

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Justin Daniel Smith

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

United States Circuit Judge for the Eighth Circuit

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

Office: 530 Maryville Centre Drive, Suite 230
St. Louis, Missouri 63141

Residence: New Bloomfield, Missouri

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

1985; Des Moines, Iowa

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

2007 – 2010, University of Missouri School of Law; J.D. (*magna cum laude*), 2010

2003 – 2007, University of Missouri – Kansas City; B.A. (*summa cum laude*), 2007

2002, Central Missouri State University (Missouri Boys State) (no degree pursued or received)

2001 – 2002, Blue River Community College (earned college credits during high school, no degree pursued or received)

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.

2023 – present
James Otis Law Group, LLC
530 Maryville Centre Drive, Suite 230
St. Louis, Missouri 63017
Co-owner (2025 – present)
Independent contractor (2023 – 2025)

2023 – 2025
Pervinco LLC
1700 Dogwood Farm Lane
New Bloomfield, Missouri 65063
Self-employed

2023
United States Senate, Senator Eric Schmitt
1123 Wilkes Boulevard, Suite 320
Columbia, Missouri 65201
Senior Advisor

2019 – 2023
State of Missouri, Attorney General's Office
207 West High Street
Jefferson City, Missouri 65102
First Assistant (2021 – 2023)
Chief of Staff (2020 – 2023)
Acting General Counsel (2020 – 2021)
Deputy Attorney General for Special Litigation (2019 – 2021)
Assistant Deputy Attorney General for Special Litigation (2019)

2018 – 2019
State of Missouri, Missouri Department of Agriculture
1616 Missouri Boulevard
Jefferson City, Missouri 65102
General Counsel

2018 – present
Dogwood Farm, LLC
1700 Dogwood Farm Lane
New Bloomfield, Missouri 65063
Co-owner

2017 – 2018
State of Missouri, Office of the Governor
Capitol Building, Room 216
201 West Capitol Avenue

Jefferson City, Missouri 65102
Deputy Counsel

2008 – 2016
Shook, Hardy & Bacon L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
Associate (2010 – 2016)
Summer Associate (2008, 2009)

2013 – 2014
Pfizer Inc.
235 East 42nd Street
New York, New York 10017
Secondee

2010
Honorable Nanette K. Laughrey
United States District Court for the Western District of Missouri
131 West High Street
[now 80 Lafayette Street]
Jefferson City, Missouri 65101
Intern

2010
Speaker Pro Tem Representative Bryan Pratt
Missouri House of Representatives
Capitol Building, Room 301
201 West Capitol Avenue
Jefferson City, Missouri 65102
Intern

2009
Audrain County Prosecuting Attorney Jacob Shellabarger
Audrain County Courthouse, Room 306
101 North Jefferson Street
Mexico, Missouri 65265
Intern

2008 – 2009
Professor Brian T. Fitzpatrick
Vanderbilt Law School
Room 291A
131 21st Avenue South
Nashville, Tennessee 37203
Research Assistant

2007 – 2009
Business Information Services, LLC
375 Weschester Drive
Blue Springs, Missouri 64014
Demographic Analyst

Other Affiliations (uncompensated)

2025 – present
Yorktown Fund
3200 West End Avenue, Suite 500
Nashville, Tennessee 37203
Member, Board of Directors (Uncompensated)
Treasurer (Uncompensated)

2024 – present
First Principles Action
3200 West End Avenue, Suite 500
Nashville, Tennessee 37203
Member, Board of Directors (Uncompensated)

2024 – 2025
Publius Fund
8300 Boone Boulevard, Suite 500
Vienna, Virginia 22182
Member, Board of Directors (Uncompensated)
Secretary (Uncompensated)

2023 – 2024
American Patriot Fighters, Inc.
251 Little Falls Drive
Wilmington, Delaware 19808
Member, Board of Directors (Uncompensated)

2015 – 2016
KC BizPAC
30 West Pershing, Suite 301
Kansas City, Missouri 64108
Member, Board of Directors (Uncompensated)

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 registered for the selective service upon turning 18.

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.

University of Missouri School of Law

Merit Scholarship (2007 – 2010)
Order of the Coif (2010)
Order of the Barristers (2010)
Order of the Scribes (2010)
Judge Shepard Barclay Prize for the senior who has attained the highest standing in scholarship and moral leadership (2010)
MU Law School Foundation Prize for the member of the previous third year class who attained the highest scholastic achievement for that year (2011)
International Academy of Trial Lawyers Student Advocacy Award for the student who demonstrates an overall ability in Trial Advocacy by high achievement in Trial Practice, Evidence & Pleading and Procedure courses (2010)
Roscoe Anderson Award for Excellence in Advocacy (2010)
R. David Ray Trial Advocacy Award (2009, 2010)
Guy A. Thompson Prize, Best Student Note (2009)
Senniger, Powers LLP Student Prize for best work in Patent Law (2009)
Top Ten Oralist, 1L Moot Court (2008)
Judge Warren D. Welliver Prize for best work in Torts (2007)
CALI Excellence for the Future Awards: Advocacy, Family Violence, & Public Policy (2009); Contracts II (2008); Corporate Taxation (2009); Estates & Trusts (2008); Family Law (2009); Natural Resources (2010); Patent Law & Policy (2009); Torts (2007)

University of Missouri – Kansas City

Curators Scholarship (2003 – 2006)
Missouri Bright Flight Scholarship (2003 – 2006)
Honors College Scholar (2007)
Department of Political Science Departmental Honors (2007)
Best Attorney Award, UMKC Kangaroo Court Invitational, American Mock Trial Association (2006, 2007)
Emerging Leader Award, Student Government Association (2005)
Best Attorney Award, Creighton Blue Jay Invitational, American Mock Trial Association (2005)
Outstanding Achievement Recognition, Department of Foreign Languages (2004)
Best Witness Award, UVA Great American Invitational, American Mock Trial Association (2004)

Professional honors

Show Me Challenge, AgStop Team, 1st Place (2019)
Rising Stars, *Missouri & Kansas Super Lawyers* (2015 – 2016)
Pro Bono Wall of Fame, The Missouri Bar (2015 – 2016)
Harvey L. Kaplan Rainmaker Award, Shook, Hardy & Bacon (2014)

20 in Their Twenties, *Ingram's* (2012)

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 (2007 – 2010)

Bar Association of the Fifth Federal Circuit (2025 – present) (complimentary membership)

Elwood L. Thomas Inn of Court (2009 – 2010)

Missouri Bar (2010 – present)

Shook, Hardy & Bacon may have paid for my membership in the Kansas City Metropolitan Bar Association early in my legal career, but I do not have records reflecting whether that occurred and, if so, the dates of membership.

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.

Missouri, 2010 – present

New Jersey, 2012 – 2023*

*I took and passed the New Jersey bar exam in 2012 because, while at Shook, Hardy & Bacon LLP in Missouri, I was working on a large matter pending in New Jersey state court. I volunteered to become licensed as a New Jersey attorney to assist my firm in handling the matter.

I left Shook, Hardy & Bacon in December 2016 to enter public service in Missouri state government. In 2017, I called the New Jersey attorney admissions to learn how to apply for inactive status since I was no longer performing legal work outside of Missouri. I was informed that New Jersey did not have inactive status.

Instead, the New Jersey official offered me three options. First, I could pay the annual admission fee. This was not attractive because it cost several hundred dollars annually; I could not justify asking my public sector employer to cover that cost, and I was now living on a substantially reduced salary. Second, I could resign my membership effective immediately. Or third, I could not pay the annual fee, which would result in my name being placed on a list of delinquent members. For the next six years, I could reactivate my license by paying all outstanding fees and complying with all ethics requirements that accrued during the intervening period. If I did not do so, after six years, my license would be revoked.

Because I had been recruited to return to Shook, Hardy & Bacon if I left state government, I decided to pursue the non-payment option. If I returned to Shook, Hardy & Bacon within six years, I could ask the firm to pay all outstanding fees that had

accrued and resume work on the large New Jersey matter that the firm was still handling. I worked in government for more than six years and then began working with a small law firm. I never needed my New Jersey license again, and thus I never paid the outstanding fees. It is my understanding that my New Jersey license is now administratively revoked due to non-payment of license fees.

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, 2024
United States Court of Appeals for the Second Circuit, 2025
United States Court of Appeals for the Fifth Circuit, 2025
United States Court of Appeals for the Eighth Circuit, 2019
United States Court of Appeals for the Ninth Circuit, 2024
United States Court of Appeals for the Tenth Circuit, 2025
United States Court of Appeals for the District of Columbia Circuit, 2024
United States District Court for the District of Kansas, 2024
United States District Court for the Eastern District of Missouri, 2019
United States District Court for the Western District of Missouri, 2010*
United States District Court for the District of New Jersey, 2014
United States District Court for the Eastern District of Wisconsin, 2012

*In 2023, my membership in the United States District Court for the Western District of Missouri lapsed for approximately three months when I did not pay the annual dues while working in a non-litigation position in the U.S. Senate. I sought and received reinstatement in April 2023 when I returned to private practice.

11. **Memberships:**

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

American Council of Young Political Leaders (2021 – present)
Shook, Hardy & Bacon Knowledge Management Task Force (2015 – 2016)
Teneo (2023 – 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 copies of all published material to the Committee.

Op-Ed, *Exclusive—Justin Smith: Missouri Conservatives Have a Clear Choice for Attorney General in Trump’s Attorney Will Scharf*, Breitbart (July 30, 2024). Copy supplied.

Regulatory Reform at the State Level: A Guide to Cutting Red Tape for Governors and Executive Branch Officials, 3 Bus. Entrepreneurship & Tax L. Rev. 276 (2019). Copy supplied.

With Robert T. Adams, *A View from the Bench: Judging the Lawyers – Courtroom Tactics and Ethics*, Federation of Defense and Corporate Counsel conference paper (Spring 2015). I have been unable to locate a copy of this paper.

Contributing author to Robert T. Adams *et al.*, *The 21st Century Practice of Law* (July 27 – August 2, 2014). I prepared the sections on Legal Project Management: The Attorney as Conductor and Alternative Fee Arrangements. Copy supplied.

With Robert T. Adams, *Effective Communication at Trial: Social Media and Juries*, American Bar Association conference paper (Spring 2014). I have been unable to locate a copy of this paper.

With David Erickson, Joe Garza, Cynthia Williams, Russ Williams, and Ava Azad, *Bad Moon Rising: The Importance of Initial Responses to Crises*, Federation of Defense & Corporate Counsel conference paper (Summer 2013). Copy supplied.

With Terry J. Satterlee and Vanessa D. Dittman, *Nutrients in the Heartland: Regulatory and Legal Issues Surrounding the Mighty Mississippi*, 27 Nat. Resources & Env’t 1 (Spring 2013). Copy supplied.

With David R. Erickson, Joseph M. Gaynor, Jr., C. Douglas Goins, Jr., and Anthony R. Martinez, *Responding to a Mass Environmental Disaster*, Federation of Defense & Corporate Counsel Toxic Tort and Environmental Law Section (Winter 2011). Copy supplied.

With William C. Martucci and Jennifer K. Oldvader, *Hiring and Firing in the Facebook Age (with Sample Provisions)*, The Practical Lawyer (Oct. 2010). Copy supplied.

With Ashley Brittain, Zachary A. Crowell, and Mary M. Beck, *Investigating the Justice System Response in Missouri to Child Homicides Related to Hostile Environments*, 66 J. Mo. Bar 262 (Sept. 2010). Copy supplied.

In July and August 2010, I maintained a travel blog, www.theultimatetrip.us, to provide updates on a road trip around the country. The website is no longer available.

Hostile Takeover: The State of Missouri, the St. Louis School District, and the Struggle for Quality Education in the Inner-City, 74 Mo. L. Rev. 1 (2009). Copy supplied.

Research assistant and student editor for Brian T. Fitzpatrick, *The Politics of Merit Selection*, 74 Mo. L. Rev. 675 (2009). Copy supplied.

Blogging the convention: A look back at the Republican convention, St. Louis Beacon (Sept. 8, 2008). Copy supplied.

Blogging the convention: A tribute to Dole and a star turn by Palin, St. Louis Beacon (Sept. 4, 2008). Copy supplied.

Blogging the convention: A night to honor patriotism and service, St. Louis Beacon (Sept. 3, 2008). Copy supplied.

Blogging the convention: Hangin' with the GOP stars, St. Louis Beacon (Sept. 2, 2008). Copy supplied.

Blogging the convention: News of Palin's daughter a tempest in a teapot, St. Louis Beacon (Sept. 1, 2008). Copy supplied.

Blogging the convention: Sunday, Monday subdued at Republican convention, St. Louis Beacon (Sept. 1, 2008). Copy supplied.

Blogging the convention: Palin has a wonderful story to tell, St. Louis Beacon (Aug. 30, 2008). Copy supplied.

With Lucinda Housley, *Meet our bloggers at the GOP Convention*, St. Louis Beacon (Aug. 29, 2008). Copy supplied.

Letter to the Editor, *Graduation address*, The Kansas City Star (May 4, 2007). Copy supplied.

Letter to the Editor, *Voting like a rubber stamp*, Springfield News-Leader (Feb. 14, 2007). Copy supplied.

Letter to the Editor, *Infringing on principles*, The St. Louis Post-Dispatch (Feb. 8, 2007). Copy supplied.

Letter to the Editor, *Talent has worked to fight meth problem*, The Examiner (Nov. 2, 2006). Copy supplied.

Letter to the Editor, *Grounds will bring much-needed change*, The Examiner (July 28, 2006). Copy supplied.

Letter to the Editor, *A tribute to Reagan*, The Washington Times (June 10, 2005). Copy supplied.

Letter to the Editor, *Candidate Smith: vote-buying unfounded*, The University News (Apr. 25, 2005). Copy supplied.

Letter to the Editor, *Experience to Lead, Commitment to Serve*, The University News (Apr. 11, 2005). Copy supplied.

Op-Ed, *Experience and commitment important to leadership*, The University News (Apr. 4, 2005). Copy supplied.

Op-Ed, *Leadership is the issue*, The University News (Oct. 4, 2004). Copy supplied.

Op-Ed, *Republican view: A terrible day met great leader*, The University News (Sept. 7, 2004). Copy supplied.

Letter to the Editor, *Remembering a giant*, The Jerusalem Post (June 7, 2004). I have been unable to locate a copy of this publication. To the best of my recollection, this publication was virtually identical to the June 6, 2004 letter to the editor published by the Kansas City Star relating to President Ronald Reagan.

Letter to the Editor, *Reagan's legacy*, The Kansas City Star (June 6, 2004). Copy supplied.

Op-Ed, *A Great First Year*, The Kansas City Aurora (May 3, 2004). Copy supplied.

Op-Ed, *Defending Israel*, The Kansas City Aurora (Apr. 26, 2004). Copy supplied.

Op-Ed, *Thank you*, The Kansas City Aurora (Nov. 10, 2003). Copy supplied.

Letter to the Editor, *Blue Springs needs change at City Hall*, The Examiner (Oct. 23, 2003). Copy supplied.

Op-Ed, *Right decisions in Foreign Policy*, The Kansas City Aurora (Oct. 20, 2003). Copy supplied.

Letter to the Editor, *Fight for freedom*, Taipei Times (Sept. 13, 2003). Copy supplied.

To the best of my recollection, in 2006 and 2007, I contributed a handful of posts to a blog called the News Buckit. The News Buckit is no longer available online, and I have been unable to locate my published posts on this blog.

From 2007 to 2009, my law school roommate and I operated a blog that covered College Republican news and national politics, www.crnation.com. We operated the blog anonymously under pen names, and I typically wrote using the pen name "Rawhide." The crnation.com website is defunct and no longer available. I did not maintain a record of the posts that I wrote for this blog. Archived versions of crnation.com are available at https://web.archive.org/web/202600000000000*/www.crnation.com.

I was a note and comment editor on the Missouri Law Review and performed standard law review editing on several notes for volumes 74 and 75.

b. Supply 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.

50-State Survey of Protections Available for Purchasers of Contaminated Property [As of May 9, 2013], Environmental Litigation Committee of the American Bar Association (Jan. 2014). I prepared summaries for Arkansas and Oklahoma. Copy supplied.

c. Supply 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 to Sens. Grassley and Durbin, Committee on the Judiciary, United States Senate, Nominations of Judge Cristian Steves, Joshua Divine, Maria Lanahan, and Zachary Bluestone to the federal judiciary (with other current and former staff of the Missouri Attorney General's Office) (May 29, 2025). Copy supplied.

Letter to Sens. Grassley and Durbin, Committee on the Judiciary, United States Senate, Nomination of D. John Sauer to serve as Solicitor General of the United States (with other current and former staff of the Missouri Attorney General's Office) (Feb. 24, 2025). Copy supplied.

Letter to Armour Hills Homes Association (June 22, 2020). Copy supplied.

Letter to Country Club Homes Association regarding Country Club Ridge 1-2, 3-4, 7-8, Country Club Heights 1-4, and Country Club District 1-4 (June 22, 2020). Copy

supplied.

Letter to Country Club Homes Association regarding Country Club Ridge 5-6 (June 22, 2020). Copy supplied.

Letter to Crestwood Homes Association (June 22, 2020). Copy supplied.

Letter to Wornall Homestead Homes Association regarding Cockins' Addition, Randall and Wheelock's Addition, Rockhill Heights, and Wornall Homestead Additions 1-4, 5-7, and 8-10 (June 22, 2020). Copy supplied.

Letter to Wornall Homestead Homes Association Additions 11-13 and A (June 22, 2020). Copy supplied.

Letter to Hon. Michael Parson, Governor of Missouri (Aug. 29, 2019). Copy supplied.

Letter to State Auditor Nicole Galloway (Aug. 29, 2019). Copy supplied.

Letter to Mark Richardson (June 18, 2019). Copy supplied.

Letter to Gary Castor (May 28, 2019). Copy supplied.

Letter to Michael E. Reuter (May 2, 2019). Copy supplied.

Letter to Sheriff Jim Arnott (Apr. 26, 2019). Copy supplied.

From 2019-2020, I responded to Missouri Sunshine Law complaints received by the Missouri Attorney General's Office. Some of these responses included legal interpretations of Missouri's Sunshine Law. I have disclosed and supplied all copies that I have located in the letters listed above dated August 29, 2019; June 18, 2019; May 28, 2019; May 2, 2019; and April 26, 2019.

In 2013, I compiled federal court rules on hyperlinking in briefs. The United States District Court for the District of Kansas used my research to prepare a compilation. Michael Dunbar, *Hyperlinking: Electronic Submissions in the Federal Courts*, June 10, 2013, n.1. Copy supplied.

d. Supply 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.

May 20, 2025: Panelist, "Public/Private Censorship Partnerships," Alliance Defending Freedom Free Speech Roundtable: Opposing Censorship in the Modern Public Square, Washington, D.C. A copy of my speaking notes is supplied.

September 29, 2023: Panelist, Small Group Session, Teneo Annual Retreat, Tucson, Arizona. I spoke about experiences fighting back against lawfare. I have no notes, transcripts, or recordings. The address for Teneo Network Inc. is 512 West Martin Luther King Junior Boulevard, Suite 239, Austin, Texas 78701.

September 21, 2023: Panelist, "Private Rights of Action," Rule of Law Defense Fund Fall Meeting, Louisville, Kentucky. I spoke about legal issues relating to private rights of action. I have no notes, transcripts, or recordings. The address for the Rule of Law Defense Fund is 1747 Pennsylvania Avenue NW, Suite 800, Washington, D.C. 20006.

August 14, 2023: Speaker, "Building a Complaint" and "Summary Judgment," Consumer Protection Training, Center for Law and Policy, Deer Valley, Utah. Copies of my presentations are supplied.

December 1, 2022: Speaker, Missouri Supreme Court Building steps, Jefferson City, Missouri. I spoke on behalf of the Missouri Attorney General regarding the Supreme Court arguments earlier that day in *Dobbs v. Jackson Women's Health Organization*. I have no notes, transcripts, or recordings. I do not recall which group organized the gathering.

April 8, 2022: Panelist, Alliance Defending Freedom Senior Staff Retreat, Olympic Valley, California. I spoke about actions by the Missouri Attorney General's Office. I have no notes, transcripts, or recordings. The address for Alliance Defending Freedom is 15100 N. 90th Street, Scottsdale, Arizona 85260.

August 10, 2021: Speaker, "Legal Perspective: Missouri Sunshine Law," Senate Independent Bipartisan Citizen Commission and House Independent Bipartisan Citizen Commission, Jefferson City, Missouri. I presented to the Missouri Senate and House citizen redistricting commissions regarding Sunshine Law compliance. I have no notes, transcripts, or recordings. The Commissions met at the Thomas Jefferson State Office Building, Room 1110, 205 Jefferson Street, Jefferson City, Missouri 65101.

June 23, 2020: Panelist, "Regulatory Reform Update," Rule of Law Defense Fund virtual conference, via videoconference from Jefferson City, Missouri. A copy of my speaking notes is supplied.

January 18, 2020: Panelist, "Administrative Law," Federalist Society Winter Counsels Summit, Palm Beach, Florida. Copies of my presentation and speaking notes are supplied.

May 10, 2019: Speaker, "Government Records Retention & Sunshine Compliance," Administrative Law & Government Attorneys Committee CLE, Missouri Bar, Jefferson

City, Missouri. A copy of my presentation is supplied.

April 12, 2019: Host, "General Counsels' Summit on State Employment," Missouri Attorney General's Office, Jefferson City, Missouri. I provided opening remarks and introduced speakers for an employment law CLE sponsored by the Attorney General's Office. I have no notes, transcripts, or recordings. The address for the Missouri Attorney General's Office is 207 West High Street, Jefferson City, Missouri 65102.

February 8, 2019: Panelist, "Procedures for Ensuring Optimal Regulation," at "Symposium: Protecting the Public While Fostering Innovation and Entrepreneurship: First Principles for Optimal Regulation," University of Missouri School of Law, Columbia, Missouri. A copy of my presentation is supplied.

April 18, 2018 (approximately): Speaker, "No MO Red Tape: Cutting Burdensome Regulations in Missouri," Experience, Inc., St. Louis, Missouri. A copy of my presentation is supplied.

March 16, 2018: Speaker, Investiture of Jackson County Circuit Judge Jalilah Otto, Kansas City, Missouri. A copy of my remarks is supplied.

February/March 2018: Speaker, "No MO Red Tape: Cutting Burdensome Regulations in Missouri," St. Louis County Pachyderms meeting, St. Louis, Missouri. I do not know the exact date of this meeting, but to the best of my recollection, it occurred on an evening in February or March 2018. To the best of my recollection, I used the same presentation slides as I did for the Show-Me Institute events in November and December 2017. A copy of that presentation is supplied.

December 14, 2017: Speaker, "No MO Red Tape: Cutting Burdensome Regulations in Missouri," Show-Me Institute, Joplin, Missouri. This was the fifth of five virtually identical presentations that I gave at Show-Me Institute events across Missouri in November and December 2017. A copy of my presentation is available in the November 9, 2017 video for the St. Louis event and supplied for the February/March 2018 event discussed above. To the best of my recollection, only the St. Louis event was recorded.

December 6, 2017: Speaker, "No MO Red Tape: Cutting Burdensome Regulations in Missouri," Show-Me Institute, Columbia, Missouri. A copy of my presentation is available in the November 9, 2017 video for the St. Louis event and supplied for the February/March 2018 event discussed above.

November 15, 2017: Speaker, "No MO Red Tape: Cutting Burdensome Regulations in Missouri," Show-Me Institute, Kansas City, Missouri. A copy of my presentation is available in the November 9, 2017 video for the St. Louis event and supplied for the February/March 2018 event discussed above.

November 9, 2017: Speaker, "No MO Red Tape: Cutting Burdensome Regulations in Missouri," Show-Me Institute, St. Louis, Missouri. A video of the presentation is

available at <https://www.youtube.com/watch?v=IrfADxXYLrw>.

November 8, 2017: Speaker, "No MO Red Tape: Cutting Burdensome Regulations in Missouri," Show-Me Institute, Springfield, Missouri. A copy of my presentation is available in the November 9, 2017 video for the St. Louis event and supplied for the February/March 2018 event discussed above.

October 27, 2017: Speaker, Investiture of Jackson County Circuit Judge George Wolf, Kansas City, Missouri. A copy of my remarks is supplied.

October 24, 2017: Speaker, Missouri Child Support Education Association Annual Conference, Columbia, Missouri. A copy of my speaking outline is supplied.

September 1, 2017, "Regulatory Reform in States and Provinces," Realizing Regulatory Reform Conference, Institute for Humane Studies and the Mercatus Center, San Francisco, California. I have no notes, transcripts, or recordings. The address for the Institute for Humane Studies is Vernon Smith Hall, 1st Floor, 3434 Washington Boulevard, Arlington, Virginia 22201. The address for the Mercatus Center is 3434 Washington Boulevard, 4th Floor, Arlington, Virginia 22201.

April 13, 2016: Speaker, University of Missouri – Kansas City Honors College Banquet, Kansas City, Missouri. A copy of my speaking outline is supplied.

January 15, 2015: Speaker with Vanessa Dittman, "A Discussion of Emerging Agricultural Legal Issues," Kansas City Agricultural Business Council, Kansas City, Missouri. A copy of the presentation is supplied.

March 2014: Panelist, "UMKC Honors Program," Experience UMKC. I spoke about the benefits of the University of Missouri – Kansas City and the Honors Program. I have no notes, transcripts, or recordings. The address for the University of Missouri – Kansas City Honors College is Cherry Hall, Room 424, 5030 Cherry Street, Kansas City, Missouri 64110.

August 2011: Panelist, "How to Succeed in College and Prepare for Professional School," University of Missouri – Kansas City Honors College new student orientation, Kansas City, Missouri. I spoke about the benefits of the University of Missouri – Kansas City and the Honors Program. I have no notes, transcripts, or recordings. The address for the University of Missouri – Kansas City Honors College is Cherry Hall, Room 424, 5030 Cherry Street, Kansas City, Missouri 64110.

Fall 2009: Speaker, University of Missouri School of Law Scholarship Event, Columbia, Missouri. I spoke to a group of donors to the University of Missouri School of Law about how the scholarship that I received had allowed me to attend law school. I have no notes, transcripts, or recordings. The address for the University of Missouri School of Law is 203 Hulston Hall, Columbia, Missouri 65211.

March 3, 2005: Speaker, "UMKC College Republicans," Visiting students from Azerbaijan, University of Missouri – Kansas City. A copy of my presentation is supplied.

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 copies of the clips or transcripts of these interviews where they are available to you.

M.D. Kittle, *Sources: Missouri AG 'Stopped Working On' Investigation Into 'Zuckbucks,'* The Federalist, Aug. 1, 2024. Copy supplied.

I was interviewed by a local Joplin radio station, KZRG, on December 14, 2017, at the Show-Me Institute event at which I presented on Missouri's No MO Red Tape initiative. I have been unable to find any record of the interview.

Equal and Opposite Attractions, Ingram's, Mar. 2014. Copy supplied.

Stephanie B. Goldberg, *Law Student Delegates at the National Conventions*, ABA Student Lawyer, Nov. 2008. Copy supplied.

Ryan Seacrest, *New Year's Rockin' Eve*, ABC, Dec. 31, 2007. I have been unable to locate a copy of this brief interaction. To the best of my recollection, this consisted of questions about where I was from and how long I had been waiting for the Times Square ball to drop.

Derek Simons, *Mock Trial team guilty of winning big*, The University News, Apr. 9, 2007. Copy supplied.

To the best of my recollection, I was interviewed by The National Journal after the November 2006 elections about the use of social media to reach college-age voters. I have been unable to locate a copy of this publication.

Danny Mathis, *Dole addresses students and veterans*, The University News, Apr. 17, 2006. Copy supplied.

Franklin Foer, *Swimming with Sharks*, The New Republic, Oct. 2, 2005. Copy supplied.

Nick Barron, *Roo Party sweeps election*, The University News, Apr. 25, 2005. Copy supplied.

Nick Barron, *Candidate accused of buying votes*, The University News, Apr. 18, 2005. Copy supplied.

Nick Barron, *Ticket withdraws, endorses opponent*, The University News, Apr. 11, 2005. Copy supplied.

Nick Barron, *Election about knowledge, new people*, The University News, Mar. 25, 2005. 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.

Candidate for Sni-A-Bar Township Republican Committeeman (2004), Jackson County, Missouri, unsuccessful election campaign

Sni-A-Bar Township Republican Committeeman (2004 – 2008), Jackson County, Missouri, appointed by the Jackson County Republican Central Committee in August 2004 to fill a vacancy, elected in August 2006

Deputy Counsel, Missouri Governor's Office (2017-2018), appointed by Governor Eric Greitens

General Counsel, Missouri Department of Agriculture (2018-2019), appointed by Director Chris Chinn
 Assistant Deputy Attorney General for Special Litigation, Missouri Attorney General's Office (2019), appointed by Attorney General Eric Schmitt
 Deputy Attorney General for Special Litigation, Missouri Attorney General's Office (2019-2021), appointed by Attorney General Eric Schmitt
 Acting General Counsel, Missouri Attorney General's Office (2020-2021), appointed by Attorney General Eric Schmitt
 Missouri Attorney General's representative to the Missouri Housing Development Commission (2020 – 2021), appointed by Attorney General Eric Schmitt
 Chief of Staff, Missouri Attorney General's Office (2020-2023), appointed by Attorney General Eric Schmitt
 Missouri Attorney General's representative to MOPERM (2021), appointed by Attorney General Eric Schmitt
 First Assistant, Missouri Attorney General's Office (2021-2023), appointed by Attorney General Eric Schmitt
 Senior Advisor, U.S. Senator Eric Schmitt (2023), appointed by Senator Eric Schmitt

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.

Volunteer, True Conservative Political Action Committee (2025 – present)
 Volunteer, MAKE JEFFCO GREAT AGAIN Political Action Committee (2025 – present)
 Treasurer and Contractor, Club for Growth Action – Missouri Federal Committee (2023 – 2024)
 Contractor, Defend Missouri (2023)
 Congressional Caucus Delegate, Missouri Republican Presidential Caucus (2016)
 Election Day Volunteer Lawyer, Republican National Committee (2012)
 Campaign manager, Andrew Rehmer for Pettis County Prosecuting Attorney (2010, 2014)
 Alternate Delegate, Republican National Convention (2008)
 Midwest Region Vice-Chair, College Republican National Committee (2007 – 2008)
 Chairman, Missouri Federation of College Republicans (2005 – 2006)
 Vice-Chairman, Missouri Federation of College Republicans (2005)
 Executive Director, Missouri Federation of College Republicans (2004 – 2005, 2008 – 2010)
 Campaign manager, Steve Steiner for Blue Springs Mayor (2004)
 Treasurer, Kris Maschler for Blue Springs City Council (2004)
 Chairman, University of Missouri – Kansas City College Republicans (2004 – 2005)

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

a. Describe chronologically your law practice and legal experience after graduation

from law school including:

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

I did not serve as clerk to a judge.

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

I have not practiced law alone.

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

2008 – 2016
Shook, Hardy & Bacon L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
Associate (2010 – 2016)
Summer Associate (2008, 2009)

2013 – 2014
Pfizer Inc.
235 East 42nd Street
New York, New York 10017
Secundee

2017 – 2018
State of Missouri, Office of the Governor
Capitol Building, Room 216
201 West Capitol Avenue
Jefferson City, Missouri 65102
Deputy Counsel

2018 – 2019
State of Missouri, Missouri Department of Agriculture
1616 Missouri Boulevard
Jefferson City, Missouri 65102
General Counsel

2019 – 2023
State of Missouri, Attorney General's Office
207 West High Street
Jefferson City, Missouri 65102
First Assistant (2021 – 2023)

Chief of Staff (2020 – 2023)
Acting General Counsel (2020 – 2021)
Deputy Attorney General for Special Litigation (2019 – 2021)
Assistant Deputy Attorney General for Special Litigation (2019)

2023
United States Senate, Senator Eric Schmitt
1123 Wilkes Boulevard, Suite 320
Columbia, Missouri 65201
Senior Advisor

2023 – present
James Otis Law Group, LLC
530 Maryville Centre Drive, Suite 230
St. Louis, Missouri 63017
Co-owner (2025 – present)
Independent contractor (2023 – 2025)

- 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 not 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.

From 2010 until 2016, I had a civil litigation and regulatory practice at a large law firm. As an associate, I supported lead counsel in a variety of matters including environmental law, toxic tort law, antitrust law, and construction law. In addition, I assisted clients with regulatory compliance on environmental issues. I also served pro bono as a guardian ad litem.

From 2017 until 2023, I worked in government. As deputy counsel to the Governor from 2017 until 2018, I handled legal issues relating to executive orders, regulations, and clemency requests, and I oversaw several state agency legal departments. From 2018 until 2019, I served as the general counsel for the Missouri Department of Agriculture, where I oversaw all employment, regulation, litigation, and other legal matters affecting the Department. In the Attorney General's Office from 2019 until 2023, I served as lead counsel in state trial court and the Missouri Supreme Court on cases defending state statutes. I also supported counsel in a variety of matters including constitutional law, consumer protection law, election law, and open records law. In addition, I supervised the

office's employees and operations as chief of staff. As senior advisor to Senator Eric Schmitt in 2023, I provided legal advice relating to initial employment and ethics policies.

From 2023 until present, I have associated with the James Otis Law Group, LLC. My practice has primarily consisted of constitutional law and consumer protection law.

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

While at Shook, Hardy & Bacon from 2010 until 2016, I specialized in environmental and toxic tort law, and I represented a wide range of clients, including large corporations, small companies, and public entities. In the course of my pro bono work, I represented two infants from days after birth until their adoption, as well as a teenager in juvenile court.

In state government from 2017 until 2023, my client was the agency at which I worked and ultimately the people of Missouri. I did not have a specialty during this time.

From 2023 until present at the James Otis Law Group, I have specialized in constitutional and consumer protection law. I represent government officials, non-profits, and individuals.

- 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.

While in private practice from 2010 to 2016, my practice was primarily litigation, but I did not appear in court frequently due to my experience level and the complexity of the matters. Working in the Governor's Office and the Missouri Department of Agriculture in 2017 and 2018, I only went to court if I was observing the agency's counsel. In the Attorney General's Office, my legal practice entirely consisted of litigation. I appeared in court frequently in 2019, and then occasionally from 2020 to 2023 after I became chief of staff. Since 2023 at the James Otis Law Group, my practice has been almost entirely litigation, and I have appeared in court frequently.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 44% |
| 2. | state courts of record: | 44% |
| 3. | other courts: | 2% |
| 4. | administrative agencies: | 10% |

The mix of federal court, state court, other courts, and administrative agencies for my

career has varied. At Shook, Hardy & Bacon, my practice was principally in state court, with a mix of federal courts and administrative agencies. In the Attorney General's Office, my practice was principally in state court, with a mix of some federal courts and other courts. At the James Otis Law Group, my practice has principally been in federal court, with a mix of state court and administrative agencies.

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.

I estimate that I have tried three cases to verdict, judgment or final decision. In one of these cases I was chief counsel, in the other two cases I was associate counsel.

i. What percentage of these trials were:

- | | | |
|----|-----------|------|
| 1. | jury: | 0% |
| 2. | non-jury: | 100% |

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

I serve as counsel of record for President Donald J. Trump in *Trump v. Carroll*, 25-573 (U.S.), and I assisted with briefing and oral argument preparation in *Trump v. United States*, 23-939 (U.S.). I also currently serve as counsel of record for the Arizona Legislature in *Petersen v. Doe*, 24-449 (U.S.), and I served as co-counsel in *In re Petersen*, 24A218 and 24-219 (U.S.). Briefs and other pleadings filed in the U.S. Supreme Court in cases in which I served as lead counsel or significant co-counsel are identified below.

Briefing on Petitions for Writ of Certiorari

No. 25-573, *Trump v. Carroll* (Petition for Writ of Certiorari; Reply Brief for Petitioner)

No. 24-449, *Petersen v. Doe* (Petition for Writ of Certiorari; Reply Brief for Petitioners)

No. 21-3, *Schmitt v. Reproductive Health Servs. of Planned Parenthood of the St. Louis Region, Inc.* (Petition for Writ of Certiorari)

Merits Briefs

No. 23-939, *Trump v. United States* (Brief of Petitioner; Reply Brief of Petitioner)

Amicus Briefs

No. 25-758, *Moreland Properties LLC v. Goodyear Tire & Rubber Co.* (Brief for Amici Curiae Arizona Legislature and 18 States in support of Petitioner)

No. 24-38, *Little v. Hecox*; No. 24-43, *West Virginia v. B.P.J.* (Brief for Amici Curiae President of the Arizona State Senate Warren Petersen and Speaker of the Arizona House of Representatives Steve Montenegro in support of Petitioners)

No. 22O155, *Texas v. Pennsylvania* (Brief of Amici Curiae State of Missouri and 16 other States in support of Plaintiffs)

Miscellaneous Filings

No. 24-219, *In re Warren Petersen, et al.* (Petition for Writ of Mandamus)

No. 24A218, *In re Warren Petersen, et al.* (Application for a Stay Pending Disposition of Writ of Mandamus)

No. 23A745, *Trump v. United States* (Application for a Stay of the Mandate; Reply in Support of Application)

No. 22O155, *Texas v. Pennsylvania* (Motion of State of Missouri and 5 other States to Intervene)

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. *Arizona State Legislature v. Biden*, No. 3:24-cv-08026 (D. Ariz.) (Judge Stephen M. McNamee); No. 25-1370 (9th Cir.) (Judges Consuelo M. Callahan, John B. Owens, and Michelle T. Friedland) (Representation: 2024 – present)

I represent the Arizona State Legislature, the Arizona State Treasurer, Mohave County, Colorado City, and Fredonia as lead counsel in a challenge to an August 2023 presidential declaration establishing the Baaj Nwaavjo I'Tah Kukveni-Ancestral Footprints of the Grand Canyon National Monument. I have been responsible for all filings in the case, all of which I have drafted or helped draft. The district court granted the federal defendants' motion to dismiss on January 27, 2025, and my clients appealed. I handled the argument at the Ninth Circuit on February 3, 2026. No decision has been issued.

Co-counsel:

Michael C. Martinich-Sauter
Kenneth C. Capps
530 Maryville Centre Drive
Suite 230
St. Louis, Missouri 63141
(314) 949-3018

Michael E. Talent (a colleague at the James Otis Law Group, LLC at the time of the case)
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530
(202) 514-2000

Opposing counsel:

Robert P. Stockman
Michael S. Sawyer
Amy E. Collier
Environment and Natural Resources Division
U.S. Department of Justice
Post Office Box 7415
Washington, D.C. 20044
(202) 305-5360

Alexander Samuels
Clinton Garrett
Joshua A. Katz
Office of the Arizona Attorney General
2005 N. Central Avenue
Phoenix, Arizona 85004
(602) 542-3333

2. *Calzone v. Chinn*, 584 S.W.3d 310 (Mo. banc 2019) (Chief Justice George W. Draper, Judges Patricia Breckenridge, Zel Fischer, W. Brent Powell, Mary Rhodes Russell, Laura Denvir Stith, Paul C. Wilson) (Representation: 2019)

I represented the State of Missouri defending a state agricultural law that, among other things, promoted Missouri agricultural businesses and farm-to-table programs. I successfully argued the appeal at the Supreme Court of Missouri in January 2019. The Supreme Court ruled unanimously in my client's favor.

Co-counsel:

United States Senator Eric S. Schmitt (the Attorney General at the time of the case)
404 Russell Senate Office Building
Washington, D.C. 20510
(202) 224-5721

Peter T. Reed (a colleague at the Attorney General's Office at the time of the case)
Nine Executive Drive
Fairview Heights, Illinois 62208
(618) 628-3700

Hon. Jason K. Lewis (a colleague at the Attorney General's Office at the time of the case)
105 South Central Avenue
Clayton, Missouri 63105
(314) 615-1535

Opposing counsel:

Ronald J. Calzone
33867 Highway E
Dixon, Missouri 65459
(573) 368-1344

3. *Cedar County Commission v. Parson*, 661 S.W.3d 766 (Mo. banc 2023) (Chief Justice Paul C. Wilson, Judges Patricia Breckenridge, George W. Draper, Zel Fischer, W. Brent Powell, Robin Ransom, Mary Rhodes Russell) (Representation: 2019 – 2023)

I represented the State of Missouri and state officials as lead counsel defending a state law that preempted local government authority to regulate large agricultural operations. I drafted and argued the motion to dismiss in October 2020, the successful summary judgment motion in August 2021, and briefed and argued the appeal at the Supreme Court of Missouri in September 2022. I also took most of the depositions in the case. The Supreme Court ruled unanimously in my clients' favor.

Co-counsel:

Hon. Jason K. Lewis (a colleague at the Attorney General's Office at the time of the case)
105 South Central Avenue
Clayton, Missouri 63105
(314) 615-1535

Opposing counsel:

Stephen G. Jeffery
Jeffery Law Group, LLC
400 Chesterfield Center, Suite 400
Chesterfield, Missouri 63107
(855) 915-9500

Christopher R. Pieper
Angela Burke
Blitz, Bardgett & Deutsch, LC
414 East Broadway, Suite 100
Columbia, Missouri 65201
(573) 355-5045

4. *Doe v. Horne*, 683 F. Supp. 3d 950 (D. Ariz. 2023) (Judge Jennifer G. Zipps); 115 F.4th 1083 (9th Cir. 2024) (Circuit Judges Margaret McKeown and Morgan Christen, and District Judge David A. Ezra); petition for certiorari pending in *Petersen v. Doe*, 24-449 (U.S.) (Representation: 2023 – present)

I represent the Arizona Legislature as lead counsel defending Arizona's Save Women's Sports Act. I briefed and argued against the motion for preliminary injunction in the district court in July 2023, and I briefed and argued the appeal before the Ninth Circuit in March 2024. I assisted with drafting a petition for a writ of certiorari, which remains pending at the Supreme Court. I deposed most of the plaintiffs' experts, deposed a plaintiff and the plaintiff's mother, and defended the depositions of two defense experts. The district court proceedings are stayed pending the Supreme Court's decisions in *Little v. Hecox* and *West Virginia v. B.P.J.*

Co-counsel:

D. John Sauer (a colleague at the James Otis Law Group, LLC at the time of the case)
Michael E. Talent (a colleague at the James Otis Law Group, LLC at the time of the case)
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Counsel for Co-Defendant State Superintendent of Public Instruction Thomas C. Horne:

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Caitlin B. Fitz-Maurice
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Maria Syms
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Opposing counsel:

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John S. Bullock
Osborn Maledon, P.A.
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Jyotin Hamid
Justin R. Rassi
Amy C. Zimmerman
Debevoise & Plimpton LLP
66 Hudson Boulevard
New York, New York 10001
(212) 909-6000

Amy Whelan
Rachel Berg
National Center for LGBTQ Rights
870 Market Street, Suite 370
San Francisco, California 94102
(415) 343-7679

5. *Lighthiser v. Trump*, CV 25-54 (D. Mont) (Judge Dana L. Christensen)
(Representation: 2025 – present)

I represent the State of Montana as lead counsel for a 19-State coalition defending President Trump's energy executive orders. I successfully led the States' intervention and represented the States at the two-day preliminary injunction hearing in September 2025, in which I cross-examined a key witness and made closing arguments. In October 2025, the district court granted the States' motion to dismiss in a decision available at

2025 WL 2930569. Plaintiffs appealed, and the case is now pending at the Ninth Circuit.

Co-counsel:

Montana Attorney General Austin Knudsen
Christian B. Corrigan
Brent Mead
Michael D. Russell
Montana Department of Justice
P.O. Box 201401
Helena, Montana 59620
(406) 444-2026

Counsel for Co-Defendants:

Michael S. Sawyer
Miranda Jensen
Environment & Natural Resources Division
United States Department of Justice
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Washington, D.C. 20044
(202) 514-5273

Erik Van De Stouwe
Philip R. Dupre
Addresses and phone numbers unknown

Opposing counsel:

Roger Sullivan
McGarvey Law
345 1st Avenue East
Kalispell, Montana 59901
(406) 752-5566

Julia A. Olson
Andrea K. Rogers
Nathan Bellinger
Our Children's Trust
1216 Lincoln Street
Eugene, Oregon 97401
(415) 786-4825

Philip L. Gregory
Gregory Law Group
1250 Godetia Drive

Redwood City, California 94062
(650) 278-2957

Daniel C. Snyder
Haley Nicholson
Public Justice
1620 L Street NW, Suite 630
Washington, D.C. 20036
(202) 797-8600

6. *Missouri Coalition for the Environment v. Missouri*, 579 S.W.3d 924 (Mo. banc 2019) (Chief Justice George W. Draper, Judges Patricia Breckenridge, Zel Fischer, W. Brent Powell, Mary Rhodes Russell, Laura Denvir Stith, Paul C. Wilson)
(Representation: 2019)

I represented the State of Missouri and a state agency as lead counsel defending a state law that modified the membership composition of Missouri's Clean Water Commission, which oversees the state's water regulatory program. I successfully briefed and argued the appeal at the Supreme Court of Missouri in May 2019. The Supreme Court ruled unanimously in my clients' favor.

Co-counsel:

D. John Sauer (a colleague at the Attorney General's Office at the time of the case)
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530
(202) 514-2000

Opposing counsel:

Henry B. Robertson
Bruce A. Morrison
Great Rivers Environmental Law Center
4625 Lindell Boulevard, Suites 200 and 300
St. Louis, Missouri 63108
(314) 231-4181

7. *Murphy v. Engelhart*, 933 F.3d 1027 (8th Cir.) (Judges James B. Loken, Roger L. Wollman, and David R. Stras) (Representation: 2019)

I represented a Missouri State Highway Patrol Trooper appealing the district court's denial of summary judgment based on qualified immunity. The plaintiff alleged excessive force under 42 U.S.C. § 1983 after she ignored numerous verbal commands and resisted the trooper. I successfully argued the appeal at the Eighth Circuit in April 2019, which ruled unanimously in my client's favor.

Co-counsel:

Nicolas Taulbee
Office of the Missouri Attorney General
615 East 13th Street, Suite 401
Kansas City, Missouri 64106
(816) 889-5000

Opposing counsel:

William Peter Nacy
Hanrahan & Nacy
522 East Capitol Avenue
Jefferson City, Missouri 65101
(573) 636-7900

8. *Trump v. Carroll*, 151 F.4th 50 (2d Cir. 2025) ("*Carroll I*") (Judges Denny Chin, Sarah A. L. Merriam, and Maria Araújo Kahn) (Representation: 2025 – present)

I represent President Trump as lead counsel in *Carroll I*, an appeal of an \$83 million verdict arising out of a 2019 defamation lawsuit by E. Jean Carroll. I handled the oral argument before the Second Circuit in June 2025. In November 2025, the Second Circuit ordered responses to both en banc petitions that I drafted: one jointly filed by President Trump and the Department of Justice on the Westfall Act, and one filed by President Trump on presidential immunity.

Co-counsel:

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St. Louis, Missouri 63141
(314) 949-3018

Counsel for Movant United States of America

Brett A. Shumate
Jonathan D. Guynn
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Opposing counsel:

Roberta A. Kaplan
D. Brandon Trice

Maximilian T. Crema
Avita Anand
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(212) 316-9500

9. *Trump v. Carroll*, 25-573 (U.S.) (“*Carroll II*”) (Representation: 2025 – present)

I represent President Trump as lead counsel in *Carroll II*, an appeal of a \$5 million verdict arising out of a lawsuit by Carroll that alleges battery in the mid-1990s and defamation in 2022. I filed the petition for a writ of certiorari with the Supreme Court in November 2025. The petition presents three questions arising under the Federal Rules of Evidence.

Co-counsel:

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Opposing counsel:

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D. Brandon Trice
Maximilian T. Crema
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10. *Turtle Island Foods, SPC v. Thompson*, 425 F. Supp. 3d 1131 (W.D. Mo.) (Judge Fernando J. Gaitan); 992 F.3d 694 (8th Cir. 2021) (Judges Steven M. Colloton, Michael J. Melloy, and Jane Kelly) (Representation: 2019 – 2021)

I represented the State of Missouri as lead counsel defending a state law that prohibited misleading advertising by alternative meat companies. I assisted with successfully briefing the opposition to preliminary injunction in the district court and the appeal, which I argued in November 2020. The Eighth Circuit ruled in my client’s favor. I also

assisted with briefing an unsuccessful Rule 23(f) petition to the Eighth Circuit in October 2019.

Co-counsel:

Julie Marie Blake (a colleague at the Attorney General's Office at the time of the case)
44180 Riverside Parkway
Lansdowne, Virginia 20176
(571) 707-4655

Sarah Elizabeth Jones (a colleague at the Attorney General's Office at the time of the case)
2555 Grand Boulevard
Kansas City, Missouri 64108
(816) 474-6550

Opposing counsel:

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Jessie Steffan
Kayla M. DeLoach
Gillian R. Wilcox
ACLU of Missouri Foundation
906 Olive Street, #1130
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(314) 652-3114

Matthe Liebman
Amanda M. Howell
Alene Anello
Animal Legal Defense Fund
525 E. Cotati Avenue
Cotati, California 94931
(707) 795-2533

Jessica Almy
Nigel Barrella
The Good Food Institute
1380 Monroe NW, #229
Washington, D.C. 20010
(866) 849-4457

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities

you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I do not recall ever performing lobbying activities on behalf of clients.

1. Missouri Foster Care Reform

From 2017–2018, I worked closely with Missouri First Lady Sheena Chestnut Greitens to reform Missouri’s foster care system. The First Lady and I worked with the Missouri Department of Social Services to improve the child abuse hotline, such as by modifying it to accept out-of-state calls. The First Lady and I also worked with the Missouri Department of Health and Senior Services and the Missouri Department of Social Services to stop charging foster kids for copies of their own birth certificates. I also supported the First Lady as she advocated for Senate Bills 800 and 819, which became law in 2018. These bills improved information sharing across state lines and implemented processes and timelines to protect children and provide faster resolution of their cases.

2. Missouri Clemency Review

From 2017–2018, I led the Governor’s clemency and pardon review. When the Governor took office in 2017, more than 3,000 clemency and pardon applications awaited answers. I worked with a professor and students from the University of Missouri School of Law’s Family Violence Clinic to design and implement a standardized review. As a result of the team’s thorough review, the Governor granted clemency and pardons to several Missourians.

3. Missouri “No MO Red Tape” Initiative

From 2017–2018, I led the Governor’s “No MO Red Tape” initiative, which sought to reduce the scope and extent of regulations in Missouri. I drafted the executive order that initiated the review, and I reviewed other state regulatory reviews to design Missouri’s efforts. I led the team reviewing every regulation in Missouri’s regulatory code. I also gave presentations around the state to raise awareness of the initiative and solicit comments for red tape to reduce. I was invited to speak about the effort at a law journal symposium hosted by the University of Missouri, and at the law journal’s request, I published a law journal article summarizing the results of our review.

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 copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships,

professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have a cash balance pension plan with the State of Missouri, but the State no longer makes contributions.

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

I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation in which I have been involved. I also will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate actions with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all laws, rules, and practices governing such circumstances.

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.

In law school, I participated in the University of Missouri's Family Violence Clinic. In my first case, I helped a victim of domestic violence obtain a restraining order.

While in private practice from 2010 – 2016, I volunteered as a guardian ad litem and as counsel for juveniles in juvenile court. On two occasions, I was appointed to be the guardian ad litem for an infant just days after birth, and I continued serving as that child's guardian ad litem until adoption. On another occasion, I represented a juvenile charged with minor offenses in juvenile court. I continued representing the juvenile in post-adjudication juvenile court proceedings relating to custody of the juvenile's daughter.

From 2017 – 2023, I served the public while working as a state and then federal employee. In the Governor's Office, I assisted Missouri's First Lady with reforming the state's foster care system to help disadvantaged children. I also led the effort to review thousands of pending clemency and pardon applications. In the Attorney General's Office, I served as lead counsel in an effort to protect children at a Missouri boarding school. While I worked in state government, it is my understanding that I was restricted from engaging in the practice of law on behalf of any entity other than the State of Missouri.

In my current practice, I have provided pro bono assistance to friends with legal issues who cannot afford an attorney.

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 August 27, 2025, I met with a member of Senator Schmitt's staff in Jefferson City, Missouri. Among other things, we discussed whether I would like to be considered if a seat on the Eighth Circuit ever became available. I confirmed with the member of Senator Schmitt's staff on September 2, 2025, and with Senator Schmitt on September 8, 2025, that I would like to be considered if an Eighth Circuit seat opened.

On October 24, 2025, a member of Senator Schmitt's staff notified me that Judge Duane

Benton had provided notice that he was taking senior status. On October 29, 2025, a member of Senator Schmitt's staff requested my resume, which I provided later that day. On November 10, 2025, an official from the White House Counsel's Office contacted me to set up an interview. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice's Office of Legal Policy at the White House on December 2, 2025. On February 17, 2026, President Trump called to inform me that he would nominate me to the Eighth Circuit. The following day, February 18, 2026, President Trump publicly announced his intent to nominate me, and he formally submitted my nomination to the Senate on March 2, 2026.

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

No.

AFFIDAVIT

I, Justin Daniel Smith, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

03/13/2026
(DATE)

Justin D Smith
(NAME)

Kandi R Hood
(NOTARY)

