UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

   Ketanji Brown Jackson

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

   Member, United States Sentencing Commission

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: Morrison & Foerster, LLP
   2000 Pennsylvania Ave, N.W. Suite 6000
   Washington, DC 20007

   Residence: [redacted]

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

   1970; Washington, District of Columbia

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.

   Harvard Law School (attended 8/93 - 6/96), Juris doctorate, 1996

   Harvard University (attended 8/88 - 6/92), Bachelor of Arts, 1992

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.

   June 2007- Present
   Morrison & Foerster, LLP
   2000 Pennsylvania Ave, N.W., 6th Floor

Washington, D.C. 20006
Of Counsel

2005-2007
Office of the Federal Public Defender
625 Indiana Ave, N.W.,
Washington, D.C. 20004
Assistant Federal Public Defender

2003-2005
United States Sentencing Commission
One Columbus Circle, N.E.,
Washington, DC, 20002
Assistant Special Counsel

2002-2003
The Feinberg Group, LLP
455 Pennsylvania Ave, N.W.
Washington, D.C. 20004 (currently Feinberg Rozen, LLP)
Associate

2000-2002
Goodwin Procter, LLP
Exchange Place 53 State Street
Boston, MA 02109
Associate

Oct. Term 1999 (1999-2000)
Supreme Court of the United States
One First Street N.E.
Washington, DC 20543
Law Clerk for Associate Justice Stephen G. Breyer

1998-1999
Miller, Cassidy, Larroca & Lewin, LLP
2599 M St, N.W.,
Washington, D.C. 20007 (firm now defunct)
Associate

1997-1998
U.S. Court Of Appeals, First Circuit
2 Exchange Terrace
Providence, RI
Law Clerk for the Honorable Bruce M. Selya

1996-1997
U. S. District Court, District Of Massachusetts
1 Courthouse Way
Boston, MA
Law Clerk for the Honorable Patti B. Saris

Summer 1996
Ropes & Gray, LLP
One International Place
Boston, MA 02110
Summer Associate

Summer 1995
Miller, Cassidy, Larroca & Lewin, LLP
2599 M St, N.W.
Washington, D.C. 20007 (firm now defunct)
Summer Associate

Summer 1994
Kirkland & Ellis, LLP
Citigroup Center, 153 East 53rd Street, NY, NY 10022
Summer Associate

1992-1993
Time Magazine, Inc.
1271 Avenue of the Americas
New York, NY 10020
Staff Reporter (Business and International Sections)

2004-2007
Harvard Alumni Association
124 Mount Auburn Street, 6th Floor
Cambridge, MA 02138
Elected Director

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 U.S. Military. I was not required to register with the Selective Service.

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

Harvard Law School, J.D., *cum laude*, 1996

Harvard Law Review, 1994-1996, Supervising Editor, 1995-1996

Harvard College, A.B., *magna cum laude*, 1992

Harvard College Scholarship for Academic Achievement, 1989, 1990, 1991

Elizabeth Carey Agassiz Certificate for Academic Achievement, 1989, 1990

Glamour Magazine's Top Ten College Women Competition, Semi-finalist, 1991

National Catholic Forensic League National Champion in Original Oratory, 1988

National Forensics League National Finalist in Humorous Interpretation, 1988

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.

   Edward Bennett Williams Inn of Court
   Barrister, 2005–present

   District of Columbia Bar, Criminal Justice and Individual Rights Section,
   Member, 2005–present

   Supreme Court Institute, Georgetown University
   Moot Court Jurist, 2003–present

   American Bar Association
   Member, 2000–present

   Women's Bar Association of Washington, D.C.
   Co-Chair of Amicus Committee, 2006

   U.S. District Court for D.C., Magistrate Judge Merit Selection Panel
   (service on panel that investigated and recommended reappointment of Magistrate Judge John M. Facciola), 2005

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.

       Commonwealth of Massachusetts, admitted December 16, 1996 (no lapses)
       District of Columbia, admitted January 21, 1999 (no lapses)

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

United States District Court for the District of Columbia, 2009
United States Court of Appeals for the Fourth Circuit, 2008
United States Court of Federal Claims, 2008
United States Court of Appeals for the District of Columbia Circuit, 2005
Supreme Court of the United States, 2000
District of Columbia Court of Appeals, 1999
United States Court of Appeals for the First Circuit, 1998
United States District Court for the District of Massachusetts, 1997
(There have been no lapses in membership for any admission)

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.

Harvard Alumni Association Board of Directors, *Elected Director*, 2004–2007
Harvard Black Alumni Society, *Member*, since 2003
Harvard Club of Washington D.C., *Member*, since 2002; *Interviewer*, since 2004

b. 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.

None of these organizations 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.

12. **Published Writings and Public Statements**:

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

Section 10(b) and Rule 10b-5: The U.S. Courts of Appeals Apply Different Legal Tests for Assessing the Primary Liability of Secondary Actors, Morrison & Foerster LLP, Securities Litigation, Enforcement, and White Collar Group Newsletter, Spring 2009, at 10-12.

Note, *Prevention Versus Punishment: Toward a Principled Distinction in the Restraint of Released Sex Offenders*, 109 Harv. L. Rev. 1711 (1996).

Recent Case, *Racketeer Influenced and Corrupt Organizations Act (RICO)—Scope of Liability After* Reves *v.* Ernst & Young, 108 Harv. L. Rev. 1405 (1995).

Senior Honors Thesis: *"The Hand Of Oppression": Plea Bargaining Processes and the Coercion of Criminal Defendants* (available in the Harvard College Archives, 1988).

It's About Time, 4 Progressive Forensics 1, 18 (1987) (published original oratory delivered October 11-12, 1987, at 6th Annual William Faulkner Invitational High School Forensics Tournament).

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

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

None.

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

April 2, 2009. George Washington University, Professor Roger Fairfax's Adjudicatory Criminal Procedure Class (Washington, D.C.)—Guest Lecturer. I provided an overview of the content and structure of the Sentencing Guidelines and the Supreme Court's recent jurisprudence on sentencing, from *Booker* to *Kimbrough*.

March 19, 2009. Minority Corporate Counsel Association, CLE Expo (Chicago)—Faculty. I gave a power point presentation about the inner workings of the Supreme Court to a breakout session of in-house counsel. I also participated in a related panel discussion regarding recent and pending Supreme Court cases of particular interest to business.

January 9, 2008. American University, Professor Carolyn Cox Cohan's course on Women, The Law, & Litigating For Social Change (Washington, D.C.)—Guest Speaker. I discussed my education and career path and work-family balance. I also provided insight into the Supreme Court and the role/work of law clerks.

December 5, 2007. American Constitution Society event at Jones Day (Washington, D.C.)—Panelist. I participated in panel discussion regarding the representation of Guantanamo detainees and other interested persons in cases before the Supreme Court.

October 11-12, 1987. Sixth Annual William Faulkner Invitational High School Forensics Tournament in Oxford, Mississippi—Original Orator. I delivered "*It's About Time*" in the first of many high school forensics tournaments at a local and national level as a member of the Miami Palmetto Senior High School speech and debate team.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

November 19, 2008—Telephone interview with Mark Sherman of the Associated Press regarding *Al-Marri v. Pucciarelli* (to my knowledge, no resulting article).

Saturday, August 9, 2008—Interview with Elinor Brecher of the Miami Herald regarding death of debate coach Fran Berger.

April 2007—Interview with Kevin Merida, Washington Post, regarding Justice Clarence Thomas.

December 11, 2000—Television interview with CNN host Leon Harris prior to Supreme Court oral arguments in *Bush v. Gore*.

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

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

   September 2005 – Commission on Juvenile Justice, Montgomery County, Maryland. I was appointed to the voluntary board by then-Montgomery County Executive Douglas Duncan and was approved by the Montgomery County Council. (I had to withdraw from service shortly after my appointment due to a family-member health issue and never served).

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.

   Lawyers for Change, Obama for America Presidential Campaign—
   General Election Poll Monitor in Fairfax County, VA, November 4, 2008; and
   Primary Election Poll Monitor in Bethesda, MD, February 12, 2008.

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

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

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

      From 1996-1997, I served as a law clerk for the Honorable Patti B. Saris of the United States District Court for the District of Massachusetts.

      From 1997 - 1998, I served as a law clerk for the Honorable Bruce M. Selya of the United States Court of Appeals for the First Circuit.

      From 1999 – 2000 (October Term 1999), I served as a law clerk for Associate Justice Stephen G. Breyer of the Supreme Court of the United States.

   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.

1998-1999
Miller, Cassidy, Larroca & Lewin, LLP
2599 M St, N.W.,
Washington, D.C. 20007 (firm now defunct)
Associate

2000-2002
Goodwin Procter, LLP
Exchange Place 53 State Street
Boston, MA 02109
Associate

2002-2003
The Feinberg Group, LLP
455 Pennsylvania Ave, N.W.
Washington, D.C. 20004 (currently Feinberg Rozen, LLP)
Associate

2003-2005
United States Sentencing Commission
One Columbus Circle, N.E.,
Washington, DC., 20002
Assistant Special Counsel

2005-2007
Office of the Federal Public Defender
625 Indiana Ave, N.W.,
Washington, D.C. 20004
Assistant Federal Public Defender

June 2007- Present
Morrison & Foerster, LLP
2000 Pennsylvania Ave, N.W., 6th Floor
Washington, D.C. 20006
Of Counsel

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

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

b. Describe:

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

The nature of my law practice has varied widely over the years. In 1998, as an associate at Miller, Cassidy Larroca & Lewin, LLP, I worked on civil rights and breach of contract issues. My clients were typically corporations and individuals who were at the trial litigation stage in state and federal courts. Foe example, I assisted in the representation of a developer in a high-profile breach of fiduciary action and in the defense of a national media company accused of employment discrimination. I drafted pleadings and defended depositions.

From 2000 - 2002, as a general litigation associate at Goodwin Proctor LLP in Boston, I worked on trial-stage litigation matters involving federal securities fraud allegations, personal injury claims, and alleged violations of the Anti-Kickback statute. I also assisted an organization in investigating and challenging high stakes testing in education. My typical clients were corporations and organizations.

From 2002-2003, while an associate at The Feinberg Group, I assisted in the negotiated (non-litigation) resolution of mass tort claims. I attended arbitration proceedings and advised client corporations regarding trust payment structures for the resolution of mass-tort claims, such as asbestos liability. My typical clients were corporations facing mass tort liability.

Since 2003, I have been focusing on criminal law and criminal justice related issues. As an Assistant Special Counsel to the United States Sentencing Commission from 2003-2005, I drafted proposed amendments to the Sentencing Guidelines Manual, analyzed federal law and sentencing policies in regard to certain crimes, and worked on the development of various guideline-sentencing proposals prior to, and in anticipation of, *Booker*. My client was the agency and the federal criminal justice system as a whole.

From 2005-2007, I served as an Assistant Federal Public Defender, during which I represented indigent criminal appellants in the U.S. Court of Appeals for the District of Columbia Circuit. I filed briefs and motions, argued cases, and monitored criminal law developments nationwide.

My current practice as an appellate litigator in a large law firm (from 2007-present) has provided me with the opportunity to work on both criminal and civil appeals, and appeals in courts throughout the country, including the Supreme Court of the United States.

My current law practice (from 2007 to present) can generally be characterized as a national appellate practice involving a wide range of legal issues, with a special focus on appeals involving issues of criminal law. I represent corporations, organizations, and individuals who are making legal arguments in state and federal courts of appeals.

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

Typically, my clients in private practice are corporations or organizations who are filing briefs on the merits of a case as parties to an appeal or *amicus* briefs in support of a party in a case.

As an Assistant Special Counsel to the United States Sentencing Commission, my client was the agency and the federal criminal justice system as a whole.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My practice is 100% appellate litigation. I am in court 2-3 times a year.

i. Indicate the percentage of your practice in:
   1. federal courts: 60%
   2. state courts of record: 20%
   3. other courts: 20%
   4. administrative agencies

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 40%
   2. criminal proceedings: 60%

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 not been primarily responsible for trying any cases and have not handled any matters before a jury. I was chief counsel in approximately 15 criminal appeals in the D.C. Circuit from 2005-2007. Since 2007, I have been chief or associate counsel representing clients in the filing merits or amicus briefs and/or oral arguments, in approximately 25 cases on appeal.

i. What percentage of these trials were:
   1. jury;
   2. non-jury.

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

I have served as counsel of record in the filing of five *amicus* briefs and one petition for a writ of *certiorari* in the Supreme Court of the United States:

Bloate v. United States, No. 08-728 (*amicus* brief on behalf of the National Association of Criminal Defense Lawyers) (matter pending)

Arizona v. Gant, No. 07-542 (*amicus* brief on behalf of the National Association of Federal Defenders) (case decided by opinion, 129 S. Ct. 1710 (2009))

Al-Marri v. Spogone, No. 08-368 (*amicus* brief on behalf of The Constitution Project, The Rutherford Institute, and The Cato Institute) (case dismissed as moot, 129 S. Ct. 1545 (2009)).

Al-Marri v. Pucciarelli, No. 08-368 (*amicus* brief in support of petition for *certiorari* on behalf of The Constitution Project and The Rutherford Institute) (petition granted, 129 S. Ct. 680 (2008)).

Boumediene v. Bush and *Al-Odah v. United States*, Nos. 06-1195 and 06-1196 (*amicus* brief on behalf of 20 former federal judges) (case decided by opinion, 128 S. Ct. 2229 (2008)).

Kosh v. United States, No. 06-6128 (petition for *certiorari* on behalf of indigent defendant client) (petition denied, 549 U.S. 940 (2006)).

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

   a. the date of representation;

   b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

(1) *United States v. Navron Ponds*, 454 F.3d 313 (D.C. Cir., 2006); 6/05 – 7/06 (approx.); U.S. Court of Appeals for the D.C. Circuit (Rogers, Tatel, Brown, JJ.):

I successfully represented a former attorney convicted of tax evasion in an appeal that asserted a violation of act-of-production immunity. I wrote the brief for appellant and the reply brief, and I argued the case before a panel of judges on the D.C. Circuit. The judgment of conviction was vacated and the case was remanded to the district court for a determination of the extent of the government's impermissible use of the immunized material.

Opposing counsel:
John P. Mannarino, AUSA
555 Fourth Street, NW, Room 8104
Washington, D.C. 20530
(202) 514-7088

(2) *United States v. Littlejohn*, 489 F.3d 1335 (D.C. Cir. 2007); 6/06 – 5/07 (approx.); U.S. Court of Appeals for the D.C. Circuit (Sentelle, Tatel, Brown, JJ.):

I successfully represented a defendant convicted of unlawful possession of a firearm in an appeal that asserted that the trial court had conducted an improper and prejudicial jury *voir dire*, among other things. I wrote the brief for appellant and reply brief and argued the case before a panel of judges on the D.C. Circuit. The judgment was vacated as a result of the district court's improper use of compound questions during *voir dire* and the case was remanded for a new trial.

Opposing counsel:
Sarah T. Chasson, AUSA
555 Fourth Street, NW, Room 8104
Washington, D.C. 20530
(202) 514-7088

(3) *United States v. Bussell*, No. 07-1262, 129 S. Ct. 40 (petition denied, Oct. 6, 2008); 1/08 – 10/08 (approx.); Supreme Court of the United States:

I filed a petition for a writ of *certiorari* on behalf of a defendant who was convicted of making false statements in connection with a bankruptcy petition. The petition presented issues regarding whether an objectively true response to an ambiguous question on a bankruptcy form could be the basis for a false statement conviction and whether restitution could be awarded for acquitted conduct. I drafted the petition, and, after the Court ordered the government to file a brief in opposition, the reply. The petition was ultimately denied.

Opposing counsel:
Gregory G. Garre, Acting Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, N.W., Room 5614
Washington, DC 20530-0001
202-514-2203

(4) *Salvini v. Ski Lifts, Inc.*, No. 60211-0-I (Wash. App., Oct. 20, 2008); 09/07-10/08; Washington State Court of Appeals (Lau, Appelwick, Cox, JJ.):

I assisted in the representation of ski-area operator Ski Lifts Inc. in its appeal of a $14 million personal injury judgment won by a plaintiff who was injured while ski jumping in a terrain park. I co-drafted the brief for appellant and the reply brief, which argued that the trial court had erred in instructing the jury regarding the duty of a ski-area operator, inherent risk, and proper warnings. The judgment was affirmed.

Opposing counsel:
John Robert Connelly Jr.
Law Offices of John R. Connelly, Jr.
2301 North 30th Street
Tacoma, Washington 98403-3322
(253) 593-5100

(5) *United States v. McCants*, 434 F.3d 557 (D.C. Cir. 2006); 03/05-01/06 (approx.); U.S. Court of Appeals for the D.C. Circuit (Randolph, Griffith, Edwards, JJ.):

I successfully represented a defendant who was convicted of possessing false-document-making implements in an appeal that challenged the district court's failure to make findings on contested factual issues at sentencing. I authored and filed the brief for appellant and the reply brief, and I argued the case before a three-judge panel of the D.C. Circuit. The sentencing judgment was reversed and the case was remanded for resentencing.

Opposing counsel:
Lisa H. Schertler, AUSA
555 Fourth Street, NW, Room 8104
Washington, D.C. 20530
(202) 514-7088

(6) *Boumediene v. Bush & Al-Odah v. U.S.*, 128 S.Ct. 2229 (2008); 7/07 – 6/08; Supreme Court of the United States:

I represented 20 former federal judges in the drafting and filing of an *amicus* brief that argued that the Detainee Treatment Act (DTA) was not an adequate substitute for federal habeas because the prescribed system might permit reliance on statements obtained through torture or other means of coercion, when reliance on such evidence was rejected at common law and has never been permitted in the American legal system. The Supreme Court reversed the judgment below on the merits, striking down the DTA as unconstitutional.

Co-counsel:
Agnieszka M. Fryszman
Cohen, Milstein, Hausfeld & Toll, PLLC
1100 New York Ave., N.W.
West Tower, Suite 500
Washington, DC 20005
(202) 408-4600

Petitioner's counsel:
Seth P. Waxman
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, NW
Washington, District of Columbia 20006
(202) 663 6800

Opposing counsel:
Paul D. Clement, Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, N.W., Room 5614
Washington, DC 20530-0001
202-514-2203

(7) *Al-Marri v. Spagone*, 129 S. Ct. 1545 (2009); 8/08 – 3/09 (approx.); Supreme Court of the United States:

I drafted and filed two *amicus curiae* briefs—one at the *certiorari* stage and one on the merits—on behalf of The Constitution Project and the Rutherford Institute. The briefs argued that the lower court's ruling that the Executive can seize and detain a person who is lawfully in the United States, without charge or trial, based on a contention that the person is an enemy combatant even though the person has never taken up arms and has no affiliation with any other nation's military, is inconsistent with the laws of Congress and the Constitution. The Supreme Court granted *certiorari* but ultimately dismissed the case as moot after Mr. Al-Marri was transferred from military custody to civilian custody for trial.

Co-counsel:
Sharon Bradford Franklin
The Constitution Project
1025 Vermont Ave., N.W., 3rd Fl.
Washington, D.C. 20005
(202) 580-6920

John W. Whitehead
The Rutherford Institute
P.O. Box 7482
Charlottesville, VA 22906
(434) 978-3888

Petitioner's counsel:
Jonathan Hafetz
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004
(212) 549-2500

Opposing counsel:
Edwin S. Kneedler, Acting Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, N.W., Room 5614
Washington, DC 20530-0001
202-514-2203

(8) *Arizona v. Gant,* 129 S. Ct. 1710 (2009); 4/08 – 4/09 (approx.); Supreme Court of the United States:

I represented the National Association of Federal Defenders as *amicus curiae* in support of respondent on the merits. The brief argued that empirical evidence from states across the country does not support the claim that the authority to search a vehicle upon the arrest of a recent occupant after the occupant is secured is necessary for police officer safety. The Supreme Court affirmed the judgment of the Arizona Supreme Court, which had reversed respondent's conviction on the grounds that the search of respondent's vehicle violated the Fourth Amendment.

Co-counsel:
Francis H. Pratt, Assistant Federal Public Defender
Office of the Federal Public Defender, E.D.VA
1650 King Street, Suite 500
Alexandria, Virginia 22314
(703) 600-0800

Respondent's counsel:
Thomas F. Jacobs
271 N. Stone Avenue
Tucson, AZ 85701
(520) 628-1622

Opposing counsel:
Joseph T. Maziarz

Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, Arizona 85007
(602) 542-5025

(9) *Quanta Computer, Inc, et al. v. LG Electronics, Inc.*, 128 S.Ct. 2109 (2008); 10/07 – 6/08 (approx.); Supreme Court of the United States

I participated in the representation of Gen Probe, Inc., a bio-tech company, in its filing of an *amicus curiae* brief on the merits in support of petitioners. The brief argued that the Federal Circuit's disregard for the established patent exhaustion doctrine stifles innovation and distorts the settled patent principles that undergird the biotechnology sector. The Supreme Court reversed the judgment in favor of the patent holder, holding that the doctrine of patent exhaustion applied.

Co-counsel:
William Bowen, Vice-President and General Counsel
Gen Probe, Inc.
10210 Genetic Center Drive
San Diego, CA 92121-4394
(858) 410-8000

Petitioner's counsel:
Maureen E. Mahoney
Latham & Watkins LLP
555 Eleventh Street, NW, Suite 1000
Washington, District of Columbia 20004-1304
(202) 637-2250

Opposing counsel:
Carter G. Phillips
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
Washington County
(202) 736-8270

(10) *Clark County, Nevada v. Vacation Village, Inc.*, 128 S. Ct. 2956 (2008); 09/07-01/08 (approx.); Supreme Court of the United States

I participated in the representation of five air transportation-industry associations who filed an *amicus curiae* brief in support of the petition for a writ of *certiorari*. The brief argued that review was warranted because multimillion-dollar state law takings claims related to the alleged taking of airspace as a result of local height-restriction zoning ordinances frustrates the cooperative effort of federal and local governments to prevent hazardous obstructions near airports and, thus, should be deemed preempted. I drafted the amicus brief and participated in discussions related to takings and preemption issues after the Supreme Court called for the views of the Solicitor General. The petition was ultimately denied.

Primary co-counsel:
James I. Briggs, Jr.
Airports Council International - N. America
1775 K Street, N.W.
Washington, D.C. 20006
(202) 293-8500

Petitioner's counsel:
Carter G. Phillips
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
Washington County
(202) 736-8270

Opposing counsel:
Paul Chastain Ray
John Peter Lee, Ltd.
830 Las Vegas Boulevard So.
Las Vegas, Nevada 89101-6723
(702) 382-4044

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

The most significant legal activity that I have pursued, outside of the matters listed above, is my work as an Assistant Special Counsel on the staff of the U.S. Sentencing Commission (2003-2005). As an Assistant Special Counsel, my primary role was to draft specific legislative proposals for amending the Sentencing Guidelines Manual and to prepare the reports and statements that the Commission published in the Federal Register and CFR. I met regularly with other Commission staff members as a member of various policy development teams that evaluated potential guideline amendments related to crimes involving hazardous materials, unsolicited commercial e-mail, and controlled substances. I attended the Commission's public meetings and assisted in the preparation of materials for the Commissioners. I also evaluated case law developments and crafted a series of alternative guideline-sentencing proposals prior to, and in anticipation of, the Supreme Court's decision in *Booker v. United States*, 543 U.S. 220 (2005).

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

    None.

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

    None.

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

    None.

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

    See attached Financial Disclosure Report.

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

    See attached Net Worth Statement.

22. **Potential Conflicts of Interest**:

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

       None.

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

   If a potential conflict were to arise, I would consult with the Commission's general counsel and review ethics rules governing my continued participation in regard to the matter. If warranted, I would propose the establishment of ethical walls that would prevent my participation in all policy discussions and votes regarding the matter.

23. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

    At present, approximately 60% of my time is devoted to *pro bono* representation. I routinely represent public interest organizations and non-profits seeking to file amicus briefs in state and federal appellate proceedings on significant legal and constitutional issues. I am also a member of the Fourth Circuit's CJA panel and accept court appointments to represent individuals in that court. From 2005-2007, 100% of my time was spent representing indigent criminal defendants on appeal before the U.S. Court of Appeals for the D.C. Circuit.

AFFIDAVIT

I, Ketanji Brown Jackson, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

7/29/09
(DATE)

(NAME)

(NOTARY)

DISTRICT OF COLUMBIA : SS
Sworn and subscribed before me this
29th day of JULY, 2009
by SHELIA R STOCKS

SHELIA R. STOCKS, Notary Public
My Commission Expires December 14, 2013

SHELIA R. STOCKS
MY COMMISSION EXPIRES DEC. 14, 2013
DISTRICT OF COLUMBIA
NOTARY PUBLIC