

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rachel Sarah Bloomekatz

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

United States Circuit Judge for the Sixth 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.

Bloomekatz Law LLC
1148 Neil Avenue
Columbus, Ohio 43201

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

1982; Southfield, Michigan

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.

2005 – 2008, UCLA School of Law; J.D. (Order of the Coif), 2008

2000 – 2004, Harvard College; A.B. (*magna cum laude*), 2004

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.

2019 – present
Bloomekatz Law LLC
1148 Neil Avenue
Columbus, Ohio 43201
Principal

Fall 2015, Spring 2020, Spring 2022
The Ohio State University Moritz College of Law
Drinko Hall, 55 West 12th Avenue
Columbus, Ohio 43210
Adjunct Professor

2019
Universidad Católica del Uruguay, Facultad de Derecho
Avenida 8 de Octubre 2738
116600 Montevideo
Departamento de Montevideo, Uruguay
Visiting Professor

2016 – 2019
Gupta Wessler PLLC
2001 K Street, Northwest, Suite 850
Washington, DC 20006
Principal

2013 – 2015
Jones Day
325 John H. McConnell Boulevard, Suite 600
Columbus, Ohio 43215
Associate, Issues & Appeals Practice Group

Fall 2012
Friends of Sherrod Brown
3867 West Market Street, Suite 289
Akron, Ohio 44333
Legal Director, Campaign to Reelect Senator Sherrod Brown

2011 – 2012
Supreme Court of the United States
One First Street, Northeast
Washington, DC 20543
Law Clerk to the Honorable Stephen G. Breyer

2010 – 2011
Office of the Massachusetts Attorney General
One Ashburton Place
Boston, Massachusetts 02109
Assistant Attorney General, Government Bureau

2009 – 2010
Massachusetts Supreme Judicial Court

One Pemberton Square, Suite 2500
Boston, Massachusetts 02108
Law Clerk to the Honorable Margaret H. Marshall

2008 – 2009
United States Court of Appeals for the Second Circuit
157 Church Street, 18th Floor
New Haven, Connecticut 06510
Law Clerk to the Honorable Guido Calabresi

Fall 2007
United States District Court for the Southern District of Ohio
Joseph P. Kinneary United States Courthouse
85 Marconi Boulevard
Columbus, Ohio 43215
Extern to the Honorable Algenon L. Marbley

Summer 2007
Hadsell, Stormer, Rennick & Dai LLP
128 North Fair Oaks Avenue
Pasadena, California 91103
Summer Associate

Fall 2006
Bet Tzedek Legal Services
3250 Wilshire Boulevard, Suite 1300
Los Angeles, California 90010
Law Clerk, Equal Justice America Legal Services Fellowship

Summer 2006
Southern Poverty Law Center
400 Washington Avenue
Montgomery, Alabama 36104
Legal Intern, Immigrant Justice Project

Spring 2006
Catholic Charities of Los Angeles | Catholic Legal Immigration Network
1531 James M. Wood Boulevard
Los Angeles, California 90015
Legal Intern

Fall 2004
Ohio Democratic Party
340 East Fulton Street
Columbus, Ohio 43215
Deputy Field Organizer, Kerry/Edwards Campaign

Summer 2004
New American Freedom Summer (now defunct)
1775 K Street, Northwest, Suite 620
Washington, DC 20006
Participant

Other affiliations (uncompensated):

2016 – present
Federal Bar Association—Columbus Chapter
Joseph P. Kinneary United States Courthouse
85 Marconi Boulevard
Columbus, Ohio 43215
Executive Board, Secretary (2021 – present)
Executive Board, Member (2016 – present)

2015 – present
Jewish Family Services of Central Ohio
1070 College Avenue
Columbus, Ohio 43209
Board of Directors, Member

2018 – 2022
State and Main Streets, LLC
165 Water Street
Norwalk, Connecticut 06854
Representative for the Katz Family

2013 – 2017
American Constitution Society—Columbus Lawyers Chapter
1899 L Street, Northwest, Suite 200
Washington, DC 20036
Board Member At-Large

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 did not serve in the military. I was not required to register for the selective service.

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

International Municipal Lawyers Association, Amicus Service Award (2022)

Columbus CEO, Future 50 (2022)

Ohio Super Lawyers, Rising Star (2017, 2018, 2019, 2020, 2022)

Columbus Business First, 40 Under 40 (2020)

Sixth Circuit Judicial Conference, Delegate for Chief Judge R. Guy Cole (2018)

American Constitution Society—Columbus Lawyers Chapter, Progressive Young Leadership Award (2017)

Children’s Defense Fund—Ohio, Children’s Champion (2016)

American Immigration Lawyers Association, Michael Maggio Memorial Pro Bono Award (2015) (group award)

UCLA School of Law
 Aaron Award (2008)
 Order of the Coif (2008)
UCLA Law Review, Comments Editor (2007 – 2008)
 Emil Joseph Stache Scholarship (2005 – 2008)
 Julian Eule Prize (2005)

Equal Justice America, Legal Services Fellowship (2006)

Harvard University
Magna Cum Laude (2004)
 David Rockefeller Center for Latin American Studies, Certificate in Latin American Studies (2004)
 Inter-Faculty Committee on Latino Studies, Annual Thesis Award (2004)

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 Association for Justice (2016, 2018 – 2019)

American Constitution Society
 #MeToo Taskforce, Member (2018 – present)
 Columbus Lawyers Chapter, Board Member At-Large (2013 – 2017)

American Law Institute (2022 – present)

The Appellate Project, Mentor (2021 – present)

Boston Bar Association (2010 – 2011)

Columbus Bar Association (approximately 2013 – 2014)

Federal Bar Association—Columbus Chapter
Executive Board, Secretary (2021 – present)
Executive Board, Member (2016 – present)

Law Clerks' Society of the Supreme Judicial Court of Massachusetts (approximately 2009 – 2010)

Ohio Association for Justice (2016, 2020 – present)

Ohio State Bar Association
Best Brief Award Selection Committee (2017 – 2020)
Member (2014, 2016)

United States District Court for the Southern District of Ohio, Rules Committee (2020 – present)

Women Lawyers of Franklin County (approximately 2013 – 2014)

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.

Massachusetts, 2009
Ohio, 2013

There have been no lapses in membership.

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

Supreme Court of the United States, 2015
United States Court of Appeals for the Second Circuit, 2016
United States Court of Appeals for the Third Circuit, 2014
United States Court of Appeals for the Fourth Circuit, 2017
United States Court of Appeals for the Sixth Circuit, 2014
United States Court of Appeals for the Ninth Circuit, 2017
United States Court of Appeals for the Eleventh Circuit, 2016
United States Court of Appeals for the District of Columbia Circuit, 2019

United States District Court for the Southern District of Ohio, 2016
United States Immigration Court, 2014

There have been no lapses in membership.

11. Memberships:

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

Campaign for the Fair Sentencing of Youth, Healing & Hope Convening Committee (2014 – 2016)

Children’s Defense Fund—Ohio, “Beat the Odds” Scholarship Selection Committee (2019)

Jewish Family Services of Central Ohio

Board of Directors, Member (2015 – present)

Resource Development Committee, Chair (2021 – present)

JFS New Leadership Committee, Co-Chair (2021 – present)

Ohio Promote the Vote (2012 – present)

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

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

12. Published Writings and Public Statements:

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

material to the Committee.

Since 2021, my law firm has maintained a website (www.bloomekatzlaw.com). I prepared the web content and have overall responsibility for the website.

Comment, *Rethinking Immigration Status Discrimination and Exploitation in the Low-Wage Workplace*, 54 UCLA L. Rev. 1963 (2007). Copy supplied.

Seeds of the Future, ReVista: Harvard Review of Latin America, David Rockefeller Center for Latin American Studies, Harvard University (Spring 2002), at 36. Copy supplied.

Fuentes Says Politics Influenced Writing, Harvard Crimson (Nov. 20, 2000). Copy supplied.

Vigil Mourns Deaths of Palestinian Civilians, Harvard Crimson (Oct. 20, 2000). 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.

Jewish Family Services of Central Ohio publishes an annual report summarizing the agency's work. I am listed in the reports as a board member. I did not draft, edit, comment on, or otherwise participate in the reports' creation. Copies of the 2019, 2020, and 2021 annual reports supplied.

On September 17, 2018, I participated in a conference hosted by the Yale Collaboration for Research Integrity and Transparency (CRIT) on the use of protective orders in medical product litigation. CRIT prepared a report following the conference. Although I am listed in the report as a conference participant, I did not draft, edit, comment on, or otherwise participate in the report's creation. Copy supplied.

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

Letter from Former Clerks to Associate Justice Stephen G. Breyer, to the Honorable Richard Durbin, Chairman, and the Honorable Charles Grassley, Ranking Member, United States Senate Committee on the Judiciary, in Support of Judge Ketanji Brown Jackson's Nomination to the United States Supreme Court

(Mar. 16, 2022). Copy supplied.

Letter from Jewish Family Services to Secretary of Transportation Pete Buttigieg in Support of the Columbus Crossroads INFRA Application (Mar. 12, 2021). Although my name is listed on the letterhead, I had no role in drafting or approving this letter. Copy supplied.

Letter from Jewish Family Services to Secretary of Transportation Elaine Chao in Support of the Columbus Crossroads INFRA Application (Feb. 20, 2020). Although my name is listed on the letterhead, I had no role in drafting or approving this letter. Copy supplied.

Letter from Jewish Family Services to Chief Statistician of the United States Nancy Potok Regarding Directive No. 14: Consumer Inflation Measures Produced by Federal Statistical Agencies (June 20, 2019). Although my name is listed on the letterhead, I had no role in drafting or approving this letter. Copy supplied.

Letter to Ohio's Jewish Community in Support of Steve Dettelbach's Candidacy for Ohio Attorney General, Ohio Jewish News (Nov. 1, 2018). Copy supplied.

Letter from OT2011 Supreme Court Clerks to the Honorable Charles Grassley, Chairman, and the Honorable Dianne Feinstein, Ranking Member, United States Senate Committee on the Judiciary, in Support of Jane Nitze's Nomination to the Privacy and Civil Liberties Oversight Board (May 21, 2018). Copy supplied.

Letter to Mr. Paul Nick, Executive Director, Ohio Ethics Commission, in Support of Judge Algenon L. Marbley (Mar. 18, 2014). Copy supplied.

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

The following list reflects my best effort to identify the public speaking events in which I have participated, based on a review of my records and publicly available information. There may, however, be other events that I have been unable to recall or identify.

March 9, 2022: Panelist, Assessing Justice Breyer's Legacy: His Law Clerks' Perspective, Federal Bar Association—Columbus Chapter, Columbus, Ohio (virtual). The panel discussed what it was like to clerk for Justice Breyer. I have

no notes, transcript, or recording. The address for the Federal Bar Association—Columbus Chapter is Joseph P. Kinneary United States Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

October 21, 2021: Speaker, A Family Tradition—2021 Annual Meeting, Jewish Family Services, Columbus, Ohio. Video available at <https://www.youtube.com/watch?v=oCCci5dvVq4> (my remarks begin at 30:00).

October 15, 2021: Panelist, SCOTUS Preview, American Constitution Society—Columbus Lawyers Chapter, Columbus, Ohio (virtual). Video supplied.

October 14, 2021: Panelist, Appellate Advocacy Series Class 2: Researching and Writing the Appellate Brief, Columbus Bar Association, Columbus, Ohio. Video supplied.

October 6, 2021: Guest Speaker, Professor Seth Grossman's Appellate Advocacy Class, American University Washington College of Law, Columbus, Ohio (virtual). Presentation supplied.

October 5, 2021: Panelist, Discussions from Drinko Hall: Supreme Court Year in Preview, The Ohio State University Moritz College of Law Alumni Association, Columbus, Ohio (virtual). Video supplied.

September 23, 2021: Panelist, Annual SCOTUS Roundtable, The Ohio State University Moritz College of Law, Columbus, Ohio. Notes supplied.

September 10, 2021: Panelist, Stand Your Ground Lawsuit Update, 91st Annual State Convention, Ohio Conference of the NAACP, Columbus, Ohio. I spoke about a lawsuit challenging Ohio's stand-your-ground law on state constitutional grounds. I have no notes, transcript, or recording. The address for the Ohio Conference of the NAACP is P.O. Box 29014, Columbus, Ohio 43229.

April 27, 2021: Panelist, Appellate Advocacy 2021: Seeking and Opposing Discretionary Review, Practising Law Institute, Columbus, Ohio (virtual). Video supplied.

March 5, 2021: Guest Speaker, Monthly Meeting, Ohio Nuns on the Bus, Columbus, Ohio (virtual). Presentation supplied.

February 10, 2021: Moderator, Meet the New District Judges, Federal Bar Association—Columbus Chapter, Columbus, Ohio (virtual). Notes supplied.

November 19, 2020: Presenter, Federal Tobacco Litigation: What's the Latest?, Public Health Law Center, Columbus, Ohio (virtual). Video available at <https://www.youtube.com/watch?v=VTyExyJRvsY>.

October 1, 2020: Breakout Group Moderator, YPO Special Session: Discussion of Obamacare Case, Young Presidents Organization, Columbus, Ohio (virtual). I moderated a small discussion group following a presentation by Justice Breyer and others about *NFIB v. Sebelius*, 567 U.S. 519 (2012). I have no notes, transcript, or recording. The address for the Young Presidents Organization is 255 East John Carpenter Freeway, Suite 500, Irving, Texas 75602.

September 16, 2020: Panelist, 2020 SCOTUS Review Program, American Constitution Society—Northeast Ohio Lawyers Chapter, Columbus, Ohio (virtual). Video supplied.

September 2, 2020: Guest Speaker, Professor Seth Grossman's Appellate Advocacy Class, American University Washington College of Law, Columbus, Ohio (virtual). Presentation supplied.

July 31, 2020: Panelist, Maroon Outdoor Drive-Up Movie Night: Selma, Besa, IMPACT Community Action, and Maroon Arts Group, Columbus, Ohio. The panel discussed the importance of civic participation and voting. I have no notes, transcript, or recording. The address for Besa is 966 South High Street, Columbus, Ohio 43206. The address for IMPACT Community Action is 711 Southwood Avenue, Columbus, Ohio 43207. The address for Maroon Arts Group is 925 Mount Vernon Avenue, Columbus, Ohio 43203.

April 28, 2020: Panelist, Appellate Advocacy 2020: Seeking and Opposing Discretionary Review, Practising Law Institute, Columbus, Ohio (virtual). Video supplied.

August 13, 2019: Presenter, Charla: Gun Control vs. Gun Rights: The Second Amendment to the United States Constitution, Universidad Católica del Uruguay, Facultad de Derecho, Montevideo, Uruguay. Presentation supplied.

April 30, 2019: Panelist, Appellate Advocacy 2019: Seeking and Opposing Discretionary Review, Practising Law Institute, New York, New York. Video supplied.

March 20, 2019: Guest Speaker, Professor Christopher Walker's Legal Analysis & Writing II Class, The Ohio State University Moritz College of Law, Columbus, Ohio. I discussed approaches and strategies for appellate advocacy with law students. I have no notes, transcript, or recording. The address for The Ohio State University Moritz College of Law is Drinko Hall, 55 West 12th Avenue, Columbus, Ohio 43210.

March 17, 2019: Panelist, Getting Courted: A Closer Look at Current Alcohol Litigation, 26th Annual Symposium on Alcohol Beverage Law & Regulation, National Alcohol Beverage Control Association, Arlington, Virginia. Presentation supplied.

March 4, 2019: Guest Speaker, Professor Halle Hara's Appellate Advocacy Class, Capital University Law School, Columbus, Ohio. Presentation supplied.

December 10, 2018: Panelist, Recent Developments in the United States Court of Appeals for the Sixth Circuit, Federal Courts Practice Seminar, United States District Court for the Southern District of Ohio, Columbus, Ohio. I discussed recent developments in the Sixth Circuit. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Ohio is Joseph P. Kinneary United States Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

October 6, 2018: Panelist, See You in Court! Litigation—Threats and Opportunities for Public Health, Public Health Law Conference, The Network for Public Health Law, American Society of Law, Medicine & Ethics, Phoenix, Arizona. Presentation supplied.

October 4, 2018: Guest Speaker, Brown Bag Lunch, Epstein Program in Public Interest Law & Policy, UCLA School of Law, Los Angeles, California. I discussed my career as a public interest lawyer and answered career questions from law students. I have no notes, transcript, or recording. The address for the UCLA School of Law is 385 Charles E. Young Drive East, Los Angeles, California 90095.

September 30, 2018: Speaker, The United States Supreme Court: A Look Ahead, Temple Israel, Columbus, Ohio. Presentation supplied.

July 25, 2018: Panelist, 2018 Annual U.S. Supreme Court Term Review, American Constitution Society—Northeast Ohio Lawyers Chapter, Cleveland, Ohio. Notes supplied.

May 31, 2018: Panelist, Eating Through the First Amendment: How the First Amendment May Impact Policies Aimed to Advance Healthy Eating and Lifestyles, Public Health Law Center, Columbus, Ohio (virtual). Video available at <https://www.youtube.com/watch?v=XmUTtqLPL1Y&t=2208s>.

May 10, 2018: Panelist, Panel Discussion Following Preview Screening of "RBG," Friends of the Drexel Theatre, Columbus, Ohio. Notes supplied.

December 8, 2017: Panelist, U.S. Supreme Court Preview, American Constitution Society—Columbus Lawyers Chapter, Columbus, Ohio. Notes supplied.

November 30, 2017: Panelist, Ohio Supreme Court 2016–17 Year in Review, Columbus Bar Association, Columbus, Ohio. Presentation supplied.

August 15, 2017: Panelist, Annual Supreme Court Review, American

Constitution Society—Northeast Ohio Lawyers Chapter, Cleveland, Ohio. Notes supplied.

April 28, 2017: Award Recipient, American Constitution Society—Columbus Lawyers Chapter, Columbus, Ohio. I gave remarks expressing gratitude for the leadership award I received. I have no notes, transcript, or recording. The address for the American Constitution Society—Columbus Lawyers Chapter is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

April 21, 2017: Panelist, Appellate Advocacy 2017: Seeking and Opposing Discretionary Review, Practising Law Institute, New York, New York. Video supplied.

October 4, 2016: Panelist, SCOTUS Review and Preview, American Constitution Society—Columbus Lawyers Chapter, Columbus, Ohio. The panel discussed recent and pending cases in the U.S. Supreme Court. I have no notes, transcript, or recording. The address for the American Constitution Society—Columbus Lawyers Chapter is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

August 11, 2016: Panelist, Supreme Court Term Review, American Constitution Society—Northeast Ohio Lawyers Chapter, Cleveland, Ohio. Notes supplied.

May 19, 2016: Award Recipient, Beat the Odds, Children's Defense Fund—Ohio, Columbus, Ohio. I made short remarks of gratitude after accepting the Children's Champion Award. I have no notes, transcript, or recording. The address for the Children's Defense Fund—Ohio is 393 East Broad Street, Suite 330, Columbus, Ohio 43215.

February 25, 2016: Panelist, Drink and Think: The Supreme Court Vacancy—What's Next?, American Constitution Society—Columbus Lawyers Chapter, Columbus, Ohio. The panel discussed the U.S. Supreme Court vacancy that arose upon the death of Justice Scalia. I have no notes, transcript, or recording. The address for the American Constitution Society—Columbus Lawyers Chapter is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

February 11, 2015: Guest Speaker, Professor Micah Berman's Law & Ethics in Health Care Class, The Ohio State University College of Public Health, Columbus, Ohio. Presentation supplied.

December 15, 2014: Panelist, U.S. Supreme Court OT2013 Review | OT2014 Preview, Ohio State Bar Association, Columbus, Ohio. Presentation supplied.

December 9, 2014: Panelist, Supreme Court Review, Columbus CLE Academy, Jones Day, Columbus, Ohio. Presentation supplied.

February 5, 2014: Guest Speaker, Professor Micah Berman's Law & Ethics in

Health Care Class, The Ohio State University College of Public Health, Columbus, Ohio. Presentation supplied.

December 6, 2013: Panelist, U.S. Supreme Court OT2012 Review | OT2013 Preview, Ohio State Bar Association, Columbus, Ohio. Presentation supplied.

September 18, 2013: Guest Speaker, Professor Michael Solimine's Federal Courts Class, University of Cincinnati School of Law, Cincinnati, Ohio. I discussed standing principles in state and federal courts with law students. I have no notes, transcript, or recording. The address for the University of Cincinnati School of Law is 2540 Clifton Avenue, Cincinnati, Ohio 45221.

August 15, 2012: Panelist, Effective Advocacy with Amicus Briefs, National Conference on Tobacco or Health, Kansas City, Missouri. Presentation supplied.

January 25, 2011: Guest Speaker, Professor Dina Haynes' Constitutional Law Class, New England Law | Boston, Boston, Massachusetts. I discussed clerking for various courts. I have no notes, transcript, or recording. The address for New England Law | Boston is 154 Stuart Street, Boston, Massachusetts 02116.

- 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.

The following list reflects my best effort to identify the interviews I have given, based on a review of my records and publicly available information. There may, however, be other interviews that I have been unable to recall or identify.

Jess Deyo, *Rachel Bloomekatz, Columbus CEO Future 50 Class of 2022*, Columbus CEO (Dec. 28, 2021). Copy supplied.

Ben Blotner, *Charitable Giving Provides Many Benefits, Services*, Columbus Jewish News (Oct. 14, 2021). Copy supplied.

Press Conference, *Everytown Law* (Sept. 9, 2021). I am unable to obtain a transcript or recording.

Press Release, *Ohio NAACP, Lawmakers, Advocates Challenge Constitutionality of 'Stand Your Ground' Measure*, *Everytown Law* (Sept. 9, 2021) (reprinted in multiple outlets). Copy supplied.

Anna Staver, *Ohio Democrats, National Gun Control Group Challenge 'Stand Your Ground' Law in Court*, *Columbus Dispatch* (Sept. 9, 2021) (reprinted in multiple outlets). Copy supplied.

Michael D. Pitman, *Butler County Lawmaker: Armed School Staffers Bill 'Critically Urgent' After High Court Ruling*, J.-News (July 23, 2021). Copy supplied.

New Ohio Law Improves Triage and Transport Of Stroke Patients, Ideastream Public Media: The Sound of Ideas (June 29, 2021). Audio available at <https://www.ideastream.org/programs/sound-of-ideas/new-ohio-law-improves-triage-and-transport-of-stroke-patients> (my remarks begin at 46:00).

Michael D. Pitman & Denise Callahan, *Butler County Lawmaker Says Bill Allowing Guns on School Property Needed More After Ohio Supreme Court Ruling*, Dayton Daily News (June 25, 2021) (reprinted in multiple outlets). Copy supplied.

Andrea Medina, *Ohio Supreme Court: School Staff Must Be Trained Before Carrying Guns*, FOX19 (June 23, 2021). Video available at <https://www.fox19.com/2021/01/12/armed-school-staff-butler-county-districts-policy-goes-before-ohio-supreme-court-2>.

Press Release, *Ohio Supreme Court Rules School District Unlawfully Armed Teachers With Insufficient Training*, Everytown for Gun Safety (June 23, 2021) (reprinted in multiple outlets). Copy supplied.

Local Lawyers/Super Attorneys, Columbus Jewish News (Mar. 18, 2021). Copy supplied.

Armed, Vice News Reports (Nov. 12, 2020). Audio available at <https://play.acast.com/s/vice-news-reports/armedpart1-softtargets>.

Denise Callahan, *Ohio Supreme Court will review Madison Schools' arming staffers case*, Dayton Daily News (Aug. 7, 2020) (reprinted in multiple outlets). Copy supplied.

Denise Callahan, *How much training do armed teachers need? Not as much as police, proposed Ohio bill says*, J.-News (June 23, 2020). Copy supplied.

Mentorship in Central Ohio: 40 Under 40 Honorees on the Mentors Who Helped Them Along the Way, Columbus Bus. (June 16, 2020). Copy supplied.

Restaurants Reopening in Columbus: Here's Where Our 40 Under 40 Want to Eat, Columbus Bus. First (May 27, 2020). Copy supplied.

40 Under 40: Class of 2020, Columbus Bus. First (May 22, 2020). Copy supplied.

Denise Callahan, *Official: Madison Schools' arming teachers case will have impact across Ohio*, J.-News (May 18, 2020). Copy supplied.

Press Release, *Breaking: Arming Public School Teachers with Only 24 Hours of Training Is Illegal Under State Law, Ohio Appeals Court Finds*, Everytown for Gun Safety (Mar. 30, 2020) (reprinted in multiple outlets). Copy supplied.

Denise Callahan, *Madison school guns lawsuit: Both sides seeking to keep some information sealed*, Dayton Daily News (June 17, 2019). Copy supplied.

Kirby Davis, *Columbus Lawyer, Firm Represent Middletown Parents Gun Law Case*, Columbus Jewish News (May 14, 2019). Copy supplied.

Guns in Ohio: Schools Under Fire, Spectrum News (Apr. 9, 2019). Video available at <https://spectrumnews1.com/oh/columbus/news/2019/04/09/guns-in-ohio--schools-under-fire>.

Press Release, *Madison Parents to Appeal Ruling That Found Ohio Schools Can Arm Teachers with Minimal Training*, Everytown for Gun Safety (Mar. 26, 2019) (reprinted in multiple outlets). Copy supplied.

Local School District Wins Court Battle, Will Allow Arming Teachers, Personnel, WKRC Local 12 (Mar. 1, 2019). Video available at <https://abc6onyourside.com/news/local/local-school-district-wins-court-battle-will-allow-arming-teachers-personnel>.

Denise G. Callahan, *Judge rules teachers don't need police-level training to carry guns in Madison schools*, Dayton Daily News (Feb. 28, 2019) (reprinted in multiple outlets). Copy supplied.

Denise G. Callahan, *Madison Schools Parents Want Judge to Pause Gun Program*, J.-News (Nov. 9, 2018). Copy supplied.

Michael Clark, *Madison School officials on arming staffers: Why would anyone oppose?*, Dayton Daily News (Sept. 25, 2018) (reprinted in multiple outlets). Copy supplied.

Keith BieryGolick, *Parents Suing Madison School District*, Cincinnati Enquirer | USA Today Network (Sept. 14, 2018). Copy supplied.

Press Release, *Parents Sue Madison Local School District, Challenging Plan to Arm Teachers without Training Required by Ohio Law*, Everytown for Gun Safety (Sept. 13, 2018) (reprinted in multiple outlets). Copy supplied.

Darrel Rowland, *12th Congressional District: New Vote Totals Show O'Connor Faces Steeper Climb*, Columbus Dispatch (Aug. 15, 2018) (reprinted in multiple outlets). Copy supplied.

Eric Garcia, *O'Connor Hoping Provisional Ballots Trigger Recount*, Roll Call (Aug. 15, 2018) (reprinted in multiple outlets). Copy supplied.

Emily Wood, *Madison Township Parents Divided Over Arming Teachers*, WLWT5 (July 14, 2018). Video available at <https://www.wlwt.com/article/madison-township-parents-divided-over-arming-teachers/22146223> and copy of print article supplied.

Rachel Aragon, *Parents Speak Out Against Local District's Decision to Allow Armed Staff*, WKEF | WRGT (July 13, 2018). Copy supplied.

Karin Johnson, *Parents Ask School to Halt Plan to Arm Teachers*, WLWT5 (July 12, 2018). Video available at <https://www.wlwt.com/article/parents-ask-school-to-halt-plan-to-arm-teachers/22132953> and copy of print article supplied.

Jessica Schmidt, *Parents Take Stand Against School's Decision to Allow Armed Staff*, Fox19NOW (July 12, 2018). Video available at <https://www.fox19.com/story/38626213/parents-nonprofit-take-stand-against-madison-resolution-to-arm-school-staff> and copy of print article supplied.

Press Release, *Concerned Families Deliver Legal Letter to Board of Madison Local School District Seeking Answers About Plan to Arm Unidentified 'Volunteers' in District Schools*, Everytown for Gun Safety (July 9, 2018) (reprinted in multiple outlets). Copy supplied.

Careers in Private Public Interest Law Firms, UCLA School of Law Office of Public Interest Programs. I was interviewed for this guide on October 16, 2017, but I am unable to identify the date on which the guide was published. Copy supplied.

Ohio Man Serving 112-Year Prison Term for Rape Will Be Resentenced, Associated Press (Oct. 2, 2017) (reprinted in multiple outlets). Copy supplied.

Andis Robeznieks, *Sugary-Drinks Tax Passes Legal Muster in Pennsylvania*, AMA News (July 10, 2017) (reprinted in multiple outlets). Copy supplied.

Andrew Welsh-Huggins, *Ohio Supreme Court rejects teen rapist's 112-year sentence*, Associated Press (Dec. 22, 2016) (reprinted in multiple outlets). Copy supplied.

Ohio Teens Sue State and Win Right to Vote, AJ+ (Sept. 24, 2016). Video available at <https://www.youtube.com/watch?v=SI1fE0e8uys>.

Press Conference, Constitutional Responsibility Project, #WeNeedNine, and Congresswoman Joyce Beatty, Ohio Statehouse (Mar. 29, 2016). I am unable to locate a transcript or recording.

Caroline Modarressy-Tehrani, *Live from Columbus: This 17-Year-Old Sued and Won*, Huffington Post Politics (Mar. 15, 2016). Video available at <https://www.facebook.com/HuffPostPolitics/videos/10153813013272911>.

Craig Webb & Doug Livingston, *Ruling Allows Teens to Vote in Primary – Judge Blocks Ohio Secretary of State’s Instructions*, Akron Beacon J. (Mar. 12, 2016). Copy supplied.

William T. Perkins, *Ohio Primary – Judge OKs Vote for Those Who Are 17*, Columbus Dispatch (Mar. 12, 2016). Copy supplied.

Press Release, *Breaking: Judge Frye Rules 17-Year-Old Ohioans’ Votes in Presidential Primary Will Count*, Fair Elections Legal Network (Mar. 11, 2016) (reprinted in multiple outlets). Copy supplied.

Kim Palmer, *Ohio Judge Rules in Favor of 17-Year-Olds Wanting to Vote*, Reuters (Mar. 11, 2016). Copy supplied.

Teens Sue Secretary of State, NBC4i (Mar. 11, 2016). Video available at <https://www.nbc4i.com/news/judge-17-year-olds-can-vote-in-ohio-presidential-primary>.

In Victory for Sanders, Ohio Judge Says 17-Year-Olds Can Vote in Primary, CNN Wire (Mar. 11, 2016). Copy supplied.

Press Release, *Lawsuit Filed Against Secretary of State to Protect 17-Year-Old Ohioans’ Right to Vote in Presidential Primary*, Fair Elections Legal Network (Mar. 8, 2016). Copy supplied.

Bernie Sanders Joining Fight Over 17-Year-Olds’ Right to Vote in Ohio, Columbus Dispatch (Mar. 7, 2016). Copy supplied.

Scott Cummings, *Privatizing Public Interest Law*, 25 Geo. J. Legal Ethics 1 (2012). Copy supplied.

UCLA School of Law Alumna to Clerk for U.S. Supreme Court Justice Stephen Breyer, UCLA Law Brief (Spring 2011). Copy supplied.

UCLA Foundation, *Creating a More Equitable and Just America* (approximately 2005 – 2006). Copy supplied.

Eugenia B. Schraa, *Unconventional Classes Offered in Summer*, Harvard Crimson (July 5, 2002). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including

positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?
 - i. Of these cases, approximately what percent were:

| | |
|---------------|------|
| jury trials: | ___% |
| bench trials: | ___% |
 - ii. Of these cases, approximately what percent were:

| | |
|-----------------------|------|
| civil proceedings: | ___% |
| criminal proceedings: | ___% |
- 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 of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the

opinions listed were not officially reported, provide copies of the opinions.

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

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

I have not held judicial office.

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

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

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

I have not held public office, and I have had no 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.

During each election cycle since 2012, I have volunteered with Ohio Promote the Vote in support of the Ohio Democratic Party’s voter protection efforts by

researching election law and recruiting poll workers and observers.

From May to November 2020, I served as State Counsel for Ohio for Biden for President. In that capacity, I represented the presidential campaign in court in Ohio and advised the campaign about Ohio election law.

From 2019 to 2020, I provided legal services to Ohioans to Raise the Minimum Wage, a ballot initiative committee seeking to raise the minimum wage in Ohio. The committee contracted with me for legal services in drafting the ballot initiative and providing other legal advice.

From October 2018 to February 2020, I served as co-counsel defending Senator Sherrod Brown and his election campaign against a defamation action, which the plaintiff ultimately voluntarily dismissed.

From August to November 2018, I provided legal services for Danny O'Connor for Congress for the special and general elections for Ohio's 12th congressional district.

From August to November 2018, I provided legal services to the Ohio Safe and Healthy Communities Campaign, a ballot initiative committee seeking to increase rehabilitation services for nonviolent drug offenders. The committee contracted with me for legal advice regarding Ohio election law.

From August to November 2012, I served as Legal Director of Senator Sherrod Brown's reelection campaign. In that role, I advised the campaign about Ohio election law and coordinated voter protection efforts.

From August to November 2004, I served as Deputy Field Organizer for the Kerry/Edwards Campaign in Franklin County, Ohio. In that capacity, I organized volunteer phone banks, canvases, and get-out-the-vote efforts in support of the presidential campaign.

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 2008 to 2009, I served as a law clerk to the Honorable Guido Calabresi on the United States Court of Appeals for the Second Circuit.

From 2009 to 2010, I served as a law clerk to the Honorable Margaret H. Marshall on the Supreme Judicial Court of Massachusetts.

From 2011 to 2012, I served as a law clerk to the Honorable Stephen G. Breyer on the Supreme Court of the United States.

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

2019 – present
Bloomekatz Law LLC
1148 Neil Avenue
Columbus, Ohio 43201
Solo Practitioner

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

2010 – 2011
Office of the Massachusetts Attorney General
One Ashburton Place
Boston, Massachusetts 02109
Assistant Attorney General, Government Bureau

2013 – 2015
Jones Day
325 John H. McConnell Boulevard, Suite 600
Columbus, Ohio 43215
Associate, Issues & Appeals Practice Group

2016 – 2019
Gupta Wessler PLLC
2001 K Street, Northwest, Suite 850
Washington, DC 20006
Principal

- 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 in alternative dispute resolution proceedings.

- b. Describe:

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

In 2010, after completing two clerkships, I began my legal career as an Assistant Attorney General at the Office of the Massachusetts Attorney General in the Administrative Law Division of the Government Bureau. In that role, I litigated appeals of decisions from the Commonwealth's various administrative agencies and challenges to agency regulations. My work primarily consisted of reviewing extensive administrative records, conducting legal research, drafting briefs, and arguing on behalf of the Commonwealth in court. In 2011, I left this position to clerk for Justice Stephen G. Breyer on the U.S. Supreme Court.

In 2013, following my clerkship with Justice Breyer, I joined Jones Day's Columbus, Ohio office as an associate in the Issues & Appeals Practice Group. In this capacity, I worked on various appeals and complex legal issues for cases throughout the firm's national and international business practice. For some matters, I was the primary drafter of appellate briefing and presented oral argument before federal and state courts of appeals. On other matters, I supported trial teams by drafting dispositive motions or writing research memoranda. I also consulted for several large companies, helping advise them as to applicable regulatory and statutory regimes. Additionally, I engaged in pro bono work, including briefing and arguing an appeal in the Ohio Supreme Court on behalf of an indigent defendant, and drafting an amicus brief in the United States Court of Appeals for the Fourth Circuit for Senator Marco Rubio in support of victims of human trafficking.

In 2016, I became a principal at Gupta Wessler PLLC, a boutique law firm focusing on appeals and U.S. Supreme Court practice. My work primarily consisted of briefing appeals in appellate courts throughout the country, including in state supreme courts, federal circuit courts, and the U.S. Supreme Court. Many of my cases dealt with the interpretation of constitutional or statutory provisions or detailed regulatory schemes. I served as lead counsel for successful appeals that I briefed and argued in the Fourth and Sixth Circuits and in the Ohio Supreme Court. I also represented various nonprofit groups as amici in appellate courts.

I became a solo practitioner in the spring of 2019, when my family moved to Uruguay for a semester for my husband, a professor at The Ohio State University, to conduct research. I have continued to practice as a solo practitioner since that time. In this position, I focus on appellate litigation. My work primarily consists of researching legal issues, drafting appellate briefs, petitioning for discretionary review, and conducting oral argument on appeals that span a wide range of issues. I also co-counsel with trial attorneys on dispositive motions and advise on complex legal issues that arise at the trial court stage.

- ii. your typical clients and the areas at each period of your legal career, if

any, in which you have specialized.

At the Massachusetts Attorney General's Office, my clients were administrative agencies within the Commonwealth's government. I represented various agencies in challenges to administrative agency decisions, mainly in the Massachusetts trial courts (where agency decisions are reviewed under Massachusetts law).

At Jones Day, my typical clients were large companies involved in civil disputes pending in federal and state courts, usually at the appellate level, or who sought to appear as amici before appellate courts in other parties' cases.

At Gupta Wessler PLLC and in my solo practice, I typically represent individual plaintiffs in civil proceedings, including consumers, workers, voters, personal injury victims, and the guardians of young children. I also represent nonprofit organizations as plaintiffs, as appellants or appellees, and as amici. Additionally, I have represented several political campaigns.

Finally, throughout my career in private practice, I have taken on an array of pro bono representations, typically involving indigent criminal defendants or nonprofit groups.

- 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.

In my capacity as an attorney, my practice has been comprised of approximately 85 percent litigation and 15 percent legal consulting. As an Assistant Attorney General in Massachusetts, I appeared frequently at the state trial court level because, under Massachusetts law, trial courts review most administrative appeals. Apart from my work in Massachusetts, my practice has primarily been in appellate work, and I have appeared in court regularly. I have drafted dozens of briefs, primarily in federal and state appellate courts—including the Supreme Court of Ohio and the U.S. Supreme Court—as well as in federal district courts. I have presented oral argument in four cases in the federal courts of appeals, three cases in the Supreme Court of Ohio, and four cases in state courts of appeals. I have appeared several times before immigration courts on behalf of pro bono clients. I have also played a leading role in strategizing and litigating various cases from the outset and have worked on dispositive motions with trial teams in state and federal court.

- i. Indicate the percentage of your practice in:
- | | |
|----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 20% |
| 3. other courts: | 0% |

4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 95%

2. criminal proceedings: 5%

- 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.

Because I focus on appellate work, I have never tried a case to verdict, judgment, or final decision. I have, however, helped litigate numerous cases in state and federal trial courts, though those cases were decided on motions for judgment or were otherwise resolved without a trial.

i. What percentage of these trials were:

1. jury: _____%

2. non-jury: _____%

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

I have not argued before the Supreme Court of the United States, but I have appeared as counsel in the following Supreme Court cases:

Goldman Sachs Grp., Inc. v. Ark. Teachers Ret. Sys., 141 S. Ct. 1951 (2021) (amicus brief of professors of evidence in support of respondents, 2021 WL 862276).

Tenn. Wine & Spirits Retailers Ass'n v. Thomas, 139 S. Ct. 2449 (2019) (amicus brief of National Alcohol Beverage Control Association and National Liquor Law Enforcement Association in support of petitioner, 2018 WL 6168787).

Strang v. Ford Motor Co. Gen. Ret. Plan, 138 S. Ct. 2672 (2018) (supplemental brief in support of petition for certiorari, 2018 WL 2684569) (cert. denied).

Teva Pharms. USA, Inc. v. Wendell, 138 S. Ct. 1283 (2018) (brief in opposition to petition for certiorari, 2018 WL 740736) (cert. denied).

Husted v. A. Philip Randolph Inst., 138 S. Ct. 1833 (2018) (amicus brief of current and former Ohio elections officials in support of respondents, 2017 WL 4386885).

Coventry Health Care of Mo., Inc. v. Nevils, 137 S. Ct. 1190 (2017) (brief of respondent respecting petition for certiorari, 2016 WL 5864497, and brief of respondent, 2017 WL 371928; sat second chair at oral argument).

Hernandez v. Mesa, 137 S. Ct. 2003 (2017) (brief for petitioners, 2016 WL 7156393, and reply brief for petitioners, 2017 WL 564161).

Ohio v. Moore, 138 S. Ct. 62 (2017) (brief in opposition to petition for certiorari) (cert. denied). Copy supplied.

Bell v. Blue Cross & Blue Shield of Okla., 137 S. Ct. 1812 (2017) (petition for writ of certiorari, 2016 WL 6082333, and reply brief for petitioners, 2016 WL 7030891) (cert. denied).

Bank of Am. Corp. v. City of Miami, 137 S. Ct. 1296 (2017) (amicus brief of National Association of Counties, National League of Cities, U.S. Conference of Mayors, International City/County Management Association, and International Municipal Lawyers Association in support of respondent, 2016 WL 5957073).

Sergeants Benevolent Ass'n Health & Welfare Fund v. Sanofi-Aventis U.S. LLP, 137 S. Ct. 140 (2016) (petition for writ of certiorari, 2016 WL 6082333, and reply brief for petitioners, 2016 WL 4710175) (cert. denied).

Rowell v. Pettijohn, 137 S. Ct. 1431 (2017) (petition for writ of certiorari, 2016 WL 3136681) (pet. granted, decision vacated, and case remanded).

Expressions Hair Design v. Schneiderman, 137 S. Ct. 1144 (2017) (petition for writ of certiorari, 2016 WL 3383878).

Ortiz v. United States, 137 S. Ct. 1431 (2017) (amicus brief of California Women's Law Center and Veterans Legal Institute in support of petition for certiorari, 2015 WL 7252197) (pet. dismissed).

ProMedica Health Sys. v. FTC, 135 S. Ct. 2049 (2015) (amicus brief of American Hospital Association in support of petition for certiorari, 2015 WL 294793) (cert. denied).

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

- a. the date of representation;

- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *In re E.I. Du Pont de Nemours & Co. C-8 Personal Injury Litig.*, No. 21-3418 (6th Cir.)

Since Spring 2021, I have served as lead appellate counsel in this Sixth Circuit appeal stemming from DuPont’s decades-long contamination of ground water in parts of Ohio and West Virginia with a carcinogen known as “C8.” The appeal—which follows five years of state court litigation ending in a settlement, a seven-year epidemiological study, and subsequent multi-district litigation in federal court—involves complex issues of tort law, contract interpretation, evidence, and civil procedure.

I represent Mr. Abbott, a resident of southeastern Ohio who is one of the many victims of DuPont’s water contamination. Due to C8 consumption, Mr. Abbott developed testicular cancer twice and lost all reproductive function. Mr. Abbott sued DuPont and, after his case was tried as part of a multi-district litigation in the Southern District of Ohio, a jury concluded that DuPont caused his cancers and awarded him compensatory damages. DuPont then appealed. I developed the appellate strategy for the appeal, was the primary drafter of Mr. Abbott’s appellate briefing, and coordinated amicus participation in support of Mr. Abbott.

The main issue on appeal is whether the district court properly applied nonmutual offensive collateral estoppel in Mr. Abbott’s case. Mr. Abbott’s case was part of multi-district litigation involving overlapping factual and legal issues with other victims of DuPont’s water contamination whose cases had already been tried, and the parties disagree about how collateral estoppel should apply. The appeal also involves disputes about what evidentiary showings are necessary given a prior settlement agreement emanating from a state court class action that governs the analysis of causation questions in this case. Lastly, the appeal raises questions about the application of the statute of limitations to Mr. Abbott’s claims. The case is scheduled for oral argument on June 10, 2022.

Co-counsel:

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Opposing Counsel:

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2. *Maternal Grandmother v. Hamilton Cty. Dep't of Job & Family Servs.*, 2021-Ohio-4096 (Ohio)

From 2020 to 2021, I served as counsel of record to the estate of a two-year-old girl who was tragically murdered by her parents in an appeal against the county child services agency. The toddler's grandmother brought an action against the agency for wanton neglect in failing to protect her granddaughter from her cruel, violent, and abusive parents. The question in the case was whether the grandmother had made allegations sufficient to defeat at the pleading stage the agency's claim to immunity under Ohio Revised Code 2744.03(A)(6). Both the trial court and the appellate court dismissed the case on immunity grounds. I co-authored the petition requesting that the Ohio Supreme Court accept jurisdiction of the appeal and coordinated an amicus strategy to demonstrate the importance of the case for Ohio's child welfare system. After the court accepted the case, I co-authored the merits briefing. The court, adopting my client's arguments, unanimously reversed, allowing the case to go forward. It is now awaiting discovery in the trial court.

Co-counsel:

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Hamilton County Prosecutor's Office
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3. *State v. Moore*, 2016-Ohio-8288 (2016) (Ohio)

From 2013 to 2021, I represented Mr. Moore, who was sentenced to a total of 112 years for crimes he committed in 2001, when he was 15 years old. Because Mr. Moore's sentence for a nonhomicide offense extended beyond any reasonable calculation of his life expectancy, he argued that his sentence violated the Eighth Amendment under the U.S. Supreme Court's decision in *Graham v. Florida*, 560 U.S. 48 (2010). That case held that juvenile nonhomicide offenders cannot receive life without parole sentences and must have a "meaningful opportunity" for release. Mr. Moore argued that, while not called a "life" sentence, his 112-year sentence (which did not allow an opportunity for release until he was 92 years old) was the functional equivalent of a "life" sentence and thus violated *Graham*.

I served as lead counsel for Mr. Moore in all his appellate proceedings advancing his *Graham* claim. The Ohio Seventh District Court of Appeals declined Mr. Moore's motion to reconsider his sentence in light of *Graham*. 2013-Ohio-5868 (7th Dist. Ct. App. 2013) (DeGenaro, Vukovich, Waite, JJ.). The Ohio Supreme Court then accepted jurisdiction over the case and, adopting Mr. Moore's arguments, held that functional life sentences, such as in this case, violated the Eighth Amendment. 2016-Ohio-8288 (2016). I was the primary drafter of the memorandum in support of the Ohio Supreme Court accepting jurisdiction and the subsequent merits briefing. I also argued the case in the Ohio Supreme Court. I then successfully opposed the State's petition for certiorari in the U.S. Supreme Court. 138 S. Ct. 62 (2017).

After Mr. Moore was resentenced to 50 years' imprisonment, I was appointed counsel by the State of Ohio to represent Mr. Moore in his resentencing appeal, which I briefed and argued. 2020-Ohio-4715 (7th Dist. Ct. App. 2020) (Donofrio, Waite, Robb, JJ.). The court of appeals upheld his sentence, and I was again appointed by the State of Ohio to represent Mr. Moore in his request that the Ohio Supreme Court accept jurisdiction over his case for a second time. While his request was pending, the Ohio Legislature enacted a statute that mooted the case by abolishing life without parole and life equivalent sentences for juvenile offenders. 2021-Ohio-121 (2021). Mr. Moore's sentence is now governed by that new statute, which makes him currently eligible for parole.

Co-counsel:

Lynn Maro

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Opposing Counsel:

Ralph Rivera
Mahoning County Prosecutor's Office
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(330) 740-2330

4. *Desai v. Charter Commc'ns, LLC*, 835 F. App'x 25 (6th Cir. 2020) (Gibbons, Larsen, Nalbandian, JJ.)

From 2019 to 2020, I represented a group of call center workers on appeal in their defamation action against their former employer, Charter Communications. The workers prevailed at trial and were awarded compensatory and punitive damages. On appeal, Charter Communications challenged the district court's refusal to grant it summary judgment under Kentucky defamation law and the jury's punitive-damages award. As counsel of record, I was the primary drafter of the workers' appellate briefs, and I presented oral argument before the Sixth Circuit. The heart of the case rested on the fundamental distinction between defamation per se and per quod in Kentucky law, as well as other state-law questions. Because some of these state-law questions were unsettled, the Sixth Circuit certified the case to the Kentucky Supreme Court after hearing argument. The matter then settled.

Co-counsel:

Thomas E. Carroll
Lance W. Turner
Carroll & Turner, P.S.C.
56 Court Street
Monticello, KY 42633
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Opposing Counsel:

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5. *In re App. of Ohio Edison Co.*, 2019-Ohio-2401 (Ohio)

From 2017 to 2019, I served as lead counsel to a coalition of nonprofit groups who successfully challenged a decision of the Public Utilities Commission of Ohio (PUCO) in the Ohio Supreme Court. The PUCO had approved a rider—an extra charge on the electric bill of each utility consumer—to provide the energy company with funding, termed “credit support,” to modernize the electrical grid. The groups argued that the rider was invalid because it did not include any requirements that the utility company actually modernize the electric grid. The groups contended that the rider amounted to an unrestricted cash infusion, which was beyond the PUCO’s statutory power to authorize.

I served as lead counsel to these groups in their direct appeal to the Ohio Supreme Court, arguing that the increased costs violated Ohio’s ratemaking statutes, part of the complex statutory and regulatory ratemaking regime that governs Ohio’s utilities. I was the primary drafter of the appellate brief and presented oral argument before the court not just on behalf of my clients, but on behalf of a larger group of petitioners who were challenging the rider. The Ohio Supreme Court agreed that the rider was unlawful, invalidating ratemaking that would have cost Ohio consumers over \$600 million without any promise of grid modernization.

Co-counsel:

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6. *In re Fifth Third Early Access Cash Advance Litig.*, 925 F.3d 265 (6th Cir. 2019)
(Sutton, Griffin, Larsen, JJ.)

From 2017 to 2019, I successfully represented a putative class of low-income borrowers on appeal in the Sixth Circuit in a case they filed against a large banking institution. The lawsuit alleged that the bank deceived its low-income customers who signed up for short-term payday loans, and that the bank broke its contract to provide these loans at a particular annual percentage rate (APR), resulting in millions of dollars of damages. After the district court dismissed the consumers' central breach-of-contract claims, the trial attorneys retained me to represent the putative class of borrowers on appeal to the Sixth

Circuit. As lead counsel for the plaintiffs on appeal, I was the primary drafter of the appellate briefs and presented oral argument to the Sixth Circuit. The Sixth Circuit, adopting the borrowers' arguments, reversed the district court's dismissal of the breach-of-contract claims, which are now being litigated in the district court.

Co-counsel:

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7. *Daugherty v. Ocwen Loan Servicing, LLC*, 701 F. App'x 246 (4th Cir. 2017) (Agee, Keenan, Harris, JJ.)

In 2017, I represented a consumer who had brought a claim under the Fair Credit Reporting Act (FCRA) against Ocwen, a company that serviced his mortgage. Ocwen repeatedly reported that Mr. Daugherty was in arrears and facing foreclosure procedures, even though he was current on his payments. Despite his attempts to get the company to correct the error, it would not. The error prevented Mr. Daugherty from refinancing his

mortgage in advance of a large “balloon” payment, causing potential financial ruin. After trial, the jury awarded Mr. Daugherty compensatory and punitive damages.

Ocwen appealed the verdict, and I served as lead counsel for Mr. Daugherty on appeal. I was the primary drafter of Mr. Daugherty’s appellate briefing, and I conducted oral argument before the Fourth Circuit. The case primarily presented questions about the application of FCRA and the evidence necessary to demonstrate that a loan servicing company has violated its duty to conduct reasonable investigations into customers’ claimed errors. While Ocwen argued that it was entitled to summary judgment on the FCRA claims, the Fourth Circuit agreed with my client’s argument that the district court properly submitted the question to a jury.

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8. *Coventry Health Care of Mo., Inc. v. Nevils*, 137 S. Ct. 1190 (2017)

In this case, the U.S. Supreme Court considered a split between the Missouri Supreme Court and the Eighth Circuit over the interpretation of the Federal Employee Health Benefits Act (FEHBA). Specifically, FEHBA states that contracts the U.S. government

enters with private health insurance companies to provide coverage to federal government employees supersede and preempt any state and local laws related to health insurance plans. At issue in the case was whether, under FEHBA and the relevant regulations, federal government contracts preempted state laws prohibiting subrogation and, if so, whether that was valid under the Supremacy Clause. The Court sided with the defendant health care companies, holding that the state subrogation laws were preempted.

From 2016 to 2017, I served as co-counsel for the plaintiff. In that capacity, I co-authored the plaintiff's Supreme Court certiorari-stage and merits briefs, coordinated the amicus strategy, prepared my colleague to argue the case, and sat second chair at the Supreme Court for oral argument.

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9. *State ex rel. Schwerdtfeger v. Husted*, No. 16-CV-2346, 2016 Ohio Misc. LEXIS 18 (Franklin Cty. Ct. C.P. 2016) (Frye, J.)

Just weeks before the March 2016 primary election, I represented a group of high school students in their successful suit against Ohio's Secretary of State and won a ruling recognizing the right of 17-year-olds to vote in Ohio primaries if they will be 18 years old by the general election. The students filed an emergency mandamus action against the Secretary's directive prohibiting them from voting in the presidential primary even though they would be 18 at the time of the general election. I served as lead counsel and argued the emergency motion in the Franklin County Court of Common Pleas. The main issue in the case was whether Ohio's election statutes allowed these young people to vote in the presidential primary. The Secretary contended that, because presidential primaries elect delegates, they were more akin to real elections (where 17-year-olds cannot vote) than primaries (where certain ones can). The students argued that the Secretary's directive contravened the plain language of Ohio's election statutes, specifically Ohio Revised Code 3503.011, which directly addressed presidential primaries. The trial court agreed with the students and ordered that otherwise qualified 17-year-olds must be allowed to vote in the presidential primary. The Secretary did not appeal.

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10. *In re G-I Holdings, Inc.*, 755 F.3d 195 (3d Cir. 2014) (Fischer, Scirica, Circuit JJ., Mariani, District J.)

From 2013 to 2014, I represented a large corporation in an appeal before the Third Circuit stemming from a contract dispute between companies that had a joint agreement on how to handle claims liability. Because of the significant number of personal injury lawsuits related to asbestos exposure filed in the 1980s, a group of producers of asbestos-related products joined together to form an organization for evaluating, defending,

settling, and paying the claims of personal injury plaintiffs. I represented one group member, United States Gypsum Company, in its appeal to the Third Circuit on its breach-of-contract claim against another group member, G-I Holdings. The central question was whether an individual member of the group could sue another member, or if all claims had to be brought by the organization itself. The appeal centered on questions of contract interpretation and was complicated by the fact that several of the producers were in bankruptcy proceedings. United States Gypsum Company's breach-of-contract claim had been dismissed by the bankruptcy court, and the district court affirmed.

I was the primary drafter of the appellants' briefs and presented argument before the Third Circuit. The Third Circuit reversed, adopting my client's arguments and holding that the plain language of the contract allowed for its breach-of-contract claim.

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

Although my practice has primarily focused on litigation, I have also engaged in various non-litigation activities throughout my legal career. Most notably, I have consulted for various clients, drafting research memoranda and advising on legal matters not directly tied to litigation. As an associate at Jones Day, for example, I advised a part of a state court system regarding the First Amendment implications of its premises policies; I

researched choice-of-law issues for an international nonprofit; I analyzed preemption and other legal issues for an air ambulance company; and I advised the company that administered the claims from those harmed by the Deepwater Horizon oil spill. As a principal at Gupta Wessler PLLC, I likewise provided legal advice to an array of nonprofit groups seeking legal advice regarding the implications of various statutes, regulations, and executive actions.

Further, I have regularly engaged in teaching and training throughout my legal career. I have taught formal classes, including Federal Courts, at The Ohio State University Moritz College of Law. I have also guest lectured in other law school classes and trained attorneys on appellate advocacy through, for example, the Practising Law Institute and the Columbus Bar Association's continuing legal education programs.

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.

This past Spring semester, I taught "Federal Courts" at The Ohio State University Moritz College of Law, as I did also in Spring 2020. The course focuses on constitutional and statutory provisions and precedent defining the role of the federal courts in the American system of government. Syllabi supplied.

In Fall 2019, I taught "Major Topics in Modern Constitutional Law" at the Universidad Católica del Uruguay in the Facultad de Derecho. The course provided an overview of various topics in modern constitutional law in the United States for law students in Montevideo, Uruguay. Syllabus supplied.

In Fall 2015, I co-taught "Lawyer in the Community" with Professor Marc Spindelman at The Ohio State University Moritz College of Law. The course explored lawyers' professional relationship to the larger community in which they work and live. It also surveyed traditional and nontraditional lawyering tools for serving communities and their needs. The course had both an in-class component, where students read and discussed materials about client representation, and a community fieldwork component, where students interned at a local organization serving the Columbus community. Syllabus supplied.

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

None.

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

None.

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed, I would scrupulously follow the Code of Conduct for United States Judges and seek advice and counsel as to appropriate matters for recusal. I am involved in two matters pending before the Sixth Circuit. I serve as counsel to the plaintiff-appellee in *Abbott v. E.I. du Pont de Nemours & Co.* (No. 21-3418) and as counsel to the petitioners in *In re Bradford* (No. 22-304). If confirmed, I would recuse myself from those matters, as well as from any other matters in which I previously had been involved. I would also diligently scrutinize cases involving any former client, cases represented by former firms or employers, and cases involving The Ohio State University, where my husband is employed. I am not aware of any other individual or entity with whom I have a personal, financial, or professional relationship that is likely to present a conflict of interest when I first assume the position to which I have been nominated.

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

If a potential conflict arose, I would apply the standards of the Code of Conduct for United States Judges and 28 U.S.C. § 455, as well as any other applicable principles governing recusal, to determine whether to recuse. I also would consult

with other judges, the Sixth Circuit Clerk's Office, and the Sixth Circuit Executive's Office as necessary and appropriate.

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.

As a principal at Gupta Wessler PLLC and in my solo practice at Bloomekatz Law LLC, I have devoted the vast majority of my time to serving disadvantaged populations directly or to aiding organizations that exist to serve disadvantaged populations. I completed most of this work for far below market rate for legal services for an attorney of my experience.

In addition, throughout my career, I have dedicated significant time to serving disadvantaged persons and communities, and organizations serving the same, on a pro bono basis. For instance, I devoted hundreds of pro bono hours to representing the defendant with the longest sentence in Ohio for nonhomicide crimes committed as a juvenile. As an associate at Jones Day, I also dedicated hundreds of hours to representing indigent women and children seeking asylum in the United States. Moreover, using my skills as an appellate attorney, I have filed numerous pro bono appellate amicus briefs in cases supporting disadvantaged persons or organizations aiding disadvantaged populations. For example, I authored an amicus brief for Senator Marco Rubio in the Fourth Circuit to support victims of human trafficking. And the Sixth Circuit appointed me to serve pro bono in an appeal of an election-related case, where I authored all the response briefing. *See In re 2016 Primary Election*, 836 F.3d 584, 586 (6th Cir. 2016) ("We appointed Rachel Bloomekatz to defend the order as an amica curiae and to brief our authority to review it. She has admirably handled that task.").

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.

On December 14, 2021, I formally expressed my interest in being considered for a position on the United States Court of Appeals for the Sixth Circuit to Senator Sherrod Brown, following Judge R. Guy Cole's announcement of his intent to take senior status. On March 11, 2022, I interviewed with an attorney from the White House Counsel's Office. Since that date, I have been in contact with

officials from the Office of Legal Policy at the Department of Justice. On May 25, 2022, the President announced his intent to nominate me.

- 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.