
 - 1. jury: 0%
 - 2. non-jury: 100%
- 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.

Argued cases:

Blessing v. Freestone, 520 U.S. 329 (1997) (transcript, 1997 WL 8589; amicus brief for the United States supporting respondents, 1996 WL 625407)

Kalina v. Fletcher, 522 U.S. 118 (1997) (transcript, 1997 WL 633539; amicus brief for the United States supporting petitioner, 1997 WL 234199)

Ricci v. Village of Arlington Heights, 523 U.S. 613 (1998) (transcript, 1998 WL 204590; amicus brief for the United States supporting respondent, 1998 WL 145336)

Bank of America Nat'l Trust & Sav. Ass'n v. 203 North LaSalle Street P'ship, 526 U.S. 434 (1999) (transcript, 1998 WL 767503; amicus brief for the United States supporting petitioner, 1998 WL 346622)

INS v. Aguirre-Aguirre, 526 U.S. 415 (1999) (transcript, 1999 WL 141033; brief for the petitioner, 1998 WL 858535; reply brief, 1999 WL 74195)

Norfolk Southern Ry. v. Shanklin, 529 U.S. 344 (2000) (transcript, 2000 WL 268312; amicus brief for the United States supporting respondent, 2000 WL 134333)

Reeves v. Sanderson Plumbing Prods., 530 U.S. 133 (2000) (transcript, 2000 WL 346179)

City of Indianapolis v. Edmond, 531 U.S. 32 (2000) (transcript, 2000 WL 1474135; amicus brief for the United States supporting petitioners, 2000 WL 633467)

Shaw v. Murphy, 532 U.S. 223 (2001) (transcript, 2001 WL 55355)

Young v. United States, 535 U.S. 43 (2002) (transcript, 2002 WL 57250; brief for the United States, 2001 WL 1597747)

Devlin v. Scardelletti, 536 U.S. 1 (2002) (transcript, 2002 WL 521351)

Gonzaga Univ. v. Doe, 536 U.S. 273 (2002) (transcript, 2002 WL 859173; amicus brief for the United States supporting petitioners, 2002 WL 354729)

Washington Dep't of Human Servs. v. Keffeler, 537 U.S. 371 (2003) (transcript, 2002 WL 31800400; amicus brief for the United States supporting petitioners, 2002 WL 1836735)

Nguyen v. United States, 539 U.S. 69 (2003) (transcript, 2003 WL 1699862; brief for the United States, 2003 WL 548057)

Illinois v. Lidster, 540 U.S. 419 (2004) (transcript, 2003 WL 22681604; amicus brief for the United States supporting petitioner, 2003 WL 21537768)

National Archives & Records Admin. v. Favish, 541 U.S. 157 (2004) (transcript, 2003 WL 22962422; petition for a writ of certiorari, 2002 WL 32101044; reply brief in support of petition for a writ of certiorari, 2003 WL 21251593; brief for the petitioner, 2003 WL 21738777; reply brief for the petitioner, 2003 WL 22282514)

KP Permanent Make-Up v. Lasting Impressions, 543 U.S. 111 (2004) (transcript, 2004 WL 2340185; amicus brief for the United States supporting petitioner, 2004 U.S. S.Ct. Briefs LEXIS 331)

Small v. United States, 544 U.S. 385 (2005) (transcript, 2004 WL 2607532; brief for the United States, 2004 WL 1844488)

Gonzalez v. Crosby, 545 U.S. 524 (2005) (transcript, 2005 WL 1047257; amicus brief for the United States supporting respondent, 2005 WL 760331)

Dolan v. U.S. Postal Service, 546 U.S. 481 (2006) (transcript, 2005 WL 3095496; brief for the respondents, 2005 WL 2250501)

Arkansas Dep't of Human Servs. v. Ahlborn, 547 U.S. 268 (2006) (transcript, 2006 WL 531270; amicus brief for the United States supporting petitioners, 2005 WL 3226397)

Washington v. Recuenco, 548 U.S. 212 (2006) (transcript, 2006 WL 1063290)

Safeco Ins. Co. v. Burr, 551 U.S. 47 (2007) (transcript, 2007 WL 102644; amicus brief for the United States supporting petitioners, 2006 WL 3336481)

Fry v. Pliler, 551 U.S. 112 (2007) (transcript, 2007 WL 837149)

Sole v. Wyner, 551 U.S. 74 (2007) (transcript, 2007 WL 1135592; amicus brief for the United States supporting petitioner, 2007 WL 621860)

United States v. Clintwood Elkhorn Mining Co., 553 U.S. 1 (2008) (transcript, 2008 WL 760427; brief in opposition, 2007 WL 3270377; brief for the respondents, 2007 WL 3270377)

United States v. Stevens, 130 S. Ct. 1577 (2010) (transcript, 2009 WL 3187229; brief for the respondent, 2009 WL 2191081)

Samantar v. Yousuf, 130 S. Ct. 2278 (2010) (transcript, 2010 WL 723449; brief for the respondents, 2010 WL 265636)

Gonzalez v. Thaler, 132 S. Ct. 641 (2012) (transcript, 2011 WL 5196311; petition for a writ of certiorari, 2011 WL 86646; reply brief in support of petition for a writ of certiorari, 2011 WL 1881827; brief for petitioner, 2011 WL 3488993; reply brief for petitioner, 2011 WL 4957385)

Filarsky v. Delia, 132 S. Ct. 1657 (2012) (transcript, 2012 WL 123128; brief for petitioner, 2011 WL 5591817; reply brief for petitioner, 2012 WL 78243)

Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak, 132 S. Ct. 2199 (2012) (transcript, 2012 WL 1410076; petition for a writ of certiorari, 2011 WL 3750709; reply brief in support of petition for a writ of certiorari, 2011 WL 5856195; brief for petitioner, 2012 WL 416752; reply brief for petitioner, 2012 WL 1332576)

Arizona v. Inter Tribal Council of Arizona Inc., No. 12-71 (transcript, 2013 WL 1100118; brief for respondents, 2013 WL 166231) (decision pending)

Briefed Cases:

Tompkins v. Texas, 490 U.S. 754 (1989) (reply brief for petitioner, 1988 WL 1026168)

DeWitt v. Foley, 507 U.S. 901 (1993) (motion of appellee to affirm, copy supplied)

DeLeonardis v. Koch, No. 92-1865 (brief for the respondent in opposition, copy supplied) (cert. denied)

Schneider v. United States, No. 94-552 (brief for the United States in opposition, 1994 WL 16100071) (cert. denied)

City of Boerne v. Flores, 521 U.S. 507 (1997) (brief for the United States, 1997 WL 13201; brief for United States in opposition, 1996 WL 33413750)

Quality King Distributors, v. L'Anza Research Int'l, 523 U.S. 135 (1998) (amicus brief for the United States supporting respondent, 1997 WL 588864)

Phillips v. Washington Legal Found., 524 U.S. 156 (1998) (amicus brief for the United States supporting petitioners, 1997 WL 528612)

Kolstad v. American Dental Ass'n, 527 U.S. 526 (1999) (amicus brief for the United States and the EEOC supporting petitioner, 1998 WL 915910)

Kimel v. Florida Bd. of Regents, 528 U.S. 62 (2000) (brief for the United States, 1999 WL 513848; reply brief, 1999 WL 33609325)

Humenansky v. Regents of the Univ. of Minnesota, No. 98-1235 (petition for a writ of certiorari, 1999 WL 33640858) (cert. denied)

United States v. Weatherhead, 528 U.S. 1042 (1999) (petition for a writ of certiorari, copy supplied; reply brief, copy supplied; brief for the petitioner, 1999 WL 988266; reply brief, 1999 WL 1086463; petitioner's motion to vacate the judgment and remand with directions to dismiss the case as moot, copy supplied; reply to respondent's opposition to motion to vacate the judgment and remand the

case with directions to dismiss the case as moot, 1999 U.S. S. Ct. Briefs LEXIS 275)

Alsbrook v. City of Maumelle, No. 99-423 (brief for the United States, copy supplied) (cert. denied)

DeBose v. Nebraska, No. 99-940 (brief for the United States, 1999 WL 33639328) (cert. denied)

United States v. Board of Governors of State Colleges, No. 99-2077 (petition for a writ of certiorari, 2000 WL 34014566) (cert. denied)

Board of Trustees of the Univ. of Alabama v. Garrett, 531 U.S. 356 (2001) (certiorari-stage brief for the United States, 2000 WL 34014929; brief for the United States, 2000 WL 1178761)

Atwater v. City of Lago Vista, 532 U.S. 318 (2001) (amicus brief for the United States supporting respondents, 2000 WL 1673201)

PGA Tour, Inc. v. Martin, 532 U.S. 661 (2001) (amicus brief for the United States supporting respondent, 2000 WL 1873821)

United States v. Snyder, No. 00-554 (petition for a writ of certiorari, 2000 WL 34000581) (cert. denied)

United States Dep't of Justice v. Maydak, No. 00-1507 (petition for a writ of certiorari, 2001 WL 34125473) (cert. denied)

Swierkiewicz v. Sorema N.A., 534 U.S. 506 (2002) (amicus brief for the United States and the EEOC supporting petitioner, 2001 WL 1480828)

Christopher v. Harbury, 536 U.S. 403 (2002) (amicus brief for the United States supporting petitioners, 2002 WL 126371)

Smith v. Doe, 538 U.S. 84 (2003) (amicus brief for the United States supporting petitioners filed *sub nom. Godfrey v. Doe*, copy supplied)

Nevada Dep't of Human Res. v. Hibbs, 538 U.S. 721 (2003) (brief for the United States, 2002 WL 31455490)

Minnesota v. Martin, No. 02-117 (amicus brief for the United States, copy supplied) (cert. denied)

Medical Board v. Hason, 538 U.S. 958 (2003) (brief for the United States, 2003 WL 554506)

Doe v. Chao, 540 U.S. 614 (2004) (brief for the respondent, 2003 WL 22489257)

Elk Grove Unified School District v. Newdow, 542 U.S. 1 (2004) (petition for a writ of certiorari (copy supplied); reply brief (copy supplied); brief for the United States as respondent supporting petitioners, 2003 WL 23051994; reply brief, 2004 WL 522593)

Higbee Co. v. Chapman, No. 02-1646 (amicus brief for the United States, 2004 WL 1204468) (cert. denied)

Tennessee v. Lane, 541 U.S. 509 (2004) (brief for the United States, 2003 WL 22733902)

Regal Cinemas v. Stewmon, No. 03-641 (amicus brief for the United States, 2004 WL 1205203) (cert. denied)

Crawford v. Martinez, 541 U.S. 986 (2004) (brief for petitioners, 2004 WL 1080689; reply brief, 2004 WL 2006590)

Cinemark USA, Inc. v. United States, No. 03-1131 (brief for the United States in opposition, 2004 WL 1204474) (cert. denied)

Crawford v. Riveron-Aguilera, No. 03-1265 (petition for a writ of certiorari, 2004 WL 440855) (cert. denied)

Alcanter v. Pedroso, No. 03-1436 (petition for a writ of certiorari, 2004 WL 838112) (cert denied)

Senger v. Wisconsin Dep't of Health and Family Servs., No. 03-10777 (amicus brief for the United States, 2005 WL 1277852) (cert. denied)

Van Orden v. Perry, 545 U.S. 677 (2005) (amicus brief for the United States supporting respondents, 2005 WL 263790)

McCreary County v. ACLU of Kentucky, 545 U.S. 844 (2005) (amicus brief for the United States supporting petitioners, 2004 WL 2831788)

Benitez v. Mata, 541 U.S. 1084 (2004) (brief for the respondent, 2004 WL 2363184)

Cutter v. Wilkinson, 544 U.S. 709 (2005) (brief for the United States as respondent supporting petitioners, 2004 WL 2961153; reply brief for the United States as respondent supporting petitioners, 2005 WL 593064)

Gonzales v. O Centro Espirita Beneficiente Uniao do Vegetal, 546 U.S. 418 (2006) (petition for a writ of certiorari, 2005 WL 350203; reply brief, 2005 WL

737422, brief for the petitioners, 2005 WL 1650792; reply brief, 2005 WL 2646470; emergency application for a temporary stay and motion for a stay of preliminary injunction, copy supplied)

United States v. Georgia, 546 U.S. 151 (2006) (petition for a writ of certiorari, 2005 WL 562197; reply brief, 2005 WL 952241; brief for the United States, 2005 WL 1811401; reply brief, 2005 WL 2841655)

Brigham City v. Stuart, 547 U.S. 398 (2006) (amicus brief for the United States supporting petitioner, 2006 WL 448210)

Lopez v. Gonzales, 549 U.S. 47 (2006) (brief for the respondent, 2006 WL 2474082).

Gonzales v. Thomas, 547 U.S. 183 (2006) (petition for a writ of certiorari, 2005 WL 2875043; reply brief, 2006 WL 189809; supplemental brief, 2006 WL 897020)

United States v. Nebraska Dep't of Health and Human Servs. Finance and Support, 547 U.S. 1067 (2006) (petition for a writ of certiorari, 2005 WL 3464498; reply brief, 2006 WL 703884) (certiorari granted, decision vacated, and case remanded)

Gonzales v. Tchoukhrova, 549 U.S. 801 (2006) (petition for a writ of certiorari, 2006 WL 1221857; reply brief, 2006 WL 2425778) (certiorari granted, decision vacated, and case remanded)

Hein v. Freedom from Religion Found., 551 U.S. 587 (2007) (petition for a writ of certiorari, 2006 WL 2161324; reply brief, 2006 WL 3357057; brief for petitioners, 2007 WL 62299; reply brief, 2007 WL 760512)

Gonzales v. Gao, 552 U.S. 801 (2007) (petition for a writ of certiorari, 2007 WL 835007; reply brief, 2007 WL 1911532) (certiorari granted, decision vacated, and case remanded)

United States v. Rodriguez, 553 U.S. 377 (2008) (petition for a writ of certiorari, 2007 WL 1684900)

Quanta Computer, Inc. v. LG Elecs., Inc., 553 U.S. 617 (2008) (amicus brief of the Biotechnology Industry Organization supporting neither party, 2007 WL 3353099)

John R. Sand & Gravel Co. v. United States, 552 U.S. 130 (2008) (amicus brief of the Metamora Group supporting respondent, 2007 WL 2843830)

Meacham v. Knolls Atomic Power Lab., 554 U.S. 84 (2008) (amicus brief of the Chamber of Commerce supporting respondents, 2008 WL 1744863)

Sanchez-Aran v. United States, No. 07-536 (petition for a writ of certiorari, 2007 WL 3101390) (cert. denied)

Progress Energy, Inc. v. Taylor, No. 07-539 (petition for a writ of certiorari, 2007 WL 3129916; reply brief, 2007 WL 4613641; supplemental brief, 2008 WL 2305816) (cert. denied)

Negusie v. Mukasey, 552 U.S. 1255 (2008) (amicus brief of the Human Rights First, American Immigration Lawyers Association, Human Rights Watch, and U.S. Committee for Refugees and Immigrants supporting petitioner, 2008 WL 2597010)

Carcieri v. Kempthorne, 555 U.S. 991 (2008) (amicus brief of the Narragansett Indian Tribe supporting respondents, 2008 WL 4080368)

Sprint Commc'ns Co. v. APCC Servs., Inc., 554 U.S. 269 (2008) (petition for a writ of certiorari, 2007 WL 4377581; reply brief, 2007 WL 3143560; brief for petitioners, 2007 WL 3143560; reply brief for petitioners, 2008 WL 1721901)

City of Pleasant Grove v. Sumnum, 555 U.S. 460 (2009) (brief for petitioners, 2008 WL 2445506; reply brief for petitioners, 2008 WL 4264486)

Lawler v. Nara, No. 07-733 (brief for the respondent in opposition, 2008 WL 623186) (cert. denied)

Radian Guar., Inc. v. Whitfield, 553 U.S. 1091 (2008) (petition for a writ of certiorari, 2007 WL 4618413; suggestion of mootness and motion to vacate the judgment of the court of appeals, 2008 WL 1989683) (vacatur granted)

Centerior Energy Corp., v. Mikulski, No. 07-961 (petition for a writ of certiorari, 2008 WL 194304; reply brief, 2008 WL 1803447) (cert. denied)

Tyson Foods v. DeAsencio, No. 07-1014 (petition for a writ of certiorari, 2008 WL 336224; reply brief, 2008 WL 2155251) (cert. denied)

Cone v. Bell, 556 U.S. 449 (2009) (petition for a writ of certiorari, 2008 WL 534796; reply brief, 2008 WL 2199932; brief for petitioner, 2008 WL 4181882; reply brief for petitioner, 2008 WL 5130442)

Wilcox v. United States, No. 07-1336 (brief in opposition to cross-petition for certiorari, 2008 WL 3606947) (cert. denied)

Level 3 Commc'ns, LLC v. City of St. Louis, No. 08-626 (petition for a writ of certiorari, 2008 WL 4887724; reply brief, 2008 WL 5456711; supplemental brief, 2009 WL 1640373) (cert. denied)

Sprint Telephony PCS, LP v. San Diego County, No. 08-759 (amicus brief of Level 3 Communications supporting neither party, 2008 WL 5456713) (cert. denied)

Hamilton v. Lanning, 130 S. Ct. 2464 (2010) (brief for the respondent, 2010 WL 342041)

Wiggenhorn v. AXA Equitable Life Ins. Co., No. 08-1340 (brief in opposition, 2009 WL 2473871) (cert. denied)

Sossamon v. Texas, 131 S. Ct. 1651 (2011) (petition for a writ of certiorari, 2009 WL 1430027; reply brief, 2009 WL 2419166; supplemental brief, 2010 WL 1321419; brief for petitioner, 2010 WL 3066225; reply brief for petitioner, 2010 WL 4216268)

Brown v. Entertainment Merchants Ass'n, 130 S. Ct. 2398 (2010) (amicus brief of Social Scientists, Medical Scientists, and Media Effects Scholars supporting respondents, 2010 WL 3697191)

United States v. O'Brien, 130 S. Ct. 2169 (2010) (brief for respondent, 2010 WL 181571)

Johnson v. United States, 130 S. Ct. 1265 (2010) (amicus brief of the National Association of Criminal Defense Lawyers supporting petitioner, 2009 WL 1580306)

Thompson v. North American Stainless, 131 S. Ct. 863 (2011) (amicus brief of the Chamber of Commerce supporting respondent, 2010 WL 4339890)

Cardinal v. Metrish, No. 09-109 (petition for a writ of certiorari, 2009 WL 2248364; reply brief, 2009 WL 3327379) (cert. denied)

USI MidAtlantic, Inc. v. William A. Graham Co., No. 09-262 (petition for a writ of certiorari, 2009 WL 2864358; reply brief, 2009 WL 3327384) (cert. denied)

Ferguson v. Holder, No. 09-263 (petition for a writ of certiorari, 2009 WL 2842077; reply brief, 2010 WL 604636) (cert. denied)

Alaska v. Equal Employment Opportunity Comm'n, No. 09-384 (petition for a writ of certiorari, 2009 WL 3162190; reply brief, 2009 WL 4875828) (cert. denied)

Stolt-Nielson SA v. AnimalFees Int'l Corp, 559 U.S. 662 (2010) (amicus brief of the American Arbitration Association in support of neither party, 2007 WL 2896309)

Staub v. Proctor Hospital, 131 S. Ct. 1186 (2011) (brief for petitioner, 2010 WL 2690585; reply brief, 2010 WL 3905492)

People of Bikini v. United States, No. 09-499 (petition for a writ of certiorari, 2009 WL 3476314; reply brief, 2010 WL 942804) (cert. denied)

United States v. Tohono O'odham Nation, 131 S. Ct. 1723 (2011) (amicus brief of the Osage Nation supporting respondent, 2010 WL 3501191)

City of Warren v. Moldowan, No. 09-1149 (reply brief, 2010 WL 2225520) (cert. denied)

FCC v. AT&T, 131 S. Ct. 1177 (2011) (amicus brief of the Chamber of Commerce supporting respondent, 2010 WL 5275249)

National Football League v. Williams, No. 09-1380 (petition for a writ of certiorari, 2010 WL 1932622; reply brief, 2010 WL 4022689) (cert. denied)

Worldwide Network Servs., LLC v. DynCorp Int'l LLC, No. 10-11 (petition for a writ of certiorari 2010 WL 2604156; reply brief, 2010 WL 3501250) (cert. denied)

Microsoft v. i4i Limited P'ship, 131 S. Ct. 2238 (2011) (amicus brief of the Biotechnology Industry Organization, Association of University Technology Managers, and CropLife International supporting respondents, 2011 WL 1059617)

Osage Nation v. Irby, No. 10-537 (petition for a writ of certiorari, 2010 WL 4163767; reply brief, 2011 WL 220695; supplemental brief for the petitioner, 2011 WL 2213715) (cert. denied)

Super Duper, Inc. v. Mattel, Inc., No. 10-603 (amicus brief of The Stuttering Foundation, Great Ideas for Teaching, Inc., and Speak Up for Say supporting petitioner, 2010 WL 5043330) (cert. denied)

City of Loveland v. Board of Comm'rs of Hamilton County, No. 10-965 (petition for a writ of certiorari, 2011 WL 291139; reply brief, 2011 WL 1393826) (cert. denied)

Freund v. Société Nationale Des Chemins De Fer Français, No. 10-1314 (petition for a writ of certiorari, 2011 WL 1594674; reply brief, 2011 WL 2678215) (cert. denied)

Fast Break Foods LLC v. Saudi Arabian Oil Co., No. 10-1393 (brief in opposition, 2011 WL 2837933) (cert. denied)

Gila River Indian Cmty. v. Lyon, No. 11-80 (petition for a writ of certiorari, 2011 WL 2838030; reply brief, 2011 WL 4594311) (cert. denied)

National Fed. of Indep. Bus. v. Sebelius, 132 S. Ct. 2566 (2012) (amicus brief of America's Health Insurance Plans in partial support of certiorari, 2011 WL 5128125; amicus brief of America's Health Insurance Plans and the Blue Cross Blue Shield Association supporting reversal of the court of appeals' severability judgment, 2012 WL 72449)

Janssen Biotech, Inc. v. Abbott Labs., No. 11-596 (petition for a writ of certiorari, 2011 WL 5548738; reply brief, 2012 WL 135304) (cert. denied)

Fisher v. Univ. of Texas at Austin, No. 11-345 (amicus brief of Former Commissioners and General Counsel of the Federal Communications Commission and the Minority Media and Telecommunications Council supporting respondents, 2012 WL 3527851)

Bowman v. Monsanto Co., No. 11-796 (amicus brief of the Biotechnology Industry Organization supporting respondents, 2013 WL 267024)

Comcast Corp. v. Behrend, 133 S. Ct. 1426 (2013) (amicus brief of Economists supporting neither party, 2012 WL 3716866)

Sebelius v. Auburn Regional Medical Ctr., 133 S. Ct. 817 (2013) (brief for the respondents, 2012 WL 5078760)

Ferguson v. Florida, No. 12-6812, 12A390 & 12A402 (brief of the American Bar Association as amicus curiae in support of petitioner and urging stay of execution, copy supplied)

Chafee v. United States, No. 12-223 (joint motion to stay the mandate or, in the alternative, for a temporary stay of the mandate, copy supplied; petition for a writ of certiorari, 2012 WL 3596976; reply brief, 2012 WL 6204236) (cert. denied)

United States v. Windsor, No. 12-307 (court-appointed amicus brief addressing jurisdiction, 2013 WL 315234; court-appointed amicus reply brief on jurisdiction, 2013 WL 1143557)

Adoptive Couple v. Baby Girl, No. 12-399 (amicus brief of Casey Family Programs, Child Welfare League of America, Children's Defense Fund, Donaldson Adoption Institute, North American Council on Adoptable Children,

Voice for Adoption, and Twelve other National Child Welfare Organizations as Amici Curiae in support of Respondent Birth Father, 2013 WL 1279468)

Limelight Networks, Inc. v. Akamai Techs., Inc., No. 12-786, 12-800 (amicus brief of CTIA-The Wireless Association, Consumer Electronics Association, and MetroPCS Wireless, Inc., supporting petitioners, 2013 WL 442508) (cert. pending)

Suggs v. United States, No. 12-978 (petition for a writ of certiorari, 2013 WL 476443; reply brief, 2013 WL 1751490) (cert. denied)

American Beverage Ass'n v. Snyder, No. 12-1344 (conditional cross-petition for a writ of certiorari, 2013 WL 1945151) (cert. pending)

Samantar v. Yousuf, et al., No. 12-1078 (brief in opposition, 2013 WL 2316709) (cert. pending)

Momenta Pharm., et al. v. Amphastar Pharm., et al., No. 12-1033 (brief in opposition, 2013 WL 2316705) (cert. pending)

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. *American Beverage Ass'n v. Snyder, et al.*, No. 11-2097, 700 F.3d 796 (6th Cir. amended opinion, Jan. 7, 2013) (Judges Clay & Sutton; Judge Rice, DJ). I initiated this case in the District Court for the Western District of Michigan on behalf of the American Beverage Association in February 2011, challenging the constitutionality under the dormant Commerce Clause of a Michigan law mandating that designated beverage containers be packaged exclusively for sale in Michigan and forbidding the sale in Michigan of beverages packaged for sale in all or almost all other States. When summary judgment was denied, I obtained certification for an interlocutory appeal to the Sixth Circuit and briefed and argued the appeal. The issue before the Sixth Circuit was

whether Michigan's law requiring that interstate beverage companies manufacture and sell, on pain of criminal penalty, a unique-to-Michigan product that could not be sold in any other state without Michigan's advance permission violates the dormant Commerce Clause as (i) impermissibly extraterritorial, (ii) discriminatory against interstate commerce, or (iii) imposing an undue burden on interstate commerce. The Sixth Circuit held that Michigan's law was unconstitutionally extraterritorial and therefore invalid.

Co-Counsel:
Hyland Hunt
Akin Gump Strauss Hauer & Feld LLP
1700 Pacific Avenue, Suite 4100
Dallas, TX 75201
(214) 969-2800

Counsel for Appellees (Opposing Counsel):
John Bursch, Solicitor General
G. Mennen Williams Building, Seventh Floor
525 West Ottawa Street
Lansing, MI 48909
(517) 373-3826

2. *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*, 132 S. Ct. 2199 (2012). I was lead Supreme Court counsel for the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians commencing in approximately May 2011. The case arose from a challenge by Mr. Patchak, a member of the township in which the Band acquired a portion of land, to the Secretary of Interior's decision to take land into trust for the Band. After the district court dismissed his case on prudential standing and Quiet Title Act grounds, the D.C. Circuit reversed. I successfully obtained certiorari review, along with a parallel petition filed by the U.S. Solicitor General. The questions before the Supreme Court were (1) whether the Quiet Title Act's reservation of the United States' sovereign immunity in suits involving "trust or restricted Indian lands" applies to a suit seeking to strip the United States' title to the land or only to suits in which the plaintiff claims a legal interest in the land, and (2) whether Mr. Patchak had prudential standing to sue under the Quiet Title Act. I was responsible for leading the briefing and conducting the oral argument. The Supreme Court held that the Quiet Title Act's reservation of immunity applies only to suits in which the plaintiff asserts a legal interest in the land and that Mr. Patchak had prudential standing.

Co-Counsel:
James Meggesto
James Tysse
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036
(202) 887-4000

Michael Small
Akin Gump Strauss Hauer & Feld LLP
2029 Century Park East, Suite 2400
Los Angeles, CA 90067
(310) 229-1000

Amit Kurlekar
Akin Gump Strauss Hauer & Feld LLP
580 California Street, Suite 1500
San Francisco, CA 94104
(415) 765-9571

Conly J. Schulte
Shilee T. Mullin
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, CO 80302
(303) 673-9600

Counsel for Co-Petitioner Ken Salazar, Secretary of Interior:
Donald B. Verilli, Jr., Solicitor General
Edwin S. Kneedler, Deputy Solicitor General
Eric Miller
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2000

Counsel for Respondent (Opposing Counsel):
Daniel Ettinger
Matthew Nelson
Warner, Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, NW
Grand Rapids, MI
(616) 752-2000

3. *Filarsky v. Delia*, 132 S. Ct. 1657 (2012). After certiorari was granted, I was lead Supreme Court counsel for Mr. Filarsky, the petitioner, commencing in approximately November 2011 and concluding in August 2012. The case arose from a lawsuit filed by Mr. Delia against Mr. Filarsky and numerous municipal government officials in the City of Rialto, California under 42 U.S.C. § 1983. The City had hired Mr. Filarsky, a private attorney, to assist with the conduct of an internal affairs investigation of Mr. Delia, a firefighter. Mr. Delia filed suit alleging that the Fire Department's demand that he produce evidence to verify the legitimacy of his absences from work violated the Fourth and Fourteenth Amendments. The question before the Supreme Court was whether

private attorneys temporarily retained by state and local governments enjoy qualified immunity for their conduct while employed by the government to the same extent that government officials do. I was responsible for leading the briefing and conducting the oral argument. The Supreme Court held that private individuals temporarily retained by governments are entitled to the protections of the qualified immunity doctrine to the same extent as full-time government employees.

Co-Counsel:
James Sherry
James Tysse
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036
(202) 887-4000

Barry Chasnoff
Akin Gump Strauss Hauer & Feld LLP
300 Convent Street, Suite 1500
San Antonio, TX 78205
(210) 829-0406

Amit Kurlekar
Akin Gump Strauss Hauer & Feld LLP
580 California Street, Suite 1500
San Francisco, CA 94104
(415) 765-9571

Jon H. Tisdale
Jennifer Calderon
Gilbert, Kelly, Crowley & Jenett LLP
1055 West Seventh Street, Suite 2000
Los Angeles, CA 90017
(213) 615-7077

Counsel for Respondent (Opposing Counsel):
Michael McGill
Lackie, Dammeier & McGill
367 North Second Avenue
Upland, CA 91786
(909) 985-4003

4. *Samantar v. Yousuf*, 130 S. Ct. 2278 (2010). I was lead Supreme Court counsel for respondents, Mr. Yousuf and Mr. Deria, as well as three Somaliland residents, commencing in October 2010. This case arose from a lawsuit they brought against Mr. Samantar, a former Defense Minister of the Barre regime in Somalia. They filed suit under the Alien Tort Statute and the Torture Victims Protection Act for atrocities, including torture, rape, and extrajudicial killing, that Mr. Samantar ordered and were

committed against them and their family members. The issue before the Supreme Court was whether Mr. Samantar, as a former foreign government official, was entitled to immunity under the Foreign Sovereign Immunities Act. I was responsible for leading the briefing and conducting the oral argument. The Supreme Court held that the Foreign Sovereign Immunities Act does not apply to former government officials sued in their personal capacity for monetary relief.

Co-Counsel:

Mark MacDougall
Tom Goldstein
Steve Schulman
Lauren Kerwin
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036
(202) 887-4000

Beth Stephens
Pamela Merchant
Andrea Evans
Kathleen Roberts
Natasha Fain
Center for Justice & Accountability
870 Market Street, Suite 682
San Francisco, CA 94102
(415) 544-0444

Pamela Karlan
Jeffrey Fisher
Stanford Law School Supreme Court Litigation Clinic
559 Nathan Abbott Way
Stanford, CA 94305
(650) 724-7081

Robert Vieth
Lori Ploeger
Maureen Alger
Kyle Wong
Cooley, Godward, Kronish LLP
One Freedom Square
11951 Freedom Drive
Reston, VA 20190
(703) 456-8000

Amy Howe
Kevin Russell
Howe & Russell PC

7272 Wisconsin Avenue, NW
Bethesda, MD 20814
(202) 262-0367

Counsel for Petitioner (Opposing Counsel):
Shay Dvoretzky
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001
(202) 879-3474

5. *United States v. Stevens*, 130 S. Ct. 1577 (2010). I was lead Supreme Court counsel for Mr. Stevens on direct appeal of his criminal conviction, commencing in approximately February 2009. Mr. Stevens was a published author of a book about pit bull dogs and had made documentaries about the dogs, their dog fighting history, and dog fighting in Japan. He was convicted under 18 U.S.C. § 48 for selling depictions of animal cruelty. The question before the Supreme Court was whether that law criminalizing speech was facially invalid or unconstitutionally overbroad under the Free Speech Clause of the First Amendment. I was responsible for leading the briefing and conducting the oral argument. The Supreme Court ruled that the law was unconstitutionally overbroad and affirmed the Third Circuit's decision overturning his conviction.

Co-Counsel:
Tom Goldstein
Kevin Amer
Monica Sekhon
Faith Barter
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036
(202) 887-4000

Jeffrey Fisher
Jeffrey Fisher
Stanford Law School Supreme Court Litigation Clinic
559 Nathan Abbott Way
Stanford, CA 94305
(650) 724-7081

Robert Corn Revere
Davis Wright Tremaine
1919 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 973-4225

Lisa Freeland
Michael Novara
Karen Sirianni Gerlach
Office of the Federal Public Defender
1450 Liberty Center
Pittsburgh, PA 15222
(412) 644-6565

Counsel for Petitioner (Opposing Counsel):
Neal Katyal, Deputy Solicitor General
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2000

6. *Van Orden v. Perry*, 545 U.S. 677 (2005). The United States participated as amicus curiae in this case to defend the propriety of a Ten Commandments display on public property when presented as part of a larger display commemorating state history and culture. From late 2004 to 2005, while an Assistant in the Solicitor General's Office, I drafted the United States' brief, subject to the supervision of the Solicitor General, and was responsible for assisting in preparing the Solicitor General for oral argument. The Supreme Court held that the display was consistent with the Establishment Clause.

Co-Counsel:
Paul D. Clement, Acting Solicitor General
Office of the Solicitor General
Peter D. Keisler, Assistant Attorney General
Gregory G. Katsas, Deputy Assistant Attorney General
Robert M. Loeb
Lowell V. Sturgill Jr.
Attorneys
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(202) 514-2217

Counsel for Petitioner (Opposing Counsel):
Erwin Chemerinsky, Counsel of Record
Duke University
School of Law
Science Drive & Towerview Road
Durham, NC 27708
(919) 613-7173

Mark Rosenbaum
1616 Beverly Boulevard
Los Angeles, CA 90026
(213) 977-9500

Paul Hoffman
Schonbrun Disimone Seplow
Harris & Hoffman
723 Ocean Front Walk
Venice, CA 90291
(310) 396-0731

Adam B. Wolf
UCLA School of Law
405 Hilgard Avenue
Los Angeles, CA 90095
(310) 206-5454

Counsel for Respondent:

R. Ted Cruz, Solicitor General, Counsel of Record
Greg Abbott, Attorney General of Texas
Barry R. McBee, First Assistant Attorney General
Edward D. Burbach, Deputy Attorney General for Litigation
Don R. Willett, Deputy Attorney General for Legal Counsel
Joel L. Thollander, Assistant Solicitor General
Amy Warr, Assistant Solicitor General
Paul Michael Winget-Hernandez, Assistant Attorney General
P.O. Box 12548 (MC 059)
Austin, TX 78711-2548
(512) 936-1700

7. *Cutter v. Wilkinson*, 544 U.S. 709 (2005). The United States intervened in this case brought by Ohio prisoners to defend the constitutionality of the institutionalized persons provision of the Religious Land Use and Institutionalized Persons Act of 2000 against the State of Ohio's argument that the law violated the Establishment Clause of the First Amendment, exceeded Congress's legislative power under the Commerce and Spending Clauses, and violated the Tenth and Eleventh Amendments. From 2003 to 2005, while an Assistant in the Solicitor General's Office, I drafted the United States' brief, subject to the supervision of the Solicitor General, and was responsible for preparing the government attorney arguing the case for oral argument. The Supreme Court held that the Act was a proper exercise of congressional power and comported with the Establishment Clause.

Co-Counsel:
Paul Clement, Solicitor General
Office of the Solicitor General

Mark Stern
Civil Division, Appellate Staff
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2000

Counsel for Co-Petitioner:
Professor David Goldberger
Ohio State University School of Law
55 West 12th Avenue
Columbus, OH 43210
(614) 292-1536

Counsel for Respondent (Opposing Counsel):
Doug Cole, State Solicitor
30 East Broad Street
Columbus, OH 43215
(614) 466-8980

8. *Tennessee v. Lane*, 541 U.S. 509 (2004). The United States intervened in this case to defend the constitutionality of Title II of the Americans with Disabilities Act as applied to the States. From approximately 2002 to 2004, while an Assistant in the Solicitor General's Office, I drafted the United States' brief, subject to the supervision of the Solicitor General, and was responsible for preparing the government attorney arguing the case for oral argument. The Supreme Court held that Title II reflected a constitutional exercise of Congress's legislative power under Section 5 of the Fourteenth Amendment to prevent and remedy disability discrimination as applied to claims of access to the courts, and thus could be constitutionally applied to state and local governments in that context.

Co-Counsel:
Theodore Olson, Solicitor General
Paul Clement, Deputy Solicitor General
Office of the Solicitor General
Kevin Russell
Civil Rights Division, Appellate Staff
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2000

Counsel for Co-Respondent:
William Brown
William J. Brown & Assoc.
23 North Ocoee Street

Cleveland, TN 37364
(423) 476-4515

Counsel for Petitioner (Opposing Counsel):
Michael Moore, Solicitor General
Office of the Tennessee Attorney General
P.O. Box 20207
Nashville, TN 37202
(615) 741-3226

9. *Smith v. Doe*, 538 U.S. 84 (2003). This case involved a challenge under the Ex Post Facto Clause to Alaska's Sex Offender Registration Act. The United States participated as amicus curiae in this case to defend the Act's constitutionality because a separate federal law, the Jacob Wetterling Crimes Against Children and Law Enforcement Act, 42 U.S.C. §§ 14071 *et seq.* encourages States to adopt such registration systems. From approximately February 2002 to March 2003, while an Assistant in the Solicitor General's Office, I drafted the United States' brief, subject to the supervision of the Solicitor General, and was responsible for assisting in preparing the Solicitor General for oral argument. The Supreme Court held that the Act did not violate the Ex Post Facto Clause.

Co-Counsel:
Theodore B. Olson, Solicitor General
Office of the Solicitor General
Robert McCallum, Assistant Attorney General
Michael Dreeben, Deputy Solicitor General
Leonard Schaitman
Mark W. Pennak
Wendy M. Keats
Attorneys
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530
(202) 514-2217

Counsel for Petitioner:
John G. Roberts, Jr.
Jonathan S. Franklin
Catherine E. Stetson
Cynthia M. Cooper
Hogan & Hartson L.L.P.
555 Thirteenth St., N.W.
Washington, DC 20004
(202) 637-5810

Bruce M. Botelho, Attorney General
State of Alaska
Department of Law
P.O. Box 110300
Juneau, AK 99811
(907) 465-3600

Cynthia M. Cooper
3410 Southbluff Circle
Anchorage, AK 99515
(907) 349-3483

Counsel for Respondent (Opposing Counsel):
Verne E. Rupright
Rupright & Foster
1322 Main Street
Wasilla, AK 99654
(907) 373-3215

Darryl L. Thompson
Darryl L. Thompson P.C.
841 I Street
Anchorage, AK 99501
(907) 272-9322

10. *Nevada Dep't of Human Res. v. Hibbs*, 538 U.S. 721 (2003). The United States intervened in this case to defend the constitutionality of the Family and Medical Leave Act of 1993 as applied to the States as employers. From January 2001 to June 2002, while an Assistant in the Solicitor General's Office, I drafted the United States' brief, subject to the supervision of the Solicitor General, and was responsible for preparing the government attorney arguing the case for oral argument. The Supreme Court held that the Act reflected a constitutional exercise of Congress's legislative power under Section 5 of the Fourteenth Amendment to prevent and remedy gender discrimination, and thus could be constitutionally applied to state and local governments.

Co-Counsel:
Theodore Olson, Solicitor General
Paul Clement, Deputy Solicitor General
Office of the Solicitor General
Viet Dinh, Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2000

Mark Stern
Civil Division, Appellate Staff
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2000

Counsel for Co-Respondent:
Professor Nina Pillard
Georgetown Law Center
600 New Jersey Avenue, NW
Washington, DC 20001
(202) 662-9391

Counsel for Petitioner (Opposing Counsel):
Charles Hilsabeck, Deputy Attorney General
Office of the Nevada Attorney General
1325 Airmotive Way
Reno, NV 89502
(775) 688-1818

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

I have not performed lobbying activity on behalf of any client or organization, and I am not and have never been a registered lobbyist. The overwhelming focus of my practice has involved litigation, preparation for litigation, or the evaluation of legal options in light of potential litigation risks. While in private practice, I have on occasion provided strategic counseling to clients about the advantages and risks of potential courses of conduct or on the potential impact of pending litigation involving others on their own operations and business decision making.

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.

From 1993 to 1996, I co-taught a course on legal writing and oral advocacy skills to first-year law students at the George Washington University Law School. I have been unable to obtain a copy of the syllabi.

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

My law firm has a partner retirement plan that is a defined benefit plan in which I am fully vested. The vested funds can be rolled over into another qualified retirement plan were I to leave the firm. Otherwise, I have no arrangements to receive deferred compensation or future benefits from previous business relationships.

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 during judicial service if 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.

The starting point for potential conflicts of interest would be full and scrupulous adherence to the Code of Conduct for United States Judges, including its recent amendments supporting recusal when impartiality could be reasonably questioned, and to the codes of conduct prescribed by my State Bars. I would permanently recuse from any litigation I was involved in while at the law firm. I would recuse myself from cases in which my law firm represents a party until all financial ties are severed and a proper cooling off period has passed. I would also

recuse myself from cases involving former clients for an appropriate cooling off period. My husband is employed by the Florida Sugar Cane League, and any case involving that entity or affecting its financial interests would trigger recusal. My husband and I own no stocks (other than indirectly through 401k plans), nor do our children. Cases that could substantially affect the financial interests of other relatives (within the third degree of relationship) would also require recusal, pursuant to the Code of Conduct, as would cases reasonably suggesting an appearance of impropriety.

- 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 err on the side of recusal if my involvement would raise an appearance of impropriety, unless the Chief Judge or the ethics official at the Administrative Office of the U.S. Courts advised that the rule of necessity applied. If I am unsure, I would consult the governing Code and state bar rules, and would seek the advice of relevant ethics officials in the Administrative Office. I would also seek the advice of more experienced judges.

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.

During my two years at Miller & Chevalier, I devoted substantial time to representing Mr. Tompkins, who was on death row in Texas, and obtained a commutation of his sentence. I also represented the Salvation Army pro bono in a small claims court trial.

During my time in government service, I was prohibited from participating in legal pro bono litigation work. I did, however, continue to participate in non-legal community service. While clerking for Judge Tang, I served meals to the homeless on the streets of Phoenix each week. I also worked as a volunteer at a day care center devoted to children who live in homeless or battered women's shelters and volunteered directly with the children at a local battered women's shelter. While at the Justice Department, I began serving (and have continued to serve for almost 20 years) as a literacy tutor. I also am currently engaged in homeless ministries through my church, such as sleeping overnight as a monitor and preparing dinners at the Hypothermia Shelter, providing fresh produce to local homeless shelters every week, and visiting the sick, grieving, and home-bound members of the church community.

While at Akin Gump Strauss Hauer & Feld LLP, I have engaged in substantial pro bono legal representation, receiving two firm awards for pro bono service. I have represented numerous indigent criminal defendants and pro bono civil clients in cases in the Supreme Court and courts of appeals, including the *Stevens* and *Samantar* cases in the Supreme Court, and *People of Bikini v. United States*, No. 07-5175, in the Federal Circuit, and the

Samantar case on remand to the Fourth Circuit. Another illustration is *Gonzalez v. Thaler*, 132 S. Ct. 641 (2012), in which I represented an individual incarcerated in Texas state prison. His conviction, which turned entirely on decade-old eyewitness testimony, presented one of the longest delays between indictment and prosecution, and thus one of the most significant speedy trial issues, documented in Supreme Court case law. We successfully obtained certiorari review and a partial victory for Mr. Gonzalez when the Supreme Court held that the failure of a court to identify the substantial constitutional question presented was not jurisdictional and that Mr. Gonzalez's appeal was proper (but we did not succeed on a timeliness question).

26. Selection Process:

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

There is no judicial selection commission for this position. In January 2012, officials from the White House Counsel's Office discussed with me the possibility of my being considered to fill a vacancy on the D.C. Circuit. On February 9, 2012, I met with the White House Counsel to discuss my interest. I was contacted again by an official from the White House Counsel's Office in March 2013 to discuss whether I continued to be interested in being considered for nomination to the D.C. Circuit. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice and the White House Counsel's Office. On May 9, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On June 4, 2013, 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, Patricia Ann Millett, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

June 4, 2013

(DATE)

Patricia Ann Millett

(NAME)

Angela Akins Staton

(NOTARY)



Angela Akins Staton
Notary Public, District of Columbia
My Commission Expires January 1, 2016