

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Matthew Alexander Schwartz

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

United States Circuit Judge for the Second 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: Sullivan & Cromwell LLP
125 Broad Street
New York, New York 10004

Residence: Scarsdale, New York

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

1978; New York, New York

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.

2000 – 2003, Columbia University; J.D. (Harlan Fiske Stone Scholar), 2003
1996 – 2000, Princeton University, B.A. (*cum laude*), 2000

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

2007 – present
Sullivan & Cromwell LLP
125 Broad Street
New York, New York 10004

Partner (2012 – present)
Associate (2007 – 2012)

2006 – 2007
United States Supreme Court
1 First Street, NE
Washington, District of Columbia 20543
Law Clerk for the Honorable Samuel A. Alito, Jr.

2004 – 2006, Summer 2002
Cravath, Swaine & Moore LLP
375 Ninth Street
New York, New York 10001
Associate (2004 – 2006)
Summer Associate (Summer 2002)

2003 – 2004
United States Court of Appeals for the Third Circuit
357 United States Courthouse
Newark, New Jersey 07101
Law Clerk for the Honorable Samuel A. Alito, Jr.

Other Affiliations (uncompensated)

2025 – present
Attorney Grievance Committee, Appellate Division First Department
180 Maiden Lane, 17th Floor
New York, New York 10038
Member

2025 – present
American Jewish Medical Association
2108 North Street, Suite N
Sacramento, California 95816
Board Member (2025 – present)

2021 – present
Judges & Lawyers Breast Cancer Alert
229 Seventh Avenue, Suite 202
Garden City, New York 11530
Board Member (2021 – present)
Vice President, Lawyers' Division (2024 – present)

2014 – present
Heathcote Association
No permanent physical address

Board Member (2022 – present)
President (2022 – 2026)
Vice-President (2020 – 2022)
Member (2014 – present)

Summer 2001
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007
Summer Intern for the Honorable Richard M. Berman

2001 – 2002
Professor E. Allen Farnsworth
Columbia Law School
435 West 116th Street
New York, New York 10027
Teaching and Research Assistant

2001 – 2002
Professor Susan P. Sturm
Columbia Law School
435 West 116th Street
New York, New York 10027
Teaching Assistant

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

I have not served in the military. I 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.

Litigation Star, Benchmark Litigation (2026, 2022)

Future Star, Benchmark Litigation (2019 – 2022)

40 & Under Hotlist, Benchmark Litigation (2020, 2017, 2018)

New York Super Lawyers (2022, 2013 – 2014)

AmLaw Litigation Daily – Runner-up, “Litigator of the Week” (December 2018)

Law360 Distinguished Legal Writing Award – Law Firm, The Burton Awards for Legal

Achievement (2018)

The Legal 500 United States (2018, 2015, 2014, 2012)

Rising Star, New York Law Journal (2017)

Rising Star for Securities, Law360 (2015)

Appellate Hot List, National Law Journal (2014)

Stone Moot Court Competition, Columbia University, Finalist and Winner of Dewey Prize for Best Brief (2002)

Harlan Fiske Stone Award, Columbia University (2000 – 2003)

American Parliamentary Debate Association, National Champion (1999 – 2000)

American Parliamentary Debate Association, Second Speaker of the Year (1999 – 2000)

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 (2016 – 2019)

Attorney Grievance Committee, Appellate Division First Department
Member (2025 – present)

Federal Bar Council
Member (2008 – 2020)
Member, Second Circuit Committee (2012 – 2020)
Member, Fall Bench & Bar Retreat Planning Committee (2012)

New York City Bar Association, Committee on Professional Ethics
Member (2015 – 2018)

New York State Bar Association, Committee on Standards of Attorney Conduct
Member (2017 – present)
Chair, Tribunals Subcommittee (2017 – present)
Member, AI Subcommittee (2025 – present)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 2004

There have been no lapses in membership.

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

Supreme Court of the United States, 2008
United States Court of Appeals for the First Circuit, 2024
United States Court of Appeals for the Second Circuit, 2012
United States Court of Appeals for the Third Circuit, 2012
United States Court of Appeals for the Fifth Circuit, 2023
United States Court of Appeals for the Sixth Circuit, 2016
United States Court of Appeals for the Seventh Circuit, 2017
United States Court of Appeals for the Ninth Circuit, 2013
United States Court of Appeals for the Tenth Circuit, 2024
United States District Court for the District of Colorado, 2017
United States District Court for the Eastern District of Michigan, 2015
United States District Court for the Eastern District of New York, 2005
United States District Court for the Eastern District of Wisconsin, 2013
United States District Court for the Southern District of New York, 2005
United States District Court for the Western District of New York, 2016

My admission to the U.S. Court of Appeals for the Third Circuit became inactive on or around July 17, 2025, because I had not renewed it. It became active again on September 19, 2025. I am aware of no other lapses in membership.

11. **Memberships:**

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

American Jewish Medical Association
Board Member (2025 – present)

Federalist Society for Law and Public Policy
Member (2000 – 2008, 2017 – 2019, 2026 – present)
Madison Club Member (2017 – 2020, 2023 – present)

Heathcote Association

Board Member (2022 – present)
President (2022 – 2026)
Vice-President (2020 – 2022)
Member (2014 – present)

Judges & Lawyers Breast Cancer Alert

Board Member (2021 – present)
Vice President, Lawyers' Division (2024 – 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 (with the exception noted below) on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies. The exception is that in the past, the Heathcote Association (my homeowner's association), formally restricted membership to men, though that has not been the actual practice since I became a member and, as I understand it, for several decades. When I became President of the Association in 2022, I led a project to update the Heathcote Association's bylaws, including to remove any such formal restrictions on membership.

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.

To my recollection and through searches of my records and publicly available databases by persons acting on my behalf, I have found the following responsive materials.

With Brandyn Rodgeron, *OCC Proposes Rules to Preempt State Laws Requiring Interest Payments on Mortgage Escrow Accounts*, Sullivan & Cromwell LLP, Jan. 5, 2026. Copy supplied.

With William Weinberg, Audrey Paetzel, and Matthew Grabianski, *Texas Business Court Update*, Sullivan & Cromwell LLP, Dec. 12, 2025. Copy supplied.

With Nicolas Elliott-Smith, *Court of Appeals Enables Colorado to Enforce its Interest-rate Caps Against Out-of-State Bank Loans to Colorado Borrowers*, Sullivan & Cromwell LLP, Nov. 11, 2025. Copy supplied.

With H. Rodgin Cohen, Mitchell Eitel, Nicolas Bourtin, and Christopher Michael Viapiano, *Fifth Circuit Rejects Constitutional Challenge to OCC Enforcement Proceeding*, Sullivan & Cromwell LLP, Sep. 15, 2025. Copy supplied.

With Robert Downes, Melissa Sawyer, James Shea Jr., William Weinberg, and Audrey Paetzel, *Summary of Recent Changes to Delaware, Nevada, and Texas Corporate Law*, Sullivan & Cromwell LLP, June 16, 2025. Copy supplied. Republished with substantially same content and different title on July 5, 2025 (copy available at <https://corpgov.law.harvard.edu/2025/07/05/summary-of-recent-changes-to-delaware-nevada-and-texas-corporate-law/>).

With Matthew Seelig, *Federal Circuit Allows Takings Claims for U.S. COVID Eviction Moratorium*, Sullivan & Cromwell LLP, June 16, 2025. Copy Supplied.

With Brian Frawley and William Weinberg, *Delaware Enacts Important Corporate Law Reforms*, Sullivan & Cromwell LLP, Mar. 28, 2025. Copy supplied.

With William Weinberg and Audrey Paetzel, *Delaware General Assembly Proposes Important Corporate Law Reforms*, Sullivan & Cromwell LLP, Feb. 18, 2025. Copy supplied.

With Kira Setren, *New York Enacts Law Fining Companies for Past Greenhouse Gas Emissions*, Sullivan & Cromwell LLP, Dec. 30, 2024. Copy supplied.

With H. Rodgin Cohen and Brandyn Rodgers, *Post-Cantero Decision Analyzing National Bank Act Preemption*, Sullivan & Cromwell LLP, Dec. 26, 2024. Copy supplied.

With Morgan Ratner and Leslie Arffa, *Federal Court Preliminarily Enjoins Colorado's Imposition of Its Interest-Rate Cap on Out-of-State Banks*, Sullivan & Cromwell LLP, June 20, 2024. Copy supplied. Republished with substantially same content and different title on June 26, 2024 (copy available at <https://clsbluesky.law.columbia.edu/2024/06/26/sullivan-cromwell-discusses-preliminary-injunction-on-colorado-interest-rate-cap-on-out-of-state-banks/>).

With Michelle Chen and Leanne Van Allen, *The Uncertain Scope of the First Financial Fair Access Laws*, Law360, June 10, 2024. Copy supplied.

With Florence Kuhl Bamford, *U.S. Supreme Court Maintains Absence of Bright-Line Standards in National Bank Act Preemption*, Sullivan & Cromwell LLP, June 3, 2024. Copy supplied.

With H. Rodgin Cohen, Marc Treviño, Michelle Chen, and Leanne Van Allen, *States Require "Fair Access" to Financial Services*, Sullivan & Cromwell LLP, May 1, 2024. Copy supplied. Republished with substantially same content and different title on May

13, 2024 (copy available at <https://clsbluesky.law.columbia.edu/2024/05/13/sullivan-cromwell-discusses-state-requirements-of-fair-access-to-financial-services/>).

With Julia Malkina, Cason Reily, Robert Giuffra Jr., Judson Littleton, and Morgan Ratner, *U.S. Supreme Court Rules on Liability for Item 303 Omissions in Shareholder Suits*, Sullivan & Cromwell LLP, Apr. 12, 2024. Copy supplied.

With Eric Krautheimer, Melissa Sawyer, Matthew Strand, and Mimi Wu, *Delaware Supreme Court Holds MFW Applies to Controller Transactions Beyond Freeze-Out Mergers*, Sullivan & Cromwell LLP, Apr. 8, 2024. Copy supplied.

With Aaron Blake, *Ethical Issues Arising from Client Deposition Perjury*, 56 Rev. Sec. & Commodities Reg. (Sep. 13, 2023). Copy supplied.

With Robert Giuffra, Jr. and Zoe Jacoby, *U.S. Supreme Court Upholds Law Requiring Companies Registered to Do Business in Pennsylvania to Consent to Suit There*, Sullivan & Cromwell LLP, June 28, 2023. Copy supplied. Republished with substantially same content and different title on July 11, 2023.

With David Rein and Brian Gottlieb, *Defending Parallel Securities Litigation in Federal and State Court*, Practical Law (Thomson Reuters), Aug. 2021 (reprint). Copy supplied.

With Nicole Friedlander, Anthony Lewis, Nader Mousavi, and Jessica Ecker, *Second Circuit Clarifies Standard for Article III Standing in Data Breach Actions*, Sullivan & Cromwell LLP, Apr. 30, 2021. Copy supplied.

With David Rein and Brian Gottlieb, *Navigating the Securities Litigation Uniform Standards Act of 1998 (SLUSA)*, Practical Law (Thomson Reuters), Jan. 11, 2021. Copy supplied.

With David Rein, *Expert Q & A: Securities Act Claims and SLUSA After Cyan*, Practical Law (Thomson Reuters), July 10, 2020. Copy supplied.

With Isaac McBride, *OCC and FDIC Propose Rules to Override Madden v. Midland Funding, LLC*, Sullivan & Cromwell LLP, Nov. 21, 2019. Copy supplied.

With Marc-André Cyr, *OCC to Appeal Decision Holding That It Lacks Authority to Issue Special Purpose National Bank Charters to Non-Depository Fintechs*, Sullivan & Cromwell LLP, Oct. 23, 2019. Copy supplied.

A Successful Outcome for Plaintiffs Could Threaten the Ability to Securitiz e All Debt—Not Just Credit Card—Because It Would Expose Securitiz ed Debt to State-By-State Regulation, Sullivan & Cromwell LLP, June 17, 2019. Copy supplied.

With Joshua Tannen, *Federal Court Issues Decision Denying OCC's Ability to Issue National Bank Charters to Non-Depository FinTechs*, Sullivan & Cromwell LLP, May 3, 2019. Copy supplied.

With Robert Giuffra Jr. and Brendan Hammond, *Recent Supreme Court Decisions Complicate US Securities Litigation*, Euromoney, Mar. 20, 2019. I have been unable to obtain a copy of this article. The address of Euromoney is 22 Tudor Street, London EC4Y 0AY United Kingdom.

With Robert Giuffra Jr. and David Salter, *What Asian Manufacturers Should Know About U.S. Markets*, Hong Kong Lawyer, Nov. 2018. Copy supplied.

With Marc Treviño, June Hu, Charlie Sangree, and Kevin Zhou, *2018 Proxy Season Review*, Sullivan & Cromwell LLP, July 12, 2018. Copy supplied.

With Rodgin Cohen, John Ebangelakos, Nader Mousavi and Nicole Friedlander, *Sullivan & Cromwell Discusses California Consumer Privacy Act of 2018*, CLS Blue Sky Blog, July 23, 2018. Copy supplied.

With Joseph Neuhaus, Theodore Rogers, Tracy Richelle High, and Julia Jordon, *U.S. Supreme Court Holds That Class-Action Waivers in Employment Arbitration Agreements Are Enforceable Under Federal Law*, Sullivan & Cromwell LLP, May 23, 2018. Copy supplied. Republished with substantially same content and different title on May 31, 2018 (copy available at <https://clsbluesky.law.columbia.edu/2018/05/31/sullivan-cromwell-discusses-supreme-court-ruling-on-class-action-waivers/>).

With Nicole Friedlander and Nicole Sharer, *U.S. Supreme Court Declines to Review Standing of Data Breach Plaintiffs*, Sullivan & Cromwell LLP, Feb. 21, 2018. Copy supplied.

With David Rein and John Collins, *Securities Litigation Involving the Private Securities Litigation Reform Act*, Practical Law (Thomson Reuters), Nov. 2017. Copy Supplied.

With Nitish Verma, *CalPERS v. ANZ Securities: U.S. Supreme Court Holds That Securities Act's Three-Year Statute of Repose Is Not Tolloed by a Pending Class Action*, Sullivan & Cromwell LLP, June 27, 2017. Copy supplied.

With Corey Omer, *The Constitutionality of State Cybersecurity Regulations*, The Clearing House's Banking Perspectives, June 2017. Copy supplied.

How New York Can 'Court' Global Businesses, Crain's New York, May 22, 2017. Copy supplied.

With Robert Giuffra Jr. and Julia Malkina, *The United States: No Longer a Shangri-La for Plaintiffs' Lawyers*, Euromoney, May 2017. I have been unable to obtain a copy of

this article. The address of Euromoney is 22 Tudor Street, London EC4Y 0AY United Kingdom.

With Paul Hubble, *U.S. District Court Ruling Raises Important Considerations for Debt Origination and Collection in New York*, Sullivan & Cromwell LLP, Mar. 2, 2017. Copy supplied.

With Rakesh Mittal, *Al Rushaid v. Pictet & Cie*, Sullivan & Cromwell LLP, Nov. 28, 2016. Copy supplied.

With Kathryn Lang and Neel Maitra, *SEC Adopts Initial Final Rules on Cross-Border Security-Based Swap Activities*, Sullivan & Cromwell LLP, July 22, 2014. Copy supplied.

With Dana Brodsky and David Passey, *Key Supreme Court Ruling Concerning ERISA "Stock Drop" Class Actions*, Sullivan & Cromwell LLP, June 26, 2014. Copy supplied.

With Robert Giuffra Jr., Rick Pepperman, Sharon Nelles, and George Robert Painter IV, *New York's Highest Court Strengthens Forum Non Conveniens Doctrine in Cases Having Peripheral Connection to New York Banking System*, Sullivan & Cromwell LLP, Apr. 10, 2014. Copy supplied.

With Brian Frawley, Robert Giuffra Jr., Richard Klapper, *Supreme Court to Consider Overruling "Fraud-on-the-Market" Presumption*, Sullivan & Cromwell LLP, Dec. 4, 2013. Copy supplied.

With Christopher Homig, *U.S. Supreme Court to Consider Critical Issue for Securities Fraud Class Actions*, Sullivan & Cromwell LLP, Nov. 18, 2013. Copy supplied.

With Thomas White, *The Territorial Reach of U.S. Securities Laws After Morrison v. National Australia Bank*, Sullivan & Cromwell LLP, Sep. 29, 2011. Copy supplied.

With Jeffrey Scott and Thomas White, *ERISA 'Stock-Drop' Litigation in the Second Circuit*, Law.com, Aug. 12, 2011. Copy supplied.

Private Securities Fraud Claims Under Section 10(b) Based on False or Misleading Statements, Sullivan & Cromwell LLP, June 14, 2011. Copy supplied.

Securities Class Action Claims Based on Purchases or Sales of Securities Outside the United States, Sullivan & Cromwell LLP, June 25, 2010. Copy supplied.

U.S. Securities Litigation Against Non-U.S. Issuers by Non-U.S. Plaintiffs, Sullivan & Cromwell LLP, Oct. 30, 2008. Copy supplied.

With John McGinnis and Benjamin Tisdell, *The Patterns and Implications of Political Contributions by Elite Law School Faculty*, 93 Geo. L. J. 1167 (2005). Copy supplied.

With John McGinnis, *Conservatives Need Not Apply*, Wall St. J., Apr. 1, 2003. Copy supplied.

In college, I published pieces in the *Princeton Tory*. I have listed below pieces I was able to locate. I do not recall if there are additional pieces beyond those listed.

Professing Infanticide, Princeton Tory, Nov. 1998. Copy supplied.

Book note, Princeton Tory, Dec. 1997 (reviewing Elliott Abrams, *Faith or Fear: How Jews Can Survive in a Christian Nation* (1997)). Copy supplied.

Married in the Eyes of God?, Princeton Tory, Oct./Nov. 1997. Copy supplied.

Hiring Politics, Princeton Tory, Sep. 1997. Copy supplied.

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.

To my recollection and through searches of my records and publicly available databases by persons acting on my behalf, I have found the following responsive materials. Although I was personally involved in the creation of some of these reports, others would have been drafted by others without my input.

New York Bar Association Committee on Standards ("COSAC")

NYSBA Committee on Standards of Attorney Conduct, *Request for Comment on Second Discussion Draft of Possible Amendments to Model Rule of Professional Conduct 1.14*, Sep. 2, 2025. Copy supplied.

NYSBA Committee on Standards of Attorney Conduct, *Proposed Statute or Court Rule to Regulate Legal Intermediary Referral and Information Services*, July 15, 2021. Copy supplied.

NYSBA Committee on Standards of Attorney Conduct, *Proposal to Amend Rule 8.4(g) of the New York Rules of Professional Conduct*, June 4, 2021. Copy supplied.

NYSBA Committee on Standards of Attorney Conduct, *Proposals to Amend Comments Relating to Rule 1.8(e)(4) of the New York Rules of Professional Conduct*, Mar. 4, 2021. Copy supplied.

NYSBA Committee on Standards of Attorney Conduct, *COSAC's Revised Proposals to Amend Comments to Rules 7.1 and 7.5*, June 4, 2020. Copy supplied.

NYSBA Committee on Standards of Attorney Conduct, *Proposals to Amend Rules 1.8, 3.4, 8.1, and 8.3*, Jan. 31, 2020. Copy supplied.

New York City Bar Ethics Committee Reports

NYC City Bar Ethics Committee, *Formal Opinion 2018-4: Duties When an Attorney Is Asked to Assist in a Suspicious Transaction*, July 18, 2018. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2018-3: Ethical Implications of Plagiarism in Court Filings*, July 13, 2018. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2018-2: Prosecutor's post-conviction duties regarding potential wrongful convictions*, Apr. 13, 2018. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2018-1: Protective Action, and Disclosures of Confidential Information, to Benefit a Prospective Client with Diminished Capacity*, Mar. 12, 2018. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2017-7: Disclosures to Joint Clients When the Representation Does Not Involve a Conflict of Interest*, Dec. 12, 2017. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2017-6: Issuing a subpoena to a current client*, Aug. 17, 2017. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2017-5: An Attorney's Ethical Duties Regarding U.S. Border Searches of Electronic Devices Containing Clients' Confidential Information*, July 9, 2017. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2017-4: Ethical Considerations for Legal Services Lawyers Working with Outside Non-Lawyer Professionals*, June 20, 2017. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2017-3: Ethical Limitations on Seeking an Advantage for a Client in a Civil Dispute by Threatening Ancillary Non-Criminal Proceedings against an Adverse Party*, June 20, 2017. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2017-2: Obligation to Report Fraudulent Billing*, Feb. 21, 2017. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2017-1: Payment of Fees to a Legal Referral Service*, Jan. 13, 2017. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2016-3: Prosecutors' Ethical*

Obligations to Disclose Information Favorable to the Defense, Aug. 29, 2016. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2016-1: Referring a Prospective Client to Other Counsel, When the Referring Lawyer has a Conflict of Interest*, July 21, 2016. Copy supplied.

NYC City Bar Ethics Committee, *Formal Opinion 2015-7: Application of Attorney Advertising Rules to LinkedIn*, Dec. 30, 2015. Copy supplied.

NYC City Bar Ethics Committee, *Report in support of proposed new Section 523 of the Rules of the Court of Appeals authorizing the temporary practice of law in NYS by out-of-state and foreign attorneys*, Oct. 28, 2015. Copy supplied.

NYC City Bar Ethics Committee, *A Lawyer's Ethical Obligation to Notify Clients When Their Files Are Accidentally Destroyed – Formal Opinion 2015-6*, Oct. 27, 2015. Copy supplied.

New York State-Federal Judicial Council

With Robert J. Giuffra, Jr., Shane R. Yeargan, and Justin Lo, *Report on the Coordination of Discovery Between New York Federal and State Courts*, May 2016. 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.

December 6, 2022: Letter re: Nomination of Arun Subramanian to be District Court Judge on the United States District Court for the Southern District of New York. Copy supplied.

September 3, 2019: Letter re: Nomination of Steven J. Menashi to the United States Court of Appeals for the Second Circuit. Copy supplied.

March 5, 2019: Letter re: Nomination of Daniel Bress to the United States Court of Appeals for the Ninth Circuit. Copy supplied.

July 6, 2018: Letter in Support of Senator Mike Lee as a Nominee for Supreme Court Justice. Copy supplied.

November 9, 2005: Letter re: Nomination of Hon. Samuel Alito, Jr. to be an Associate Justice of the United States Supreme Court. 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.

To my recollection and through searches of my records and publicly available databases by persons acting on my behalf, I have found the following responsive materials.

March 20, 2026: Panelist, "Justice Alito's Impact on Religious Liberties & Speech," Federalist Society for Law and Public Policy, Philadelphia, Pennsylvania. Recording available at: <https://www.youtube.com/watch?v=At9NrwZFDIo>.

May 5, 2025: Speaker, "Judges & Lawyers Breast Cancer Alert Annual Awards Dinner," Judges and Lawyers Breast Cancer Alert, New York, New York. Recording available at: <https://vimeo.com/1156632060/4738b74569?share=copy&fl=sv&fe=ci#t=1500>.

April 3, 2024: Speaker, "*Cantero v. Bank of America*, Who Will Win?" Ballard Spahr, New York, New York. Copy of transcript supplied.

November 2023 (est.): Panelist, "Expert Forum on Securities Litigation," Corporate Disputes, New York, New York. I spoke at a conference sponsored by Corporate Disputes (Financier Worldwide) on 2023 securities litigation trends. I have no notes, transcript, or recording. The address of Financier Worldwide is Birmingham Road, Building 3 Lichfield, Staffordshire WS14 0Qp United Kingdom.

October 26, 2023: Panelist, "Current and Future Use Cases by Clients and Firms: Business Opportunities, Challenges, Confidentiality," Sandpiper Partners' "Transformative Impact of AI on the Legal Profession Conference." New York, New York. I described and commented on the use of artificial intelligence for litigation discovery and ethical issues regarding the use of artificial intelligence. I have no notes, transcript, or recording. The address of Sandpiper Partners LLC is 734 Valley Road, Suite 101, Montclair, New Jersey 07043.

October 26, 2023: Panelist, "AI and the Ethical Obligations of Lawyers," New York, New York. I spoke at a conference sponsored by Sandpiper Partners LLC on "Transformative Impact of AI on the Legal Profession Conference." I described and commented on how the advent of AI will affect lawyers' duties. I have no notes, transcript, or recording. The address of Sandpiper Partners LLC is 734 Valley Road, Suite 101, Montclair, New Jersey 07043.

March 2023: Panelist, "Ethical Issues in Complex Securities Litigation," Practising Law Institute, New York, New York. Copy of transcript supplied.

March 2023: Guest Lecturer, "Writing Reply Briefs," Fordham University School of Law, New York, New York. I spoke to Fordham Law students in Professor Norman Feit's Legal Writing course on writing reply briefs. I have no notes, transcript, or recording. The address of Fordham University School of Law is 150 W 62nd Street, New York, New York 10023.

March 2022: Guest Lecturer, "Writing Reply Briefs," Fordham University School of Law, New York, New York. I spoke to Fordham Law students in Professor Norman Feit's Legal Writing course on writing reply briefs. I have no notes, transcript, or recording. The address of Fordham University School of Law is 150 W 62nd Street, New York, New York 10023.

March 2022: Panelist, "Ethical Issues in Complex Securities Litigation," Practising Law Institute, New York, New York. Copy of transcript supplied.

July 2021: Panelist, "Shareholder Disputes," Financier Worldwide Roundtable, New York, New York. Copy of transcript supplied.

July 28, 2020: Speaker, "Commencement of a Civil Action: Filing the Complaint, Preparing the Motion to Dismiss, Coordinating Multiple Securities Litigation Actions," Practising Law Institute's "Securities Litigation 2020: From Investigation to Trial," New York, New York. Copy of transcript supplied.

November 12, 2019: Speaker, "Ethical Issues for In-House Counsel," New York City Bar Association, New York, New York. Slides provided.

July 27, 2019: Speaker, "Defeating Event-Driven Securities Class Actions," Barbri Inc., New York, New York. Slides provided.

January 23, 2019: Panelist, "Recent Developments in Securities Class Actions," sponsored by the New York City Bar Association, New York, New York. I discussed and commented on the current landscape of securities litigation during the 7th Annual Securities Litigation & Enforcement Institute conference. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street New York, New York 10036.

November 1, 2018: Panelist, "Ethical Issues for In-House Counsel: Transactional Aspects," sponsored by the New York City Bar Association. New York, New York. I discussed various ethical issues that may impact in-house counsel. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street New York, New York 10036.

August 20, 2018: Speaker, "Litigation & Arbitration: Where Do We Go From *Cyan*?" Sullivan & Cromwell LLP Podcasts. New York, New York. Recording available at: <https://sullivanandcromwell.podbean.com/e/litigation-arbitration-where-do-we-go-from-cyan/>.

February 24, 2018: Panelist, "Timely Ethics Issues: Interacting With Witnesses, Firm General Counsel" Federal Bar Council. Rancho Mirage California. I discussed and commented on various ethical issues. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505 New York, New York 10038.

January 5, 2006: Speaker, "Resolution Worth Keeping, Alito Confirmation Tour," sponsored by Progress for America. Harrisburg, Pennsylvania. I recall speaking in other cities in Pennsylvania as well, but I do not have any records. I have no notes, transcript, or recording of these remarks. Progress for America is no longer an operational entity. Copy of news report supplied.

January 6, 2005: Speaker, "Hamilton vs. Jefferson Debate" New York Historical Society. New York, New York. Recording available at: <https://www.c-span.org/program/public-affairs-event/hamilton-vs-jefferson/145651>.

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.

Epiq Unveils Angentic AI Platform as Part of the Epiq Service Cloud, Canadian Press, July 29, 2025. Copy supplied.

Epiq Announces Epiq AI Discovery Assistant and Epiq AI Labs, GlobeNewswire, Jan. 14, 2025. Copy supplied.

Robert Ambrogi, *Epiq Global Launches AI-Powered E-Discovery Platform and AI Research Lab*, Robert Ambrogi's LawSites, Jan. 14, 2025. Copy supplied.

Joanne Wallenstein, *You Asked: Questions About the Duck Pond, the Heathcote Bridge and Tree Removal*, Scarsdale10583 News, July 28, 2022. Copy of transcript supplied.

Max Stendahl, *Rising Star: Sullivan & Cromwell's Matthew Schwartz*, Law360, Apr. 15, 2015. Copy of transcript supplied.

Nick Summers, *D'Souza's Speech at Columbia U. Attracts*, U-Wire (USA), Feb. 28, 2002. Copy of transcript supplied.

During the confirmation process for then-Judge Alito, I gave remarks on various occasions. I do not have a record of these remarks.

In addition, while participating in student organizations at Princeton and Columbia Law School, I recall giving other remarks on various occasions in connection with facilitating or participating in student events. I do not have a record of or recall the specific occasions and contents of these introductory remarks.

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.

District Leader, Republican Party, Scarsdale, New York (approximately 1995 – 1998). I recall that the position was elected but have been unable to obtain any records.

- 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.

Election Monitoring Volunteer, Bloomberg for Mayor of New York City (Nov. 6, 2001)

President, Princeton College Republicans (1999 – 2000)

Campaign Assistant, Westchester County Republican Committee (Summer 1997 – Summer 1998)

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

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

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

From 2003 to 2004, I served as a law clerk to the Honorable Samuel A. Alito, Jr. of the U.S. Court of Appeals for the Third Circuit.

From 2006 to 2007, I served as a law clerk to the Honorable Samuel A. Alito, Jr. of the U.S. Supreme Court.

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

I have not practiced alone.

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

Summer 2002, 2004 – 2006
Cravath, Swaine & Moore LLP
375 Ninth Street
New York, New York 10001
Summer Associate (Summer 2002)
Associate (2004 – 2006)

2007 – present
Sullivan & Cromwell LLP
125 Broad Street
New York, New York 10004
Associate (2007 – 2012)
Partner (2012 – present)

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

I have not served as a mediator or arbitrator in alternative dispute proceedings.

b. Describe:

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

I have a broad based litigation, appellate, and advisory practice. My work has focused mainly on complex litigation, arbitration, and government investigations in the areas of securities law, mergers and acquisitions, corporate governance, antitrust, bank regulation, contracts, constitutional law, administrative law, and general commercial litigation. I have counseled on a small number of criminal matters as well. I regularly analyze for clients the impact that new laws, regulations, and judicial opinions have on their businesses. I have also maintained a *pro bono* practice. Since 2012, I have had responsibilities for internal ethics questions within Sullivan & Cromwell.

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

My typical clients have included corporations, financial institutions, individuals, and trade associations. I do not consider myself to have specialized with one particular type of client or in any one particular area of law.

- 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.

Depending on the year, approximately two-thirds to three-quarters of my client work has been in litigation. I appear frequently in federal and state courts on briefs and from time to time to present oral argument. I also appear in arbitration from time to time.

- i. Indicate the percentage of your practice in:

1.	federal courts:	60%
2.	state courts of record:	40%
3.	other courts:	0%
4.	administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1.	civil proceedings:	95%
2.	criminal proceedings:	5%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than

settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I was part of the trial team that tried the damages retrial phase of *Saint Jean v. Emigrant Bank*, 11-cv-02122-SJ (E.D.N.Y.).

I was part of a team that tried a confidential arbitration to judgment.

i. What percentage of these trials were:

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

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.

Petitions for Certiorari

Emigrant Mortg. Co. v. Saint-Jean (2025) (No. 25-229) (pet. for cert., 2025 WL 2491762; reply brief for petitioners, 2025 WL 3490384; supplemental brief for petitioners, 2025 WL 3772653; application to extend time for petitioners (24A1177)). Copies provided.

Volkswagen Aktiengesellschaft v. Ohio (2021) (No. 21-312) (pet. for cert., 2021 WL 3912935; reply brief for petitioners, 2021 WL 5049031). Copies provided.

Volkswagen Gr. of Am., Inc. v. Env't Prot. Comm'n of Hillsborough Cnty. (2021) (No. 20-994) (pet. for cert., 2021 WL 274479; reply brief for petitioners, 2021 WL 1331631; supplemental brief for petitioners, 2021 WL 4803841). Copies provided.

Barclays PLC v. Waggoner (2018) (No. 17-1209) (pet. for cert., 2018 WL 1110425; reply brief for petitioners, 2018 WL 1774487). Copies provided.

City of Reno v. Goldman, Sachs & Co. (2014) (No. 14-146) (pet. for cert., 2014 WL 5077236). Copy provided.

Amicus Briefs

Citizens Bank, N.A. v. Conti (2026) (No. 25-1004) (amicus brief for the Bank Policy Institute, American Bankers Association, the Chamber of Commerce of the United States of America, and Consumer Bankers Association supporting petitioner). Copy provided.

Johnson & Johnson v. San Diego Cnty. Emps. Ret. Ass'n (2025) (No. 25-977) (amicus brief for Former SEC officials and Law Professors supporting petitioners). Copy provided.

Miller v. McDonald (2025) (No. 25-133) (*amicus* brief for the Jewish Coalition for Religious Liberty supporting petitioner). Copy available at 2025 WL 2607372 and provided.

Cantero v. Bank of Am., N. A. (2024) (No. 22-529) (*amicus* brief for the Bank Policy Institute, American Bankers Association, Consumers Bankers Association, and Mid-Size Bank Coalition supporting respondent). Copy available at 2024 WL 345770 and provided.

Grants Pass v. Johnson (2024) (No. 23-175) (*amicus* brief for Professor John F. Stinneford supporting petitioner). Copy available at 2024 WL 1008641 and provided.

Brinkmann v. Town of Southold (2024) (No. 23-1301) (*amicus* brief for Susette Kelo supporting petitioner). Copy available at 2024 WL 3460671 and provided.

Flagstar Bank, N.A. v. Kivett (2024) (No. 22-349) (*amicus* brief for the Bank Policy Institute, American Bankers Association, Consumer Bankers Association, Chamber of Commerce of the United States of America, and Mortgage Bankers Association supporting petitioner). Copy available at 2022 WL 17340266 and provided.

Scoville v. SEC (2019) (No. 18-1566) (*amicus* brief for Securities Law Scholars in support of petitioner). Copy available at 2019 WL 3338157 and provided.

Bank of Am., N.A. v. Lusnak (2018) (No. 18-212) (*amicus* brief for the Bank Policy Institute, American Bankers Association, Consumers Bankers Association, Chamber of Commerce of the United States, and Mortgage Bankers Association supporting petitioner). Copy available at 2018 WL 4464737 and provided.

Henson v. Santander Consumer USA Inc. (2017) (No. 16-349) (*amicus* brief for Clearing House Association LLC, American Bankers Association, and Consumer Bankers Association supporting respondent). Copy available at 2017 WL 1162420 and provided.

Midland Funding, LLC v. Madden (2016) (No. 15-610) (*amicus* brief for the Clearing House Association L.L.C., Financial Services Roundtable, Consumer Bankers Association, Loan Syndications and Trading Association, and the Chamber of Commerce of the United States supporting petitioners). Copy available at 2015 WL 8489383 and provided.

Halliburton Co. v. Erica P. John Fund, Inc. (2014) (No. 13-317) (*amicus* brief for Former Members of Congress, Senior SEC Officials, and Congressional Counsel supporting neither party). Copy available at 2014 WL 60715 and provided.

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. *People of the State of New York v. President Donald J. Trump*, No. 2025-00648 (App. Div. 1st Dep't) (Representation: 2025 – present).

I am a member of the Sullivan & Cromwell LLP team representing President Trump in seeking to overturn on appeal his 2024 conviction in this case. The representation involves seeking (i) removal of the case to federal court under the Federal Officer Removal Statute, and (ii) if the case removal is not granted, simultaneously appealing the conviction through the New York state court system. The Second Circuit recently remanded President Trump's removal motion to the Southern District of New York (Hellerstein, J.) for reconsideration. *New York v. Trump*, 158 F.4th 458 (2d Cir. Nov. 6, 2025) (per curiam) (Lohier, Carney, Pérez, JJ.). I played a central role in this litigation, developing the legal strategy and drafting briefs and motions in state and federal courts. The state appeal and federal district court litigation remain pending.

Opposing counsel:

John Tyler Hughes
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2. *People of the State of New York v. President Donald J. Trump*, No. 2025-00171 (N.Y. Ct. App.) (Judges Rowan D. Wilson, Jenny Rivera, Michael J. Garcia, Madeline Singas, Anthony Cannataro, Shirley Troutman, Caitlin Halligan) (Representation: 2025 – present).

I am a member of the team representing President Trump, Donald Trump Jr., Eric Trump, and various entities within the Trump Organization in appealing the decision by a New York State trial court finding them liable for allegedly inflating assets on their financial statements and awarding the State over \$464 million in disgorgement and injunctive relief. At the intermediate appellate level, the disgorgement award was reversed and, even though three judges voted to either reverse or vacate the remainder of the trial

court's decision, the remainder of the decision was affirmed in decretal. The case is now on appeal to the New York Court of Appeals.

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Counsel for Allen Weisselberg:

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Counsel for The People:

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3. *In re Tesla, Inc. Derivative Litig.*, Nos. 534, 2024 & 10–12, 2025 (Del. Supreme Court 2025) (Justices Traynor, Legrow, and Griffiths) (Representation: 2024 – 2026).

I was a member of the Sullivan & Cromwell LLP team that represented Tesla in its successful appeal of a judgment from the Delaware Court of Chancery voiding Elon Musk's \$50 billion all-incentive compensation package and awarding the plaintiff's counsel \$345 million in fees. On appeal, the Delaware Supreme Court reversed the Chancery Court's voiding of the compensation package and reduced the plaintiff's attorneys' fees to \$54.5 million. *In re Tesla, Inc. Derivative Litig.*, 351 A.3d 1005 (Del. 2025).

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Counsel for Plaintiff-Appellee:

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4. *Saint-Jean v. Emigrant Mortg. Co.*, 22-cv-3094 (2d Cir.) (Judges Park, Robinson, Chin)
(Representation: 2017 – present).

I am a member of the Sullivan & Cromwell LLP team representing Emigrant Bank and Emigrant Mortgage Company in an action brought by various borrowers alleging disparate treatment and disparate impact discrimination under the Fair Housing Act and

New York State and City laws, as well as violations of the Equal Credit Opportunity Act. S&C joined the case after the liability was determined at the district court, and appealed to the U.S. Court of Appeals for the Second Circuit on various grounds, including on statute of limitations and improper jury instructions grounds. I argued the appeal, which Emigrant lost 2-1. *Saint-Jean v. Emigrant Mortg. Co.*, 129 F.4th 124 (2d Cir. 2025), *cert. denied*, No. 25-229, 2026 WL 79895 (U.S. Jan. 12, 2026). Emigrant petitioned for *certiorari* (2025 WL 2491762), including on the ground that the Court should overrule the disparate impact doctrine under *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, but the petition was denied. *Emigrant Mortg. Co. v. Saint-Jean*, No. 25-229, 2026 WL 79895 (U.S. Jan. 12, 2026).

Co-counsel:

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Opposing counsel:

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5. *State ex rel. Slatery v. Volkswagen Aktiengesellschaft*, 2018-cv-00791 (Tenn. Ct. App.) (Judges Clement Jr., Bennett, Dinkins) (Representation: 2017 – 2021).

I was a member of the Sullivan & Cromwell LLP team that defended Volkswagen AG against nationwide lawsuits brought by numerous states and counties alleging that Volkswagen diesel cars violated state and local environmental laws. We argued that these claims were preempted by the federal Clean Air Act. I argued in state trial and intermediate appellate courts in Ohio and Tennessee, and in state court in Missouri. I also helped draft the principal appellate briefs (*e.g.*, 2019 WL 2618308, 2018 WL 4491621). We received split decisions among the courts and the question has not been resolved by the U.S. Supreme Court yet. *State ex rel. Slatery v. Volkswagen Aktiengesellschaft*, 2019 WL 1220836 (Tenn. Ct. App. Mar. 13, 2019); *Volkswagen Aktiengesellschaft v. Ohio*, 142 S. Ct. 515 (2021).

Co-counsel:

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James K. Vines
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Opposing counsel:

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6. *Goldman, Sachs & Co. v. Golden Empire Schs. Fin. Auth.*, 13-cv-797, 13-cv-2247 (2d Cir.) (Judges Katzmman, Walker, Droney) (Representation: 2013 – 2015).

I was a member of the Sullivan & Cromwell LLP team defending Goldman Sachs from separate claims by various plaintiffs concerning their purchases of auction rates securities, for which Goldman Sachs was the broker-dealer. I argued successfully in the U.S. Courts of Appeal for the Second and Ninth Circuits that a contractual forum selection specifying federal court overrides default broker-dealer rules requiring claims to be heard in FINRA arbitration. *See Goldman, Sachs & Co. v. Golden Empire Schs. Fin. Auth.*, 764 F.3d 210 (2d Cir. 2014). I also argued successfully in the U.S. Court of Appeals for the Sixth Circuit to preserve a motion to dismiss decision.

Opposing counsel:

James Swanson
Fishman Haygood Phelps LLP
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New Orleans, LA 70170
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7. *New York Bankers Ass'n, Inc. v. City of New York*, 1:15-cv-04001(S.D.N.Y. 2015) (Judge Failla) (Representation: 2013 – 2015).

I was a member of the Sullivan & Cromwell LLP team that sued the City of New York on behalf of the New York Bankers Association to invalidate the so-called “Responsible Banking Act,” under which New York City would only deposit its money at banks that complied with the City’s requirements for lending information and practices. We successfully convinced the U.S. District Court for the Southern District of New York (Failla, J.) to strike down the law as preempted by federal and state banking laws. *See New York Bankers Ass'n, Inc. v. City of New York*, 119 F. Supp. 3d 158 (S.D.N.Y. 2015). I assisted with developing the legal strategy and writing briefs and motions.

Opposing counsel:

Joshua Paul Rubin
Corporation Counsel Office City of New York
100 Church Street
New York, NY 10007
(212) 788-0995

8. *City of Pontiac Policemen's & Firemen's Ret. Sys. v. UBS AG*, 12-cv-4355 (2d Cir. 2014) (Judges Cabranes, Hall, Chin) (Representation: 2008 – 2014)

I was a member of the Sullivan & Cromwell LLP team that represented UBS AG in defending against a securities class action seeking billions of dollars in damages. We prevailed at both the trial and appellate levels in establishing that the U.S. securities laws do not cover transactions made outside the United States and also in strengthening securities defendants' positions on issues like the duty to disclose. *See City of Pontiac Policemen's & Firemen's Ret. Sys. v. UBS AG*, 752 F.3d 173 (2d Cir. 2014). I assisted with developing the legal strategy and writing briefs and motions.

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Opposing counsel:

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9. *Allen v. Credit Suisse Sec. (USA) LLC*, 16-cv-3327 (L), 16-cv-3571 (CON) (Judges Jacobs, Leval, Raggi) (Representation: 2016 – 2018)

This case was part of a series of cases concerning the foreign currency exchange ("FX") market. This particular case was a putative class action brought against twelve banks and affiliates alleging breach of ERISA fiduciary duties in connection to FX market transactions. I was a member of the Sullivan & Cromwell LLP team that represented Barclays PLC et al., during plaintiffs' appeal from the Southern District of New York's (Schofield, J.) dismissal for failure to state a claim under Rule 12(b)(6). I assisted with developing the appellate strategy, drafting defendants' principal appellate brief (2017 WL 959034), and participated in oral argument before the Second Circuit. The Second Circuit unanimously affirmed the district court's judgements of dismissal. *Allen v. Credit Suisse Sec. (USA) LLC*, 895 F.3d 214, 228 (2d Cir. 2018).

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Counsel Morgan Stanley et al.:
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Opposing Counsel:
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10. *Grants Pass v. Johnson*, No. 23-175 (U.S. Supreme Court) (Representation: 2023 – 2024).

This case concerned the constitutionality of municipal ordinances that imposed fines for sleeping or camping in particular public places. I am a member of the Sullivan & Cromwell LLP team that authored an *amicus* brief on behalf of Professor John F. Stinneford of Florida Levin College of Law. We argued that the ordinances at issue did not violate the Eighth Amendment as originally understood. The *amicus* brief (2024 WL 1008641) traced the historical tradition of vagrancy laws and the original public meaning of the Eighth Amendment's Cruel and Unusual Punishments Clause. The Supreme Court cited the *amicus* brief in upholding the ordinance in a 6-3 decision. See *Grants Pass v. Johnson*, 603 U.S. 520, 543 (2024).

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Counsel for Respondent:

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

In addition to the matters described above, I have dedicated a significant portion of my practice to advising on the rules of professional conduct for lawyers, including helping issue bar association opinions interpreting the New York Rules of Professional Conduct and proposing changes to those rules. Recently, that work has involved considering the professional ethical issues raised by the advent of artificial intelligence.

In addition, I am regularly asked by clients to advise on the impact on their businesses of new legislation, regulation, and court and regulatory decisions.

I have never acted or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course,

provide 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.

Pursuant to the Sullivan & Cromwell LLP Group Defined Benefit Plan for Partners, I am eligible to receive monthly lifetime retirement payments from the firm at age 55. If confirmed by the Senate, I will remain a participant in this defined benefit plan but will not be entitled to benefits prior to that age (approximately 8 years from now). I also am a participant in the Retirement Plan of Sullivan & Cromwell LLP (a defined contribution plan), which, if confirmed by the Senate, I will transfer the balance from Sullivan & Cromwell LLP to an independent financial institution at the earliest possible opportunity. I also expect to receive a return of capital in Sullivan & Cromwell LLP.

I have no arrangements in the future to be compensated for any financial or business interest.

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 any 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 Statement.

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 and commissioned, I will recuse myself from any litigation in which I have personally been involved. I will also evaluate any other real or potential conflicts, or relationships that could give rise to the 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 and/or appropriate.

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 and commissioned, 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, practices, and cases 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.

Throughout my time at Sullivan & Cromwell LLP I have been a member of the New York Presbyterian Hospital Wills Clinic, through which I have provided the *pro bono* services of drafting and executing wills, powers of attorney, and health care proxies for patients with HIV/AIDS. I have also represented clients in religious discrimination and religious liberty cases, including submitting various *amicus* briefs on those topics. In addition, I have represented law professors in filing *amicus* briefs on issues concerning the Eighth Amendment to the United States Constitution and securities laws.

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 March 3, 2026, I received an email from the White House Counsel's office regarding a vacancy on the U.S. Court of Appeals for the Second Circuit. On March 3, 2026, an official from the White House Counsel's Office contacted me to arrange an interview for

the position of Circuit Judge on the Second Circuit. On March 12, 2026, I interviewed with employees from the White House Counsel's Office and the Department of Justice's Office of Legal Policy at the White House. On April 10, 2026, President Trump called to inform me that he would nominate me to the Second Circuit. That same day, President Trump publicly announced his intent to nominate me.

Throughout this process I have been in periodic contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

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, Matthew A. Schwartz, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

April 15, 2026
(DATE)

Matthew A. Schwartz
(NAME)

Karen Bowden
(NOTARY)

Karen Bowden
Notary Public, State of New York
N# 01800030513
Qualified in New York County
Commission Expires November 01, 2028

