

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES
PUBLIC

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

Daniel Edward Burrows

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

Assistant Attorney General, Office of Legal Policy, Department of Justice

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.

The White House; 1600 Pennsylvania Ave.; Washington, DC 20500

I reside in Arvada, Colorado, although I also maintain an apartment in Arlington, Virginia.

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

June 20, 1981; Fort Smith, Arkansas

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.

University of Iowa, attended Aug. 2005–May 2008, J.D. awarded May 2008

University of Virginia, attended Aug. 1999–May 2003, B.A. awarded May 2003

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.

The listing below does not include military service. See Items 7 and 14(iii) for that chronology.

Executive Office of the President; 1600 Pennsylvania Ave.; Washington, DC 20500

Deputy Assistant to the President and Deputy White House Staff Secretary, Jan. 2025–present

State of Kansas, Office of the Attorney General; 120 SW 10th Ave.; Topeka, KS 66612

Chief Deputy Attorney General, Jan. 2023–Jan. 2025

Peer Assistance Services, Inc.; 2170 S Parker Rd., Suite 229; Denver, CO 80231

Director, approx. Nov. 2015–Jan. 2025

BOD President, 2021–23

BOD Vice President, 2019–21 & 2023–25

BOD Treasurer, 2018–19

Peacefield Counsel, Ltd.; home office, Arvada, CO

Sole Member, June 2020–June 2023

NOTE: Although this was technically self-employment (1099-NEC income), work was primarily as contracted legal director for two non-profit organizations: Public Trust Institute, of Lakewood, Colorado (June 2020–Dec. 2021), and Advance Colorado, of Denver, Colorado (Jan. 2022–Jan. 2023).

Social Security Administration; 1961 Stout St., Suite 4169; Denver, CO 80294

Special Assistant U.S. Attorney (Fraud Prosecutor), Mar. 2014–June 2020

Assistant Regional Counsel, Sept. 2010–Mar. 2014

NOTE: As a SAUSA, I was detailed to the U.S. Attorney's Office for the District of Colorado, and that office handled most of my day-to-day supervision despite technically being an SSA employee.

Lincoln Academy Charter School; 7180 Oak St.; Arvada, CO 80004

Director, approx. Nov. 2015–approx. May 2019

Denver Metro Young Republicans; Denver, CO (club no longer exists, current YR club in Denver is different organization)

I was on the board of directors 2011–14, as political director for some of that period and social director for the remainder. However, I do not recall the precise time for each.

U.S. Court of Appeals for the Armed Forces; 450 E St., NW; Washington, DC 20442

Law Clerk to Judge Margaret A. Ryan, June 2009–June 2010

Levy Morse & Wheeler, PC; Englewood, CO (firm no longer exists)

Associate Attorney, Nov. 2008–May 2009

Colorado Republican Party; 5950 S Willow Dr.; Greenwood Village, CO 80111

Election-Day Operations Coordinator, Sept. 2008–Nov. 2008

University of Iowa, College of Law; 130 Byington Rd.; Iowa City, IA 52242

Research Assistant to Profs. Christopher Liebig and James Tomkovicz, do not recall timeframe

Legal Writing Tutor, both semesters 2006–07 and 2007–08 school years

Hutchison Black & Cook, LLC; 921 Walnut St.; Boulder, CO 80302

Summer Associate, May–Aug. 2007

Spencer Fane; 1000 Walnut St, Suite 1400; Kansas City, MO 64106
Summer Associate, May–Aug. 2006

U.S. House of Representatives; Washington, DC 20515
Systems Administrator for Rep. Frank Wolf (VA-10), Feb.–Aug. 2005
Intern for Rep. Virgil Goode (VA-5), Oct. 2004–Jan. 2005

Mount Vernon Community Children's Theater; 4828 Fort Hunt Rd.; Alexandria, VA 22308
Stage Manager, Sept. 2004–Nov. 2004

Bright Angel Church of Christ; 8570 Bright Angel Way; Las Vegas, NV 89149
Youth Minister, Dec. 2003–Aug. 2004

Nevada Theater Company; Las Vegas, NV (company no longer exists)
Assistant Director, Feb. 2004–Apr. 2004

From college graduation to Dec. 2003, I did intermittent work for my parents' family business in Belle Plaine, Kansas (business no longer exists), and occasional substitute teaching for various school districts in Sumner and Sedgwick Counties, Kansas. Those districts, to the best of my recollection were: Belle Plaine, USD 357; Wellington, USD 353; Mulvane, USD 263; Oxford, USD 358; and Clearwater, USD 264.

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 am a commissioned officer in the U.S. Army. My DODID is *****6375.

Service chronology:

<i>Dates</i>	<i>Branch</i>	<i>Type of Service</i>	<i>Discharge</i>
Apr. 2025–present	Army	Selected Reserve	n/a
June 2023–Apr. 2025	Army	Individual Ready Reserve	n/a
Mar. 2012–June 2023	Army	Selected Reserve	n/a
Oct. 2011–Mar. 2012	Army	Active Duty	Honorable
Mar. 2011–Oct. 2011	Army	Selected Reserve	n/a

Promotion/Commissioning Dates:

Major, July 1, 2018

Captain, July 6, 2012

First Lieutenant; Mar. 16, 2011

I registered for the Selective Service in 1999.

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.

Scholarships:

I received a few small college scholarships sponsored by civic organizations in or near my hometown, but do not recall any of them except one that was sponsored by the local Walmart.

Academic Honors & Honorary Society Memberships:

Honor Graduate, Judge Advocate Officer Advanced Course, U.S. Army (2016)
Commandant's List, Judge Advocate Officer Basic Course, U.S. Army (2012)
Highest Academic Standing in Contract & Fiscal Law, Judge Advocate Officer Basic Course, U.S. Army (2012)
High Honors, University of Iowa College of Law (2008)
Order of the Coif, University of Iowa College of Law (2008)
Dean's List, University of Virginia (Fall 2001, Spring 2003)

Military Awards:

Meritorious Service Medal (with one Oak Leaf Cluster)
Army Commendation Medal (with one Oak Leaf Cluster)
Army Reserve Components Achievement Medal (with two Oak Leaf Clusters)
National Defense Service Medal
Armed Forces Reserve Medal (with Bronze Hourglass Device)
Army Service Ribbon
Army Reserve Components Overseas Training Ribbon

Other Special Recognition:

Founders Award, Peer Assistance Services, Inc. (2022)
Exemplary Service or Contribution Award, Regional Chief Counsel – Region VIII, Social Security Administration (2014, 2017, 2018, 2019)
Outstanding Assistance & Support Award, Inspector General, U.S. Department of Education (2019)
Excellence in Service Award, General Counsel, Social Security Administration (2014)

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

American Bar Association, member, approx. 2008–09

Colorado Bar Association, member, approx. 2008–21

- At various times, I was member of the Civil Rights Law, Criminal Law, Government Counsel, Litigation, and Military & Veterans' Affairs Sections of this bar association, but I lack records on precisely when.

Denver Bar Association, member, approx. 2008–10

Faculty of Federal Advocates (D. Colo.), member, approx. 2020–23

First Judicial District Bar Association (Colo.), member, approx. 2010–21

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.**

Colorado; Oct. 27, 2008; no lapses

Kansas; Apr. 18, 2023; no lapses

- 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.**

U.S. Supreme Court; Oct. 12, 2021; no lapses

U.S. Court of Appeals for the Fourth Circuit; Dec. 3, 2012; no lapses

U.S. Court of Appeals for the Fifth Circuit; Oct. 12, 2022; no lapses

U.S. Court of Appeals for the Ninth Circuit; Apr. 24, 2012; no lapses

U.S. Court of Appeals for the Tenth Circuit; June 9, 2011; no lapses

U.S. Court of Appeals for the Armed Forces; Jan. 25, 2010; no lapses

U.S. District Court for the District of Colorado; Nov. 12, 2020; see note below

U.S. District Court for the District of Kansas; June 21, 2023; no lapses

NOTE: I was provisionally admitted in the District of Colorado on Mar. 7, 2011. However, I was authorized to appear solely as an attorney for the federal government. When I left federal employment in June 2020, that admission automatically terminated. I reapplied and was readmitted in November 2020.

For the following courts, I have electronic filing (ECF) accounts, but I have not filed anything in the court in years. Some of these courts list me as “admitted.” However, I do not recall ever formally applying for admission, and I do not remember paying any admission or renewal fee or receiving a certificate of admission. When I call the clerk’s office for further details, they lack clarity on the circumstances of my admission. I believe I was allowed to appear and file documents under a provisional authorization provided to attorneys representing the federal government (if not by rule, at least by local practice), similar to what I described above with regard to Colorado. Such authorization naturally would have lapsed when I ceased representing the federal government. In each jurisdiction, any appearance would have been on behalf of the Social Security Administration and with the authorization of the local U.S. Attorney’s Office. I do not recall applying to be a member of these courts’ bars, nor have I ever considered myself a member of their bars except in the limited sense that I was subject to the court’s rules and ethics obligations when appearing. I list these courts below to be transparent, and have noted what the court records as my admission/first appearance date insofar as I was able to obtain such information:

U.S. District Court for the District of Montana; no date noted in clerk’s records.

U.S. District Court for the Northern District of Oklahoma; admission status noted as “exempt”

U.S. District Court for the Western District of Oklahoma; Jan. 16, 2014
U.S. District Court for the Eastern District of Washington; July 15, 2011
U.S. District Court for the District of Utah; Sept. 12, 2011 (pro hac vice)

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.**

Arlington Church of Christ, member, 2009–10
Arvada Baptist Church, member, approx. 2013–present
Federalist Society, member 2008–present (when I remembered to pay my dues)
National Postal Mail Handlers Union, associate member, 2009–20, 2025–present

- b. Indicate whether any of these organizations listed in response to 11 (a) 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 my knowledge, none of these organizations discriminates or formerly discriminated on any such basis, with the caveat that churches, of course, consistent with the Free Exercise Clause and applicable laws, generally expect members to profess belief in and adherence to the church's religious creed. But, subject to such requirement, membership is open to all, regardless of race, sex, previous religion, or national origin.

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.**

Op-Ed, *Pueblo Taxpayers at Risk of Expensive Lawsuits from Illegal Contract Clauses*, Pueblo Chieftain (May 30, 2021) (attached)

Letter to the Editor, *UI Right to Invite Gonzales*, Daily Iowan (Mar. 30, 2007) (attached)

Shock to the System: Greek Guys Exposed, The Declaration (Mar. 1, 2001) (attached)

Return to Sender: Going Postal in Station One, The Declaration (Jan. 20, 2000) (attached)

I was a student writer on the Iowa Law Review and performed standard law review editing on several articles for vol. 92.

NOTE: I have done my best to identify all responsive items, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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.**

I am not aware of any responsive items.

NOTE: I have done my best to identify all responsive items, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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.**

Responsive written items are attached.

In addition, I gave oral testimony in the Kansas legislature several times, video of which can be accessed as follows:

- Testimony on HB 2648, Kansas House Committee on Commerce, Labor and Economic Development, Feb. 13, 2024, *available at* https://www.youtube.com/live/60qOL0NVcN0?si=kGOra2M3LM_nrnEC&t=4554 (begins 1:15:54)
- Testimony on SB 458, Kansas Senate Committee on Judiciary, Feb. 13, 2024, *available at* <https://www.youtube.com/live/DGGXKBXcoi8?si=Sh3gLPFAoco781m6&t=2996> (begins at 49:56)
- Testimony on HB 2606, Kansas House Committee on Judiciary, Feb. 13, 2024, *available at* <https://www.youtube.com/live/GTaHBKXZvw8?si=kP5b5OZcCDMcKa8A&t=947> (begins at 15:47)
- Testimony on HB 2510, Kansas House Committee on Judiciary, Jan. 31, 2024, *available at* <https://www.youtube.com/live/dyp-iNhXwAs?si=Bgj2YnMvfsyX0udo&t=3357> (begins at 55:57)
- Testimony on Office of the Attorney General's proposed RFP, Kansas Joint Legislative Budget Committee, Dec. 14, 2023, *available at* <https://www.youtube.com/live/Iio5Ro8p2Ec?si=qMIOMxcJcX7DMtl&t=16313> (begins at 4:31:53)

- Testimony on Office of the Attorney General's proposed RFP, Kansas Joint Legislative Budget Committee, Apr. 26, 2023, available at https://www.youtube.com/live/5khnAw-y_qE?si=3rGPZ3D8wh3EDdzX&t=231 (begins at 3:51)

NOTE: I have done my best to identify all responsive items, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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.**

Unless otherwise noted, I have not located any copies, transcripts, recordings, or readily available press reports. I often speak without notes or speak from a handwritten outline. I generally do not retain the handwritten outlines.

Working with the New Administration (panel), Center for Law & Policy, May 3, 2025, Rio Grande, PR, 2025

Guest Speaker, Olathe Republican Party, Olathe, KS, Aug. 5, 2024

Opening Remarks, Kansas Juvenile Officers Association Annual Conference, Wichita, KS, July 29, 2024 (copy attached)

AG Office Litigation Update (panel), Rule of Law Defense Fund, Lake Buena Vista, FL, Oct. 4, 2024

Federalism Post-*Loper Bright*, Panel (moderator), Rule of Law Defense Fund, Palm Beach, FL, Sept. 2024

Remarks, Golden Belt Bankers Association, Sterling, KS, Jan. 17, 2024 (copy attached)

Attorneys General and the Conservative Legal Movement, Federalist Society – Indianapolis Lawyers Chapter, Indianapolis, IN, Dec. 7, 2023

Ethical Issues for AG Attorneys, Kansas Attorney General's Office, Topeka, KS, Nov. 3, 2023

Supreme Court Roundup (panel member), Federalist Society – Colorado Lawyers Chapter, Denver, CO, July 20, 2023

Chiefs Discussion (panel), Rule of Law Defense Fund, Nashville, TN, June 6, 2023 (overview attached)

Practicing with Professionalism (moderator), Kansas Attorney General's Office, Topeka, KS, Apr. 28, 2023

Opening Remarks, Kansas Human Trafficking Advisory Board Meeting, Topeka, KS, Apr. 18, 2023 (copy attached)

Courtroom Argument for Litigation Startups (panel member), State Policy Network Annual Meeting, Atlanta, GA, Sept. 2022

Constitutional Litigation for Everyday Litigators, Independence Institute, Denver, CO, Oct. 14, 2021, available at <https://youtu.be/wip0wttQwZw?si=2snIMiDnqebuxXQe&t=7367> (presentation begins at 2:02:47)

Property Rights and the Boulder Oil and Gas "Moratorium," Colorado Alliance of Mineral & Royalty Owners Annual Conference, approx. June 2021 (slides attached)

How to Sell Your Case to the U.S. Attorney's Office, U.S. Postal Service, Office of the Inspector General, Denver, CO, 2017

Proving Mail and Wire Fraud, U.S. Postal Service, Office of the Inspector General, Denver, CO 2017

How to Sell Your Case to the U.S. Attorney's Office, Denver Inspector Generals' Council, Denver, CO, 2017

In addition to the foregoing:

- I have given a number of internal trainings, presentations, and professional development talks to Army and Social Security Administration audiences.
- I gave several speeches at political gatherings in Colorado during the summer and fall of 2018, as a surrogate for George Brauchler's gubernatorial campaign.

NOTE: I have done my best to identify responsive items, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember.

- 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.**

Sunflower State Journal, Sept. 2023 (attached)

Advance Colorado Rundown, Feb. 2, 2022, *available at*

<https://www.advancecolorado.org/podcasts/advance-colorado-rundown-feb-2-2022/>

The Lars Larson Show, Dec. 15, 2021, *available at* <https://soundcloud.com/thelarslarsonshow/dan-burrows-why-is-national-bill-of-rights-day-in-america-so-important-1>

KDVR, Sept. 16, 2021, some quotes from the interview are included here:
<https://kdvr.com/news/problem-solvers/safe-outdoor-spaces-denvers-alternative-to-homeless-camps/>

KFKA, Jul. 19, 2021, *available at* <https://1310kfka.com/podcasts/gail/07/july-19th-dan-burrows-and-vince-poscente-hr-3/>

Independence Institute TV, Feb. 17 2021, *available at*
<https://www.youtube.com/watch?v=eyEOUdJsmHM>

Law Week Colorado, Feb. 10, 2021, some quotes from the interview are likely included here, although it is behind a paywall so I cannot be certain:
<https://www.lawweekcolorado.com/article/boulder-residents-challenge-drilling-ban/>

KFKA, Feb. 5, 2021, *available at* <https://1310kfka.com/podcasts/gail/02/february-5-hr-3-dan-burrows-with-public-trust-institute-and-kevin-carr/>

Boulder Daily Camera, Feb. 2021 (article containing quotes from the interview is attached)

KFKA, Dec. 7, 2020, *available at* <https://1310kfka.com/podcasts/gail/12/december-7th-dan-burrows-and-bob-zadek-hr-3/>

CNN, Sept. 28, 2011, *available at* <https://www.youtube.com/watch?v=Kv4DASl3SI0>

The Cavalier Daily, Nov. 2001 (articles containing quotes from or paraphrases of the interview are attached)

The Cavalier Daily, Oct. 2001 (article containing quotes from the interview is attached)

I gave several interviews regarding cases I litigated 2020–22. Where I have been able to find coverage of the interview, it is included above. I found the following additional interviews on my personal calendar. However, there may have been more that I do not have memorialized anywhere.

Ross Kaminsky (probably on 630 KHOW), Mar. 31, 2021

Denver7 ABC, Mar. 17, 2021

I was also interviewed on local Denver television (I believe it was KUSA, but am not certain) in approximately 2011 or 2012, but have been unable to find any record of the interview.

NOTE: I have done my best to identify responsive items, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember.

- f. **If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.**

Not applicable.

13. 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 was the designee of Kris Kobach, the Kansas Attorney General, to both the State Board of Canvassers and the Joint Committee on State-Tribal Relations, 2023–24.

I have never sought elective public office or had any unsuccessful nomination for appointed public 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.**

Listed below are the candidates and political organizations with whom I have held a position or volunteered on an extended basis. I have also hosted or attended fundraisers and performed minor volunteer activities for a number of other state and federal candidates or committees, and several times been a delegate to both state and lower-level Republican Party assemblies in Colorado.

Republican National Lawyers Association, 2024 general election

- Deployed to Madison, Wisconsin, as pollwatcher

Jefferson County (Colo.) Republican Party, 2020 and 2022 primary elections

- Member of county assembly resolutions committee, 2020
- Chair of county assembly resolutions committee, 2022

George Brauchler for Governor of Colorado, 2018 general election

- Gave remarks in favor of candidate at various political events when candidate could not attend

Colorado Republican Party, 2008 general election

- Recruited, trained, and organized pollwatchers and legal team members; manned Election Day call center

Bob Knight for Kansas Governor, 2002 primary election

- Delivered yard signs and other campaign material, assisted around campaign office

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

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

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

I clerked for Judge Margaret A. Ryan of the U.S. Court of Appeals for the Armed Forces, June 2009–June 2010.

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

My time as legal director for the Public Trust Institute and Advance Colorado was essentially solo practice.

Public Trust Institute; 98 Wadsworth Blvd. #127-3071; Lakewood, CO 80226 (June 2020–Dec. 2021)

Advance Colorado; 1312 17th St, Unit 2029; Denver, CO 80202 (Jan. 2022–Jan. 2023)

I also handled one small legal matter for a nonprofit organization in 2024, for which I charged a fee. The work was done from my home.

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.**

Chief Deputy Attorney General; Kansas Attorney General's Office; 120 SW 10th Ave.; Topeka, KS 66612; Jan. 2023–Jan. 2025

Special Assistant U.S. Attorney; U.S. Attorney's Office for the District of Colorado, Economic Crimes Section; 1801 California St., Suite 1600; Denver, CO 80202; Mar. 2014–June 2020

Assistant Regional Counsel; Social Security Administration; 1961 Stout St., Suite 4169; Denver, CO 80294; Sept. 2010–Mar. 2014

Associate Attorney; Levy Morse & Wheeler, PC; Englewood, CO (firm no longer exists); Nov. 2008–May 2009

I also practiced law part-time as a judge advocate in the U.S. Army Reserve. My assignments have been as follows:

Dates	Unit	Principal Duty Title	Location
Apr. 2025–present	Uniformed Services University of the Health Sciences	Assistant General Counsel	Naval Support Activity Bethesda, MD
Dec. 2020–June 2023	U.S. Army Legal Services Agency	Environmental Law Attorney	Fort Belvoir, VA
July 2018–Nov. 2020	1st Space Brigade	Brigade Judge Advocate	Fort Carson, CO
Sept. 2015–June 2018	209th Regional Support Group	Assistant Command Judge Advocate	Belton, MO
Mar. 2011–Sept. 2015	22nd Legal Operations Detachment	Defense Counsel	San Antonio, TX

NOTES: (1) As an Environmental Law Attorney, I was assigned to the 13th Legal Operations Detachment in White Plains, MD, for administrative purposes, but my duty assignment was with the Army Legal Services Agency. (2) The 22nd Legal Operations Detachment was headquartered in San Antonio, TX, but my assigned team was at Fort Carson, CO.

- 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.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.**

I have never held any judicial office.

b. Describe:

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

Civilian Practice:

I began my legal practice in 2008 as a civil litigator with Levy Morse & Wheeler, primarily doing insurance defense. I clerked for Judge Ryan handling appeals from courts-martial 2009–10, and then returned to civil litigation, this time at the Social Security Administration. In 2014, I switched to criminal prosecution until 2020. At that point I returned to civil litigation, handling mostly cases involving state or federal constitutional rights, 2020–23. As Chief Deputy Attorney General of Kansas, 2023–25, I managed a large office of attorneys covering the full range of matters handled by a state attorney general's office.

Military Practice:

My practice in the military has mostly involved advising civilian or military decisionmakers. The one major exception is my time as a defense counsel, 2011–15, during which I represented Soldiers as the military’s version of a public defender.

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

Civilian Practice:

2023–25: State government client. Oversaw other attorneys’ work in consumer protection, criminal prosecutions and appeals, and a wide range of civil litigation and appeals. I also oversaw the office’s general counsel work, attorney general opinions, and relations with other parts of the executive branch and the legislature.

2020–23: Pro bono representation of clients in suits against state and local government. Clients could be individuals, businesses, or nonprofit organizations. Specialized in state constitutional issues, but also handled federal constitutional claims.

2014–20: Federal government client. Specialized in prosecuting economic crimes (mostly government benefit fraud).

2010–14: Federal government client. Specialized in (a) challenges to the agency’s decisions on disability cases in federal district and appellate courts and (b) administrative litigation involving federal employment law.

2009–10: Clerking. No clients.

2008–09: Clients were typically insurance companies or defendants whose legal fees were covered by insurance. Cases were mostly personal injury or coverage disputes.

Military Practice:

2025–present: Broad general counsel services to university/professional school.

2020–23: Provided advice to Army and support to DOJ attorneys in pending litigation. Specialized in environmental litigation and compliance.

2015–20: Advised commanders on various issues of administrative law, contract and fiscal law, ethics, national security law, and military justice.

2011–15: Represented individual Soldiers facing criminal charges or administrative action/separation. Specialized in U.S. Army Reserve administrative separation proceedings.

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 civilian practice has been almost entirely in litigation. I appeared in court only occasionally at first, but beginning in 2010, and especially from 2014–22, I was in court frequently. I have not physically appeared in court since about late 2022.

i. Indicate the percentage of your practice in:

- 1. federal courts: 75%**
- 2. state courts of record: 20%**

3. other courts: 1%
4. administrative agencies: 4%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 60%
2. criminal proceedings: 40%

- 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.

Five, lead counsel in all. (This does not include cases that reached judgement or final decision by way of summary judgment or some other dispositive motion.)

I have also defended or prosecuted approximately seven administrative separation boards in the Army Reserve, which are administrative trials conducted before a panel of three officers plus a non-voting legal advisor, rather than an administrative law judge.

i. What percentage of these trials were:

- | | | |
|--------------|----|---|
| 1. jury: | 92 | % |
| 2. non-jury: | 8 | % |

NOTE: The Army administrative separation boards discussed above are treated as jury trials in these numbers. If those are excluded, the numbers would be 80% jury, 20% 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 authored one amicus brief in the U.S. Supreme Court, at the certiorari stage in *303 Creative LLC v. Elenis*, No. 21-476. The brief is attached.

15. 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.

Aranci v. Lower S. Platte Water Conservancy Dist., No. 21CV30049 (Logan Cty. Dist. Ct.)

The Colorado Constitution requires that local governments must have “voter approval in advance for... any... mill levy above that for the prior year.” In 2019, the Lower South Platte Water Conservancy District doubled its mill levy for the subsequent years, without putting the question on the ballot. I represented five individuals who brought a class action against the District and associated county treasurers, who were in charge of collecting the tax. My clients sought invalidation of the tax increase and a refund (plus interest) of the illegally collected revenue. The district court ruled that the mill levy increase had been lawful.

I handled this matter in the district court Nov. 2021–Jan. 2023, withdrawing after filing the notice of appeal, so I could take a new job. Co-counsel carried on with the case and obtained a favorable published opinion from the Colorado Court of Appeals reversing the district court and finding that the mill levy increase had been illegal, 550 P.3d 1146.

Judge: Robert Charles James, District Judge

Co-Counsel: Joseph D. Henschman; National Taxpayers Union Foundation; 122 C St, NW #650; Washington, DC 20001; (202) 766-5019

Principal Counsel for Other Parties: Julianne M. Woldridge; MacDougall & Woldridge, PC; 18401 Hwy 24, Suite 211; PO Box 7273; Woodland Park, CO 80863; (719) 520-9288 (counsel for LSPWCD)

Charles C. Cavanagh; Park, Lawless & Tremonti; 515 S Flower St., 18th Floor; Los Angeles, CA 90071; (213) 640-3770 (counsel for Treasurer defendants) *NOTE: At the time of this case, Mr. Cavanagh was with a firm in Denver called Messner Reeves.*

Chronos Builders, LLC v. Dep’t of Labor & Empl., 512 P.3d 101 (Colo. 2022)

The Colorado Constitution requires “all taxable net income to be taxed at one rate... with no added tax or surcharge.” In 2020, the state passed a law, via voter initiative, that established a statewide family and medical leave “insurance” program, funded by a “premium,” paid by employers and measured as a percentage of each employee’s wages. That premium was not uniformly applied to all wages or all wage earners. Rather, it was only assessed on the first so many dollars an employee earns. Also, some employers could opt out of the program, some could pass the premium on to their employees, and small employers paid a lower-percentage premium. I represented a small business in Grand Junction, Colorado, that sued arguing the aforementioned premium was an unconstitutional “added tax or surcharge.”

The district court dismissed the case, holding that the premium charges were lawful. My client appealed and obtained certiorari before judgment from the Colorado Supreme Court while the case was still pending in the Court of Appeals. After briefing and oral argument, the state Supreme Court upheld the district court’s decision that the premium charges were constitutional.

I handled the case through all stages, July 2021–Sept. 2022.

Judges: Michael A. Martinez, Chief District Judge

Gilbert M. Roman, Chief Court of Appeals Judge

Monica Márquez, Brian Boatright, William Hood III, Richard Gabriel, Melissa Hart, Carlos Samour, Jr., and Maria Berkenkotter, Supreme Court Justices

Co-Counsel: None.

Principal Counsel for other Party: Noah C. Patterson; Colorado Attorney General’s Office;

1300 Broadway, 8th Floor; Denver, CO 80203; (720) 508-6587

Contreras v. Colvin, 583 F. App'x 630 (9th Cir. 2014)

The plaintiff in this case applied for Social Security disability benefits, but her application was rejected by the agency. She filed suit, and a district court remanded the case to the agency to take another look. The plaintiff appealed, arguing that the court should order SSA to pay her benefits without further proceedings. On appeal, the Ninth Circuit agreed with her.

I do not recall if I was involved in the case at the district court. (I was not lead counsel and did not enter an appearance, but I may have assisted in briefing.) However, I was lead counsel for the SSA on appeal (beginning in approximately 2011) and argued the case in the Ninth Circuit.

Judges: Jerome Farris, Stephen Reinhardt, and A. Wallace Tashima, Circuit Judges

Co-Counsel: None.

Principal Counsel for Other Party: Mark Caldwell; 8250 S Priest Dr.; PO Box 10446; Tempe, AZ 85284; (602) 320-7645. *NOTE: At the time of this case, Mr. Caldwell was with a firm in Phoenix called Caldwell & Ober LLC.*

Foster v. Stanek, 689 F. Supp. 3d 975 (D. Kan. 2023)

In 2019, Kansas agreed to a consent judgment that required the state to change the sex listed on the birth certificates of those who claimed to be transgender and requested such a change. However, in 2023 the legislature passed a law called the Women's Bill of Rights that the Attorney General determined, via official Attorney General Opinion, prohibited listing any sex other than sex at birth on a birth certificate.

I was the state's lead counsel in 2023, litigating a motion under Fed. R. Civ. P. 60 for relief from the previously entered consent judgment. The judge granted the motion and amended the judgment to free the state of the requirement to alter birth certificates.

Judge: Daniel D. Crabtree, District Judge

Co-Counsel: Anthony Powell & Jesse Burris; Kansas Attorney General's Office; 120 SW 10th Ave; Topeka, KS 66612; (785) 368-8409.

Principal Counsel for other Parties: Omar Gonzalez-Pagan; Lambda Legal Defense & Education Fund, Inc.; 120 Wall St., 19th Floor; New York, NY 10005; (202) 809-8585

In re Interrogatory on House Bill 21-1164, 487 P.3d 636 (Colo. 2021)

Colorado law allows the legislature to send questions directly to the Supreme Court. In 2021, it requested that the Court review the constitutionality of a bill the legislature was considering that would have phased out tax credits that had been enacted the year before.

I represented thirty-six dissenting legislators arguing that (a) the court should decline to answer the interrogatory and (b) the proposed bill violated the state constitution. The Court disagreed, and held that the bill was constitutional.

Judges: Monica Márquez, Brian Boatright, William Hood III, Richard Gabriel, Melissa Hart, Carlos Samour, Jr., and Maria Berkenkotter, Supreme Court Justices

Co-Counsel: None.

Principal Counsel for Other Parties: Noah C. Patterson & Russell D. Johnson; Colorado Attorney General's Office; 1300 Broadway, 8th Floor; Denver, CO 80203; (720) 508-6587 (counsel for Attorney General Weiser & Governor Polis)
Suzanne Taheri; West Group; 6501 E Bellevue Ave., Suite 375; Denver, CO 80111; (303) 218-

7150 (counsel for Colorado Rising Action) *NOTE: At the time of this case, Ms. Taheri was with a firm called Maven Law Group.*
Mark Grueskin; Recht Kornfeld, PC; 1600 Stout St., Suite 1400; Denver, CO 80202; (303) 573-1900 (counsel for the General Assembly)
Rebecca R. Sopkin; 2945 Parfet Dr.; Lakewood, CO 80215 (counsel for the TABOR Foundation)

Salazar v. Pub. Trust Inst., 522 P.3d 242 (Colo. App. 2022)

In 2019, my client filed a complaint with the Colorado Secretary of State arguing that a former state representative appeared to be lobbying without proper registration, and a complaint with the state's Independent Ethics Commission (IEC) arguing that the same legislator appeared to be violating the two-year ban on former legislators becoming lobbyists. Both the Secretary of State and the IEC dismissed the complaints. After those dismissals, the former representative sued my client for malicious prosecution.

I filed a motion to dismiss under Colorado's anti-SLAPP statute, which the district judge denied. On appeal, however, I was successful in getting the claims involving the Secretary of State's Office dismissed.

I handled the case both in the district court and on appeal Oct. 2020–Jan. 2023. I withdrew after the case had been returned to the district court.

Judges: Alex C. Myers, District Judge

John Daniel Dailey, Michael Berger, and Ted C. Tow III, Court of Appeals Judges

Co-Counsel: None.

Principal Counsel for Other Party: Jeremy A. Sitcoff; Levin Sitcoff PC; 455 Sherman St., Suite 490; Denver, CO 80203

State v. McCray, No. 125,798, 2024 Kan. App. Unpub. LEXIS 414 (Kan. Ct. App. Oct. 18, 2024) (per curiam)

The defendant pled guilty to drug and firearm charges. His criminal history included an Illinois conviction for aggravated discharge of a firearm, which the district court judge counted as a "person felony" to increase his criminal history score under the Kansas sentencing guidelines. The defendant argued that it should have been counted as a "non-person felony" and consequently appealed the sentence. The Kansas Court of Appeals upheld the district court's decision. Earlier this year, the Kansas Supreme Court granted certiorari in the case.

I handled the government's defense of the sentence in the Court of Appeals and through the certiorari petition, but left the Attorney General's office before certiorari was granted.

Judges: Jacy Hurst, Henry W. Green, Jr., and G. Gordon Atcheson, Appellate Court Judges

Co-Counsel: None

Principal Counsel for Other Party: Michelle A. Davis; Kansas Appellate Defender's Office; 700 SW Jackson St., Suite 900; Topeka, KS 66603; (785) 296-5484.

United States v. Glaub, No. 16-cr-00184-RM (D. Colo.)

The defendant in this case, Gunther Glaub, was involved in a scheme to file false claims with the Department of Agriculture. The scheme had been spreading through the sovereign citizen movement and had become widespread in western Colorado. A grand jury indicted Glaub and a handful of others. Two of the defendants—one of whom was Glaub—went to trial. After a three-day trial, the jury convicted him on five counts of filing false claims. The judge sentenced

Glaub to five years of probation, a special assessment of \$500, and a \$500 fine.

I was lead counsel for both the investigation and prosecution of this matter, through sentencing, approx. 2015–May 2017. The appeal led to a published decision upholding Glaub’s convictions, 910 F.3d 1334, but I was not counsel for the appeal.

Judge: Raymond P. Moore, District Judge

Co-Counsel: Peter McNeilly; U.S. Attorney’s Office for the District of Colorado; 1801 California St., Suite 1600; Denver, CO 80202; (303) 454-0127

Principal Counsel for Other Party: Siddhartha Rathod; Rathod Mohamedbhai LLC; 2701 Lawrence St., Suite 100; Denver, CO 80205; (303) 578-4401

United States v. Hutson, No. 16-cr-00186-MSK-GPG (D. Colo.)

Rocky Hutson was indicted as part of the same investigation that caught Mr. Glaub (above), but Hutson’s activities also involved something akin to a check kiting scheme. Hutson went to trial. After a seven-day trial, the jury convicted him on all counts: five counts of filing false claims, three counts of bank fraud, and six counts of creating fictitious financial instruments. The judge sentenced him to 70 months in prison followed by 3 years of supervised release, \$23,924.28 in restitution, and a \$1400 special assessment.

I was lead counsel for both the investigation and prosecution of this matter, through sentencing and some post-sentencing litigation in the district court, approx. 2015–Mar. 2020.

Judge: Marcia S. Krieger, Chief District Judge

Co-Counsel: Peter Hautzinger; U.S. Attorney’s Office for the District of Colorado; 205 N 4th St., Suite 400; Grand Junction, CO 81501; (970) 241-3843

J. Bishop Grewell; U.S. Attorney’s Office for the District of Colorado; 1801 California St., Suite 1600; Denver, CO 80202; (303) 454-0213

Principal Counsel for Other Party: Ashley Marie Petrey; AP Law, Ltd.; 600 N Grant St., Suite 300; Denver, CO 80203; (970) 366-6244

United States v. Van Buskirk, 17-cr-00448-WJM (D. Colo.)

Cathleen Van Buskirk declared bankruptcy but hid a portion of her assets. Some (gold, cash, and jewelry) she gave to a neighbor to hold and did not declare them. Others, she hid by routing compensation earned prior to her bankruptcy declaration through shell companies so that she did not receive it until after she declared bankruptcy (compensation earned post-bankruptcy is not part of the bankruptcy estate and can be taken free and clear of the discharged debts). Van Buskirk eventually pled guilty to one count of bankruptcy fraud and was sentenced to 18 months in prison, 3 years of supervised release, a \$50,000 fine, and a \$100 special assessment.

I was lead counsel for both the investigation and prosecution of this matter, through sentencing and some minor post-sentencing proceedings in the district court, approx. 2017–May 2019.

Judge: William J. Martinez, District Judge

Co-Counsel: Pegeen Rhyne; U.S. Attorney’s Office for the District of Colorado; 1801 California St., Suite 1600; Denver, CO 80202; (303) 454-0409. *NOTE: Ms. Rhyne retired from the U.S. Attorney’s Office a few years ago. The Colorado Supreme Court lists her as still having an active license, but I do not believe she is currently practicing law. I can provide her personal contact information on request.*

Principal Counsel for Other Party: Patrick D. Tooley; Dill, Dill, Carr, Stonbraker & Hutchings, PC; 455 Sherman St., Suite 300; Denver, CO 80203; (303) 777-3737

16. 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.)

See answer to Item 15 above. I do not recall ever performing lobbying activities on behalf of clients.

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

I have not taught any courses.

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

I have a cash balance pension plan with the State of Kansas, but the State no longer makes contributions. The State's contributions to that plan are presently unvested because I do not have five years of service with the State.

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

I intend to continue my service in the Army Reserve.

20. 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 OGE Form 278.

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

See attached statement. Given the uncertainties and fluctuations involved in property valuation, the statement of net worth does not contain precise, to-the-penny values. Nonetheless, I have made a good-faith effort to reasonably and comprehensively estimate my household's assets and liabilities.

22. Potential Conflicts of Interest:

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

I am not aware of any person or situation likely to present a conflict of interest if I were to be confirmed and appointed as an Assistant Attorney General.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. 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 work load, 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Almost the entirety of my career has been in public service. Except for my first year out of law school, I have worked for either the government or a nonprofit organization.

Focusing more specifically on representing the disadvantaged: From June 2020 to January 2023, every case I handled was done without charging any fee to the clients—I was a full-time pro bono litigator for about 2.5 years. During that time, I represented, among others, a disabled woman discriminated against by her school district, numerous citizens challenging illegal taxing or government debt, an activist retaliated against by a politician, landowners who government regulations had deprived of any productive use of their property, and parents of children at a school for the dyslexic that the local school district was trying to close. All such representation was in cases where either the client could not afford private counsel or the economic interests at stake would not have justified hiring such counsel. Also, I was a part-time

defense attorney in the Army Reserve for about 4.5 years, providing legal representation without fee to accused Soldiers (essentially, as the Army's version of a public defender).