

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kasdin Miller Mitchell
Kasdin Elizabeth Miller

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

United States District Judge for the Northern District of Texas

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.

Offices: Kirkland & Ellis LLP
 4550 Travis Street
 Dallas, Texas 75205

Kirkland & Ellis LLP
1301 Pennsylvania Avenue, NW
Washington, District of Columbia 20004

Residence: Dallas, Texas

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

1985; Anniston, Alabama

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.

2010 – 2012, Yale Law School; J.D., 2012

2009 – 2010, Vanderbilt Law School; no degree. I attended Vanderbilt Law School for one year before transferring to Yale Law School.

2003 – 2007, Yale University; B.A., 2007

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.

2017 – present

Kirkland & Ellis LLP

Dallas: 4550 Travis Street, Dallas, Texas 75205

District of Columbia: 1301 Pennsylvania Avenue, NW, Washington, District of Columbia 20004

Partner (2018 – present)

Associate (2017 – 2018)

2016 – 2017

The Honorable Clarence Thomas

Supreme Court of the United States

One First Street, NE

Washington, District of Columbia 20543

Law Clerk

2014 – 2016, Summer 2010, Summer 2011

Maynard Cooper & Gale, P.C. (now Maynard Nexsen, P.C.)

1901 Sixth Avenue North

Regions Harbert Plaza, Suite 2400

Birmingham, Alabama 35203

Associate (2014 – 2016)

Summer Associate (Summer 2010 and Summer 2011)

2013 – 2014

The Honorable William H. Pryor Jr.

United States Court of Appeals for the Eleventh Circuit

Hugo L. Black United States Courthouse

1729 Fifth Avenue North, Suite 900

Birmingham, Alabama 35203

Law Clerk

2012 – 2013

Office of the Attorney General of Alabama

Post Office Box 300152

Montgomery, Alabama 36130

Assistant Solicitor General

Summer 2011

Sullivan & Cromwell

125 Broad Street

New York, New York 10004

Summer Associate

Summer 2010
Balch & Bingham LLP
1901 Sixth Avenue North, Suite 1500
Birmingham, Alabama 35203
Summer Associate

Summer 2010
Burr Forman LLP
420 20th Street North, Suite 3400
Birmingham, Alabama 35203
Summer Associate

2009
ConTemporaries, Inc.
Assigned to National Heart Lung and Blood Association, National Institutes of Health
1010 Wayne Avenue, Suite 400
Silver Spring, Maryland 20910
Communications Contractor

2008 – 2009
The White House
1600 Pennsylvania Avenue, NW
Washington, District of Columbia 20500
Assistant Press Secretary to the First Lady

2007 – 2008
United States Department of Energy
Forrestal Building
1000 Independence Avenue, SW
Washington, District of Columbia 20585
Special Assistant, Office of Fossil Energy

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 United States military. I was not required to register for selective service.

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

The Legal 500, Next Generation Partner: Environmental Litigation (2025)

The Legal 500, recognized for Aviation and Air Travel: Litigation and Regulation (2025)

Texas Lawyer, Pro Bono Lawyer of the Year, Finalist (2024)

Law360 Editorial Advisory Board: Appellate (2024)

D.C. Courts, Capital Pro Bono Honor Roll
High Honors (2024, 2017)
Honors (2023)

The National Law Journal, D.C. Rising Star (2023)

Law360, Rising Star: Appellate (2023)

Super Lawyer, Rising Star (2022)

Maverick PAC, Future40 Honoree (2018)

John Marshall Fellow, Claremont Institute (2017)

Yale Law School

Yale Law & Policy Review

Advisory Board (2013)

Co-Editor-in-Chief (2011 – 2012)

Editor (2010 – 2011)

Morris Tyler Moot Court of Appeals, Thurman Arnold Prize Finalist (2012)

Yale Law Journal, Senior Editor (2011 – 2012)

Vanderbilt University Law School

Archie B. Martin Memorial Prize (highest GPA in first-year class) (2010)

Selected to serve as editor on the *Vanderbilt Law Review* (2010)

Yale College

Degree conferred with distinction (2007)

Yale College Council, Secretary (2005 – 2006)

Yale College Executive Committee (2003 – 2007)

YMCA Youth Conference on National Affairs, Presiding Officer (2004)

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

Birmingham Bar Association (2015 – 2016)

Patrick E. Higginbotham Inn of Court, Barrister (2022 – 2025)

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.

Alabama (2012)
District of Columbia (2019)
Texas (2023)

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.

United States Supreme Court (2019)
United States Court of Appeals for the District of Columbia Circuit (2015)
United States Court of Appeals for the Second Circuit (2021)
United States Court of Appeals for the Third Circuit (2019)
United States Court of Appeals for the Fourth Circuit (2021)
United States Court of Appeals for the Fifth Circuit (2018)
United States Court of Appeals for the Sixth Circuit (2018)
United States Court of Appeals for the Seventh Circuit (2023)
United States Court of Appeals for the Eighth Circuit (2020)
United States Court of Appeals for the Ninth Circuit (2018)
United States Court of Appeals for the Tenth Circuit (2019)
United States Court of Appeals for the Eleventh Circuit (2012)
United States District Court for the District of Columbia (2015)
United States District Court for the Northern District of Texas (2020)
United States District Court for the Middle District of Alabama (2015)
United States District Court for the Northern District of Alabama (2015)
United States Court of Federal Claims (2019)

My membership status for the United States District Court for the District of Columbia lapsed and has now been removed pursuant to the district court's rule providing, "As of August 14, 2025, attorneys admitted to the U.S. District Court for the District of Columbia are no longer required to formally renew their membership." My admission to the United States District Court for the Middle District of Alabama expired due to inactivity. There have been no other lapses in membership of which I am aware.

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.

Dallas Arboretum and Botanical Garden (2019 – 2020; 2022 – 2023)

Dallas Zoo (2019 – present)

George W. Bush Presidential Center (2024 – present)

Teneo Network (2013 – present)

The Federalist Society for Law and Public Policy Studies (2010 – present)

United Way Tocqueville Society (2025 – 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, no organization listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership policies 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.

To the best of my recollection, I wrote or co-authored the following published works:

Kasdin Mitchell et al., *Chief Judge William H. Pryor Jr.: A Tribute to Twenty Years on the Bench, Barbecue Mondays*, 75 Ala. L. Rev. 1145 (2024). Copy supplied.

Kasdin Miller Mitchell et al., *U.S. Supreme Court Rejects Due Process Challenge to State Business Registration Statute Requiring Consent to Jurisdiction*, Kirkland & Ellis (July 17, 2023). Copy supplied.

Kasdin Mitchell & Rex Manning, *Greenhouse Gases, Natural Gas, and the D.C. Circuit: One Agency's Struggle to Balance the Three*, Washington Legal Foundation, Critical Legal Issues: Working Paper Series (No. 225, Sep. 2022). Copy supplied.

Taylor A. Meehan & Kasdin M. Mitchell, *One of the Good Guys—Pryor Becomes Chief Judge of the Eleventh Circuit*, *The Alabama Lawyer*, Vol. 82, No. 2, Pg. 102 (Mar. 25, 2021). Copy supplied.

Program for the 2008 National Book Festival, *The Library of Congress & Laura Bush* (Sep. 27, 2008). Copy supplied.

In addition to the above, as a Senior Editor of the *Yale Law Review* and Co-Editor-in-Chief of the *Yale Law & Policy Review*, I performed typographical, minor style, and Bluebook editing of dozens of law review articles. The authors of those materials, as well as the assigned articles editors, were responsible for their substantive contents. I am credited for substantively editing the following published works:

Chris Michel, *Bench Memoirs: A Review of Five Chiefs by John Paul Stevens*, 30 *Yale L. & Pol’y Rev.* 531 (2012). Copy supplied.

Dylan O. Keenan, *Bullcoming and Cold Cases: Reconciling the Confrontation Clause with DNA Evidence*, 30 *Yale L. & Pol’y Rev.* 13 (2012). Copy supplied.

As the Assistant Press Secretary to the First Lady, I drafted and edited numerous published materials. All of those materials, however, were published under Mrs. Bush’s name or the Office of the First Lady, and Mrs. Bush, her Chief of Staff, and/or her Press Secretary maintained ultimate editorial discretion and control over the content of all published materials.

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.

None.

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.

To the best of my recollection, I have offered the following letters and communications to public officials:

Letter of Support for Brian Lea’s Confirmation to the United State District Court for the Western District of Tennessee (Dec. 12, 2025). Copy supplied.

Letter Regarding the Nomination of David Bragdon to the United States District Court for the Middle District of North Carolina (Sep. 12, 2025). Copy supplied.

Letter from Clerks Regarding the Nomination of Edmund G. LaCour Jr. to the United States District Court for the Northern District of Alabama (Aug. 29, 2025). Copy supplied.

Letter from Kirkland & Ellis Attorneys Re: Nomination of Edmund G. LaCour Jr. (Aug. 29, 2025). Copy supplied.

Letter Regarding the Nomination of Joshua Divine to the United States District Court for the Eastern and Western Districts of Missouri (May 29, 2025). Copy supplied.

Letter Regarding the Nomination of Whitney Hermandorfer to the United States Court of Appeals for the Sixth Circuit (May 23, 2025). Copy supplied.

Open Letter from Law Clerks of Justice Clarence Thomas (Aug. 29, 2023). Copy supplied.

Letter in Support of Judge Amy Coney Barrett (Oct. 11, 2020). Copy supplied.

Letter from Yale Students, Alumni, and Faculty in Support of Judge Brett M. Kavanaugh (July 12, 2018). 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.

My public speaking engagements to the best of my recollection are as follows:

May 2, 2025: Speaker, “End of *Chevron* Deference,” State Bar of Texas, Bill of Rights: Litigating the Constitution, Austin, Texas. I delivered a presentation to members of the State Bar of Texas concerning administrative agency deference in the wake of *Loper Bright*. Copy of presentation supplied.

April 11, 2025: Speaker, “Trying Cases with Appeals in Mind: Don’t Win the Battle and Lose the War,” Northern District of Texas Bench-Bar Conference, Irving, Texas. I participated in a panel during the 2025 Bench-Bar Conference about trying a case while mindful of appellate considerations. Notes supplied.

January 29, 2025: Speaker, “Administrative Law After *Loper Bright*,” The Federalist Society, Fort Worth Lawyers Chapter, Fort Worth, Texas. I delivered a lunch presentation to the Fort Worth Chapter of the Federalist Society about the Supreme

Court's decision in *Loper Bright* and possible implications for administrative law. Copy of presentation supplied.

December 4, 2024: Speaker, "Administrative Law After *Loper Bright*," The Federalist Society, Dallas Lawyers Chapter, Dallas, Texas. I delivered a lunch presentation to the Dallas Chapter of the Federalist Society about the Supreme Court's decision in *Loper Bright* and possible implications for administrative law. Copy of presentation supplied.

September 25, 2024: Speaker, "Supreme Court Review," Texas Attorney General's Office, Austin, Texas. I participated in a panel for the Texas Attorney General's Office providing a review of recent decisions by the Supreme Court. My presentation focused on administrative law cases. I have no notes, transcript, or recording. The address for the Office of the Texas Attorney General is 300 West 15th Street, Austin, Texas 78701.

October 29, 2024: Speaker, "Supreme Court Insights," Advising for Change Conference, Builders Vision, Chicago, Illinois. I participated in a panel providing a review of recent decisions by the Supreme Court. My presentation focused on administrative law cases. Copy of presentation supplied.

April 11, 2024: Speaker, "An Insider's View of the Supreme Court," Hugh Maddox Inn of Court, Montgomery, Alabama. I delivered a dinner talk for the Hugh Maddox Inn of Court about my experience clerking at the Supreme Court. Copy of presentation supplied.

April 19, 2024: Speaker, Appellate Panel, Northern District of Texas Bench-Bar Conference, Irving, Texas. I participated in a panel during the 2024 Bench-Bar Conference about appellate advocacy. My remarks focused on brief writing and preparation for oral argument. I have no notes, transcript, or recording. This annual conference is hosted by the Dallas and Fort Worth chapters of the Federal Bar Association, which is located at 4250 North Fairfax Drive, Suite 301, Arlington, Virginia. The conference was held at the Westin Irving Convention Center, Las Colinas, Texas, 400 West Las Colinas Boulevard, Irving, Texas 75039.

May 24, 2018: Speaker, Commencement Address, The Montgomery Academy, Montgomery, Alabama. I delivered the Commencement Address at my high school. Remarks provided and recording available at <https://www.youtube.com/watch?v=uJR-AQ66Woo>.

Spring 2013: Speaker, Alumni Speaker Series, The Montgomery Academy. During the spring of 2013, I delivered remarks to high school sophomores at The Montgomery Academy as part of the school's "Career Connections" program, which brings alumni back to campus to speak to students about post-graduation career opportunities. I have no notes, transcript, or recording. The Montgomery Academy is located at 3240 Vaughn Road, Montgomery, Alabama 36106.

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.

Alexa Shrake, *Asked & Answered with Kirkland & Ellis's Kasdin Mitchell: From the White House to the U.S. Supreme Court*, Texas Lawbook, Nov. 5, 2025. Copy supplied.

NJL Awards: *Professional Excellence—Our Winners*, National Law Journal, Oct. 27, 2023. Copy supplied.

Christine DeRosa, *Rising Star: Kirkland's Kasdin Miller Mitchell*, Law360, June 29, 2023. Copy supplied.

Tony Mauro, *Bobbleheads and Smoked Brisket at SCOTUS: Recollections and Advice from Former Supreme Court Law Clerks Who Now Practice in Texas*, Texas Lawbook, Aug. 1, 2022. Copy supplied.

News in Brief, Justice John Paul Stevens Presides at Moot Court Finals on Texas Affirmative Action Case, Holds Conversation with Linda Greenhouse '78 MSL, Yale Law Report 11, Summer 2012. Copy supplied.

Michael Sneed, *Passing on Cash*, Chicago Sun Times, Jan. 7, 2009. Copy supplied.

Cullen Macbeth, *YCC Calls for Transgender Protection*, Yale Daily News, Apr. 23, 2006. Copy supplied.

Kanya Balakrishna & Allison Battey, *Societies Find Their Secret Niche*, Yale Daily News, Apr. 5, 2006. Copy supplied.

Judy Wang, *LGBTQ Task Force Calls for New Resources*, Yale Daily News, Feb. 28, 2006. Copy supplied.

My So-called Sex Life, Yale Daily News, Feb. 10, 2006. Copy supplied.

Judy Wang, *_(31457)_*, Yale Daily News, Jan. 25, 2006. Copy supplied.

Cari Tuna, *_(31293)_*, Yale Daily News, Jan. 16, 2006. Copy supplied.

Jen Harris, *YCC Launches Trial Shuttle to Shaw's Market*, Yale Daily News, Aug. 31, 2005. Copy supplied.

Jen Harris, *YCC Eases into More Visible Role on Campus*, Yale Daily News, Apr. 27, 2005. Copy supplied.

Ali Jones, *Candidates for Secretary*, Yale Daily News, Apr. 10, 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.

Assistant Solicitor General for the State of Alabama (2012 – 2013); appointed by Alabama Attorney General Luther Strange

Assistant Press Secretary to the First Lady, The White House (2008 – 2009); appointed by President George W. Bush

Special Assistant, Office of Fossil Energy, United States Department of Energy (2007 – 2008); appointed by Secretary Samuel W. Bodman

- 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.

I served as an Intern at the Bush-Cheney '04 Campaign Headquarters during the Summer of 2004, where I supported the Operations Team.

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 2013 to 2014, I served as a law clerk to the Honorable William H. Pryor Jr., United States Court of Appeals for the Eleventh Circuit.

From 2016 to 2017, I served as a law clerk to the Honorable Clarence Thomas, Supreme Court of the United States.

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

I have never 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;

2012 – 2013

Office of the Attorney General of Alabama
Office of the Solicitor General
Post Office Box 300152
Montgomery, Alabama 36130
Assistant Solicitor General

2014 – 2016

Maynard Cooper & Gale, P.C. (now Maynard Nexsen, P.C.)
1901 Sixth Avenue North
Regions Harbert Plaza, Suite 2400
Birmingham, Alabama 35203
Associate

2017 – present

Kirkland & Ellis LLP
Dallas: 4550 Travis Street, Dallas, Texas 75205
District of Columbia: 1301 Pennsylvania Avenue, NW, Washington,
District of Columbia 20004

Associate (2017 – 2018)

Partner (2018 – present)

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

I have never served as a mediator or arbitrator 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.

After graduation from law school, I worked as the Assistant Solicitor General for the State of Alabama. In that role, I represented the State of Alabama in significant civil and criminal cases in trial and appellate courts. I also provided litigation advice and support to the Attorney General of Alabama. I worked on a wide range of issues involving constitutional law and criminal law.

I then clerked from 2013 to 2014 for now-Chief Judge William H. Pryor Jr. on the U.S. Court of Appeals for the Eleventh Circuit. In that role, I drafted bench memoranda, helped prepare for oral argument, and assisted in the preparation of draft opinions.

After my clerkship, I practiced at Maynard Cooper & Gale P.C. (now Maynard Nexsen P.C.), where my practice focused on appellate work and securities litigation, including FINRA arbitrations.

As a law clerk to Justice Clarence Thomas on the U.S. Supreme Court from 2016 to 2017, I drafted bench memoranda, helped prepare for oral argument, and assisted in the preparation of draft opinions.

Since joining Kirkland in 2017, my practice has focused on complex civil litigation at the trial and appellate levels. I have tried several cases to verdict, in both jury and bench trials and in both state and federal court. I also have been involved in all pre-trial stages, including motion practice, fact development, and discovery.

A substantial portion of my practice also involves brief writing at the trial and appellate level. I have filed appellate briefs in every federal court of appeals except one, and I have argued in multiple federal courts of appeals as well as in the Supreme Court of the United States. I have represented clients at all levels of the federal court system and in state trial and

appellate courts on a variety of subject matters.

I also advise clients on legal strategy in anticipation of and during litigation as well as advise as part of due diligence for transactions.

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

In 2012 and 2013, while the Assistant Solicitor General of Alabama, I represented the State of Alabama in significant civil and criminal cases.

In private practice, I have maintained a general litigation practice representing business organizations, associations, and individuals in complex trial and appellate litigation covering a wide variety of subject matters. My private practice has been primarily civil litigation.

- 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.

Most of my practice (approximately 95%) involves litigation. I appear in court occasionally to frequently, with greater frequency in the past five years.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 75% |
| 2. | state courts of record: | 20% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 5% |

- 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 have tried seven cases to verdict, two of which I first-chaired and the others of which I served as associate counsel. I have litigated dozens of cases to final judgment through dispositive motions or appeals.

- i. What percentage of these trials were:

- | | | |
|----|-------|-----|
| 1. | jury: | 70% |
|----|-------|-----|

2. non-jury:

30%

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 have served as counsel of record for either a party or an amicus curiae in the following cases in the Supreme Court:

Bowe v. United States, 146 S. Ct. 447 (2026) (No. 24–5438). The United States Supreme Court appointed me as *amicus curiae* to defend the ruling by the United States Court of Appeals for the Eleventh Circuit. I drafted an amicus brief and presented oral argument. Brief and oral argument transcript supplied.

Innovative Fibers LLC v. Wideman (docketed Sep. 24, 2024) (No. 24-334). Counsel to petitioner. Brief supplied.

Ams. for Prosperity Found. v. Bonta, 141 S. Ct. 2373 (2021) (No. 19-251, No. 19-255). Counsel to amicus Independent Women’s Law Center in support of petitioner. Brief supplied.

Owens v. Parris, 589 U.S. 1207 (2020) (No. 19-824). Counsel to petitioner. Brief supplied.

Roy v. Wilkinson, 141 S. Ct. 1517 (2021) (No. 20-966). Counsel to petitioner. Brief supplied. Note that the petitioned is captioned *Roy v. Rosen*; the caption changed after filing.

I have served as counsel for a party or amicus curiae in the following merits cases and/or certiorari-stage filings:

The Boeing Co. v. Sw. Airline Pilots Ass’n, 2026 WL 490591 (2026) (No. 25-495). Counsel to petitioner. Briefs supplied.

NetChoice v. Paxton, 603 U.S. 707 (2024) (No. 21A720). Counsel to applicants in emergency application. Brief supplied.

Springdale Health & Rehab. Ctr. v. U.S. Dep’t of Health & Human Servs., 143 S. Ct. 294 (2022) (No. 21-1455). Counsel to petitioners. Brief supplied.

Duncan v. Bonta, 142 S. Ct. 2895 (2022) (No. 21-1194). Counsel to petitioner. Briefs supplied.

3M Company v. Amador, 142 S. Ct. 2731 (2022) (No. 21-1100). Counsel to petitioner. Briefs supplied.

Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Bruck, 142 S. Ct. 2894 (2022) (No. 20-1507). Counsel to petitioner. Briefs supplied.

N.Y. State Rifle & Pistol Ass'n v. Bruen, 598 U.S. 1 (2022) (No. 20-843). Counsel to petitioners. Briefs supplied.

Rogers v. Grewal, 590 U.S. 996 (2020) (No. 18-824). Counsel to petitioner (supplemental brief only). Brief supplied.

Barr v. Am. Ass'n of Political Consultants, Inc., 140 S. Ct. 2335 (2020) (No. 19-631). Counsel to amicus Facebook, Inc., in support of respondents. Brief supplied.

Force v. Facebook, 140 S. Ct. 2761 (2020) (No. 19-859). Counsel to respondent. Brief supplied.

PennEast Pipeline Co. v. New Jersey, 594 U.S. 482 (2021) (No. 19-1039). Counsel to petitioner. Briefs supplied.

Facebook v. Duguid, 592 U.S. 395 (2021) (No. 19-511). Counsel to petitioner. Briefs supplied.

Holguin-Hernandez v. United States, 140 S. Ct. 762 (2020) (No. 18-7739). Counsel to court-appointed amicus. Brief supplied.

Malpasso v. Pallozzi, 590 U.S. 991 (2020) (No. 19-423). Counsel to petitioner. Briefs supplied.

Maine Cmty. Health Options v. United States, 140 S. Ct. 1308 (2020) (No. 18-1028). Counsel to health insurer petitioners at reply brief stage. Brief supplied.

Montgomery v. Louisiana, 577 U.S. 190 (2016) (No. 14-280). Counsel to amicus National District Attorneys Association and Other Prosecutors' Associations in support of respondent. Brief supplied.

United Refining Co. v. Cottillion, 557 U.S. 871 (2015) (No. 15-66). Counsel to petitioner. Briefs supplied.

Russell v. Alabama, 571 U.S. 823 (2013) (No. 12-1389). Counsel to respondent. Brief supplied.

Patterson v. Adkins, 571 U.S. 944 (2013) (No. 13-85). Counsel to petitioner. Brief supplied.

Walden v. Fiore, 571 U.S. 277 (2014) (No. 12-574). Counsel to State of Alabama as amicus in support of petitioner. Brief supplied.

Kuenzel v. Thomas, 569 U.S. 1004 (2013) (No. 12-941). Counsel to respondent. Brief supplied.

Alabama v. United States, 569 U.S. 968 (2013) (No. 12-884). Counsel to petitioner. Briefs supplied.

Shelby County v. Holder, 570 U.S. 529 (2013) (No. 12-96). Counsel to State of Alabama as amicus in support of petitioner. Brief supplied.

McQuiggin v. Perkins, 569 U.S. 383 (2013) (No. 12-126). Counsel to State of Alabama as amicus in support of petitioner. Brief supplied.

Standard Fire Ins. Co. v. Knowles, 568 U.S. 588 (2013) (No. 11-1450). Counsel to State of Alabama as amicus in support of petitioner. Brief supplied.

Morrison v. Alabama, 568 U.S. 998 (2012) (No. 12-194). Counsel to respondent. Brief supplied.

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. *Bowe v. United States*, No. 24-5438, 607 U.S. ____ (decided Jan. 9, 2026) (Representation: 2025 – 2026)

The Supreme Court of the United States appointed me to brief and argue *Bowe v. United States* after the United States Department of Justice declined to defend the judgment of the United States Court of Appeals for the Eleventh Circuit. The issue was whether the bar on second or successive applications by state petitioners seeking postconviction relief under 28 U.S.C. § 2254 applies to federal movants seeking postconviction relief under 28 U.S.C. § 2255. I led the merits briefing as Court-appointed amicus and argued the case on October 14, 2025.

On January 8, 2026, the Supreme Court held that 28 U.S.C. § 2244(b)(1) does not apply to second or successive motions filed under 28 U.S.C. § 2255(h) by federal prisoners challenging their convictions or sentences.

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2. *In re Glucagon-Like Peptide-1 Receptor Agonists Prods. Liab. Litig.*, No. 2:24-md-03094-KSM (E.D. Pa.) (Hon. Karen S. Marsten) (Representation: 2025 – present)

I am part of a team of Kirkland lawyers who represent Eli Lilly & Company in pending litigation over the company's GLP-1 RA medicines, Trulicity and Mounjaro. I represent Lilly in the multidistrict litigation involving personal injury claims, currently pending in the Eastern District of Pennsylvania, and advise the company on other related litigation and legal strategy. The cases on which I have worked are still pending.

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3. *Rogalinski v. Meta*, No. 22-16327, 2023 WL 7876519 (9th Cir. 2023) (Hons. Siler, Nguyen, R. Nelson) (Representation: 2023)

I represented Meta on appeal in a putative class action alleging First Amendment violations against Meta for demoting or removing posts following alleged pressure from the Biden Administration. I argued the appeal. The Ninth Circuit ruled in favor of Meta, affirming the district court's grant of Meta's motion to dismiss.

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4. *Suffolk Cnty. Water Ass'n v. Dow Chem. Co.*, No. 2:17-cv-06980-NR-JRC (E.D.N.Y.) (Hon. Nina Gershon) (Representation: 2022 – present)

I am part of a team of Kirkland lawyers who serve as national counsel to Dow Chemical Company in litigation over alleged groundwater contamination from 1,4-dioxane. This case is the lead case in more than 25 cases currently pending in the United States District Court for the Eastern District of New York. I serve as one of the lead litigators for Dow. I also argued an appeal in the United States Court of Appeals for the Third Circuit arising out of a similar case brought by the State of New Jersey. New Jersey prevailed in the appeal.

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5. *Ricky Johnson v. Sharon Lewis*, No. 5:16-cv-00453 (M.D. Ga.) (Hon. Tillman E. Self III)
(Representation: 2021 – present)

I represent state prisoner Ricky Johnson pro bono in section 1983 litigation regarding Georgia Department of Corrections officials' failure to provide treatment for his worsening HCV diagnosis. The United States Court of Appeals for the Eleventh Circuit appointed a Kirkland associate to represent Mr. Johnson on appeal, and I agreed to supervise. We prevailed on appeal, and I first-chaired the trial on remand in the United States District Court for the Middle District of Georgia. We obtained a verdict in favor of Mr. Johnson at trial. Other aspects of the case are currently on appeal; the state did not appeal the jury verdict.

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6. *NetChoice v. Moody*, 603 U.S. 707 (2024); *NetChoice v. Moody*, 34 F.4th 1196 (11th Cir. 2022) (Hons. Newsom, E. Carnes, Tjoflat) (Representation: 2021 – 2024)

I represented NetChoice and CCIA, two internet trade groups, in a challenge to Florida's law regulating social media companies. The trade groups asserted claims under the First Amendment and other constitutional and statutory provisions. I was one of the drafters of the appellate brief in the United States Court of Appeals for the Eleventh Circuit and second-chaired oral argument. I also worked on the emergency application for relief in the related case brought by NetChoice and CCIA against Texas. The Supreme Court of the United States granted certiorari review in both the Florida and Texas cases, which are now being litigated on remand in their respective district courts.

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7. *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 598 U.S. 1 (2022) (Representation: 2020 – 2022)

I represented plaintiffs/petitioners in a Second Amendment challenge to New York's "good cause" permitting regime to carry a firearm. I was one of the drafters of the petition-stage filings and merits briefs. The Supreme Court of the United States ruled in favor of petitioners.

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8. *In re Combat Arms Earplugs Prod. Liab. Litig.*, No. 3:19-md-02885-MCR-HTC (Hon. Casey Rodgers, MDL Judge, N.D. Fla.), (Hon. Michael K. Moore, Bellwether Presiding Judge, N.D. Fla.), (Hon. Roy B. Dalton, Jr., Bellwether Presiding Judge, M.D. Fla.) (Representation: 2020 – 2022)

I was part of a team of Kirkland lawyers who represented 3M Company in the Combat Arms Earplug Multidistrict Litigation (MDL), the largest MDL in history. I served as trial counsel in two bellwether trials, *Montero v. 3M*, which resulted in a defense verdict, and *Vilsmeyer v. 3M*, which resulted in a plaintiff's verdict. I conducted direct and cross examinations of witnesses at trial. I also served as appellate counsel to 3M, including in two appeals in the United States Court of Appeals for the Eleventh Circuit, where I was one of the drafters of the appellate briefs and second-chaired oral argument. The MDL ultimately settled before the Eleventh Circuit ruled.

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9. *Archdiocese of Washington v. Washington Metro. Area Transit Auth.*, 897 F.3d 314 (D.C. Cir. July 31, 2018) (Hons. Rogers, Kavanaugh, Wilkins); *Archdiocese of Washington v. Washington Metro. Area Transit Auth.*, 218 F. Supp. 3d 88 (D.D.C. Dec. 8, 2017) (Hon. Amy Berman Jackson) (Representation: 2017 – 2018)

I represented the Archdiocese of Washington in a challenge under the First Amendment and Religious Freedom Restoration Act related to the Washington Area Metro Authority's decision not to allow the Archdiocese to advertise its "Find the Perfect Gift" campaign on metro buses during Advent. I was part of the Kirkland team that litigated the preliminary injunction in the United States District Court for the District of Columbia and on appeal in the United States Court of Appeals for the District of Columbia Circuit. I was not able to participate in the proceedings in the Supreme Court of the United States because I was under a two-year bar from Supreme Court work following my clerkship. The preliminary injunction was denied, affirmed on appeal, and the Supreme Court denied the petition for a writ of certiorari.

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10. *Ala. Aircraft Indus., Inc. v. Boeing Co.*, No. 22-13776, 2022 WL 14890184 (11th Cir. 2022) (Hons. E. Carnes, J. Pryor, Branch); 2:11-cv-03577-RDP (N.D. Ala.) (Hon. R. David Proctor; Hon. Annemarie Axon) (Representation: 2017 – present)

I represent Boeing in a decade-long dispute with a subcontractor related to an agreement to bid jointly on a contract with the United States Air Force. I served as trial counsel in the United States District Court for the Northern District of Alabama and argued one of the appeals in the United States Court of Appeals for the Eleventh Circuit. The case is proceeding on remand in the district court with respect to alleged unjust enrichment.

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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.)

Most of my legal work involves litigation in federal and state court, and I also provide legal advice to clients concerning matters that are not in litigation, such as pre-dispute counseling, mediation, analysis of contractual obligations, and due diligence with respect to transactions.

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.

I am a participant in the Kirkland & Ellis LLP Defined Contribution 401(k) Savings Plan and the Kirkland & Ellis LLP 2011 Retirement Plan (a defined benefit plan). If confirmed by the Senate, I will transfer the balances in each plan from Kirkland & Ellis LLP to an independent financial institution. I also am a participant in the Kirkland & Ellis LLP Partners Deferred Allocation Plan and the balance maintained in the plan will be distributed to me in full on or around the time of my departure from Kirkland & Ellis LLP. Additionally, pursuant the terms of the Green Lakes Business Trust II (the "Trust"), I am expected to receive a monthly lifetime retirement payment from the Trust starting six months following age 65.

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.

No.

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).

I will file my nomination Financial Disclosure Report within the five-day statutory deadline prescribed by the Ethics in Government Act and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I personally participated. I will evaluate any real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, including recusal where necessary, with the advice of parties and their counsel.

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 other laws, rules, and practices, governing conflicts of interest.

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.

I devote on average 200 hours per year to pro bono work in private practice. Some of my more significant pro bono work includes the following:

I first-chaired a federal jury trial for state prisoner Ricky Johnson in the United States District Court for the Middle District of Georgia, in which Mr. Johnson sought damages from Georgia Department of Corrections' officials for failure to treat his worsening Hepatitis C virus. I led a team of associates, who conducted witness examinations and argued key motions. At trial, the jury rendered a verdict in favor of Mr. Johnson. I also have served as counsel to Mr. Johnson in two appeals to the United States Court of Appeals for the Eleventh Circuit.

I served as trial counsel in a federal bench trial in the United States Court of Federal Claims for Ministerio Roca Solida, Inc., a church ministry alleging that the federal government caused flooding on their property within the Ash Meadows National Wildlife Refuge. I conducted direct and cross examinations of fact and expert witnesses and argued motions in limine.

I represented the Archdiocese of Washington in its constitutional and statutory challenge to the refusal of the Washington Metropolitan Area Transit Authority to display the Archdiocese's "Find the Perfect Gift" advertising campaign on the sides of metro buses. I interviewed witnesses, prepared testimony, and drafted briefs filed in the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit.

I also have served as appellate counsel to numerous pro bono clients. For instance, the United States Court of Appeals for the Sixth Circuit appointed me to brief and argue an appeal for a criminal defendant challenging his sentence as unlawful under *Blakely v. Washington*, 542 U.S. 296 (2004). And in collaboration with the University of California Davis Immigration Law Clinic, I argued an appeal in the United States Court of Appeals for the Ninth Circuit, and then drafted a petition for a writ of certiorari in the Supreme Court of the United States, on behalf of an immigrant seeking to derive citizenship from her legal custodian parent. In addition to my

own pro bono appeals, I have supervised numerous associates on pro bono appeals and have assisted colleagues in preparing for oral arguments.

In 2024, 2023, and 2017, the D.C. Courts listed me on the Capital Pro Bono Honor Roll, which recognizes the pro bono contributions of D.C. Bar members. And in 2024, I was a finalist for Pro Bono Lawyer of the Year award by the *Texas Lawyer*.

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.

I submitted an application for a judicial position to Senators Cornyn and Cruz on November 17, 2025. I was invited to interview with Texas's Federal Judicial Evaluation Committee (FJEC) on January 9, 2026. I then interviewed with Senator Cornyn on February 24, 2026, and with Senator Cruz on February 25, 2026. I interviewed with attorneys from the White House Counsel's Office on February 24, 2026. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination. On May 12, 2026, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, Kasdin M. Mitchell, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 11, 2026
(DATE)

Kasdin M. Mitchell
(NAME)

Sara Ross
(NOTARY)

