UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Philip Jordan Axt

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

United States District Judge for the District of North Dakota

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: North Dakota Office of Attorney General
600 East Boulevard Avenue, Department 125
Bismarck, North Dakota 58505

Residence: Baldwin, North Dakota

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

1987; Bismarck, North Dakota

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.

2015 – 2018; Yale Law School; J.D., 2018

2005 – 2009; United States Military Academy; B.S., 2009

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

2023 – present
North Dakota Office of Attorney General
600 East Boulevard Avenue, Department 125

Bismarck, North Dakota 58505
Solicitor General

2017, 2019 – 2023
Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue, Suite 1000
Dallas, Texas 75201
Associate Attorney (2019 – 2023)
Summer Associate (2017)

2018 – 2019
The Honorable Jennifer Walker Elrod
United States Court of Appeals for the Fifth Circuit
515 Rusk Street, Suite 12014
Houston, Texas 77002
Law Clerk

Spring 2017
United States Attorney's Office for the District of Connecticut
157 Church Street, Floor 25
New Haven, Connecticut 06510
Legal Intern (uncompensated)

Summer 2016
Office of Senator John Hoeven
United States Senate
338 Russell Senate Office Building
Washington, D.C. 20001
Legal Fellow (uncompensated)

2014 – 2015
National Security Agency
Fort Gordon, Georgia 31031
Deputy Division Chief

2013 – 2015
United States Army
782nd Military Intelligence Battalion
Fort Gordon, Georgia 31031
Cyber Operations Team Lead (2014 – 2015)
Training Director (2013 – 2014)

2010 – 2013
United States Army
2nd Brigade Combat Team, 4th Infantry Division
Fort Carson, Colorado 80913

Targeting and Detention Operations Officer (2011 – 2013)
Signals Intelligence Platoon Leader (2010 – 2011)

Other Affiliations:

2025 – present
Bad Cat Holdings LLC
[address omitted to protect personal privacy information]
Co-Owner (family-owned LLC that maintains one rental property)

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 was an officer in the United States Army from 2009 until 2015 and held the rank of Captain at the time of discharge. I received an honorable discharge.

I was a cadet at the United States Military Academy at West Point from 2005 to 2009.

I registered for selective service when I was 18 years of age.

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.

John Marshall Fellow, Claremont Institute (2021)

Yale Journal of Law & Technology, Managing Editor (2016 – 2017)

Yale Journal on Regulation, Editor (2015 – 2016)

Military Awards
- Bronze Star (2012)
- Army Commendation Medal (2015)
- Army Achievement Medal (2013)
- Valorous Unit Award (2012)
- Afghanistan Campaign Medal (2011, 2012)
- NATO Service Medal (2011)
- Air Assault Badge (2008)

United States Military Academy
- Dean's List (2005 – 2009) (every semester)
- Distinguished Cadet (2005 – 2009) (every year)

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.

Big Muddy Bar Association (2023 – 2024)

Garland Walker American Inn of Court (2018 – 2019)

State Bar Association of North Dakota (2021 – present)

State Bar of Texas (2018 – 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.

Texas, 2018
North Dakota, 2021

To the best of my knowledge, 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, 2024
United States Court of Appeals for the Fourth Circuit, 2025
United States Court of Appeals for the Fifth Circuit, 2019
United States Court of Appeals for the Sixth Circuit, 2024
United States Court of Appeals for the Eighth Circuit, 2023
United States Court of Appeals for the Ninth Circuit, 2025
United States Court of Appeals for the Tenth Circuit, 2024
United States Court of Appeals for the Eleventh Circuit, 2025
United States Court of Appeals for the District of Columbia Circuit, 2023
United States District Court for the District of North Dakota, 2023
United States District Court for the Eastern District of Missouri, 2024
United States District Court for the Northern District of Texas, 2019
United States District Court for the Southern District of Texas, 2020
United States District Court for the District of Columbia, 2024
Supreme Court of North Dakota, 2021
Supreme Court of Texas, 2018

To the best of my knowledge, there have been no 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 Legion (2017 – 2018) (estimated)

Federalist Society for Law and Public Policy Studies (2015 – present)

Gun Owners of America (2020 – 2026)

National Rifle Association (2013 – 2026) (estimated)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

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

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

As Solicitor General of North Dakota from May 2023 to present, I drafted or edited numerous press releases and similar statements related to litigation involving or otherwise concerning the State of North Dakota. All of those materials, however, were published under Attorney General Drew Wrigley's name and he maintained ultimate editorial discretion and control over the content of all such statements.

With M. Sean Royall & Richard Cunningham, *Will "Kokesh v. SEC" Put A Kink In The Federal Trade Commission's Disgorgement Hose?,* WLF Legal Pulse, July 10, 2017 (credited as a contributor). Copy supplied.

During my time on the *Yale Journal of Law & Technology* (volume 19) and the *Yale*

Journal on Regulation (volume 33), I performed standard law journal cite-checking and editing on pieces published by the journals. The publications are available at https://yjolt.org/ and https://www.yalejreg.com/.

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.

Letter to Hon. Charles E. Grassley, Chairman, and Hon. Richard J. Durbin, Ranking Member, Committee on the Judiciary, United States Senate, from Current and Former State Solicitors General in Support of Nomination of Zach West to the United States District Court for the Northern District of Oklahoma (Sep. 11, 2026). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Aug. 25, 2026). Copy supplied.

Letter to Hon. Charles E. Grassley, Chairman, Committee on the Judiciary, United States Senate, from State Attorneys General and State Solicitors General in Support of Nomination of Judge Anna St. John to be United States Circuit Judge for the Fifth Circuit (Aug. 4, 2026). Copy supplied.

Draft Meeting Minutes of the Federal Environmental Law Impact Review Committee (Jul. 16, 2026). Copy supplied.

Letter to Hon. Charles E. Grassley, Chairman, and Hon. Richard J. Durbin, Ranking Member, Committee on the Judiciary, United States Senate, from Current and Former State Solicitors General in Support of Nomination of Benjamin Flowers to be United States Circuit Judge for the Sixth Circuit (May 5, 2026). Copy supplied.

Letter to Hon. Charles E. Grassley, Chairman, and Hon. Richard J. Durbin, Ranking Member, Committee on the Judiciary, United States Senate, from Current and Former State Solicitors General in Support of Nomination of Michael J. Hendershot to be United States District Judge for the Northern District of Ohio (Apr. 20, 2026). Copy supplied.

Letter to Hon. Charles E. Grassley, Chairman, and Hon. Richard J. Durbin, Ranking Member, Committee on the Judiciary, United States Senate, from State Attorneys General Senior Staff in Support of Anthony Powell to be United States District Judge for

the District of Kansas (Mar. 26, 2026). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Mar. 25, 2026). Copy supplied.

Letter to Hon. Charles E. Grassley, Chairman, and Hon. Richard J. Durbin, Ranking Member, Committee on the Judiciary, United States Senate, from Current and Former State Solicitors General in Support of Katie Lane to be United States District Judge for the District of Montana (Mar. 11, 2026). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Feb. 24, 2026). Copy supplied.

Public Meeting Minutes of the North Dakota Board of University and School Lands (Jan. 29, 2026). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Jan. 20, 2026). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Dec. 17, 2025). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Jun. 26, 2025). Copy supplied.

Letter to Hon. Charles E. Grassley, Chairman, and Hon. Richard J. Durbin, Ranking Member, Committee on the Judiciary, United States Senate, from Current and Former State Solicitors General in Support of Nomination of Joshua Divine to the United States District Court for the Eastern and Western Districts of Missouri (May 29, 2025). Copy supplied.

Letter to Hon. Charles E. Grassley, Chairman, and Hon. Richard J. Durbin, Ranking Member, Committee on the Judiciary, United States Senate, from Current and Former State Solicitors General in Support of Nomination of Whitney Hermandorfer for the U.S. Court of Appeals for the Sixth Circuit (May 21, 2025). Copy supplied.

Letter to Hon. Charles E. Grassley, Chairman, and Hon. Richard J. Durbin, Ranking Member, Committee on the Judiciary, United States Senate, from Current and Former State Solicitors General in Support of Nomination of T. Elliot Gaiser as Assistant Attorney General for the Office of Legal Counsel (May 12, 2025). Copy supplied.

Public Meeting Minutes of the North Dakota Board of University and School Lands, (May 6, 2025). Copy supplied.

Meeting Minutes of the Federal Environmental Law Impact Review Committee (Apr. 9, 2025). Copy supplied.

Public Meeting Minutes of the North Dakota Board of University and School Lands, (Mar. 27, 2025). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Mar. 25, 2025). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Feb. 19, 2025). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Jan. 28, 2025). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Dec. 12, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Nov. 26, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Oct. 29, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Sep. 30, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Aug. 28, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Jun. 26, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (May 28, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Mar. 26, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Jan. 24, 2024). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Dec. 18, 2023). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Oct. 31, 2023). Copy supplied.

Public Meeting Minutes of the North Dakota Board of University and School Lands (Oct. 26, 2023). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Oct. 4, 2023). Copy supplied.

Public Meeting Minutes of the Industrial Commission of North Dakota (Sep. 7, 2023). Copy supplied.

Letter from Yale Students, Alumni, and Faculty in Support of Judge Brett M. Kavanaugh's Nomination to the Supreme Court (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.

June 3, 2026: Panelist, "*Dobbs* and the Second Best Argument from History and Tradition: Abortion and the Courts," Solicitors General Seminar on Natural Law Jurisprudence, James Wilson Institute, Alexandria, Virginia. I have no notes, transcript, or recording, but a copy of the agenda is supplied. My general recollection is that I offered remarks and engaged in discussion with other panelists regarding legal theories and arguments for abortion-related litigation occurring in state courts around the nation following *Dobbs*. The address of the James Wilson Institute is 510 King Street, Suite 340, Alexandria, Virginia 22314.

February 17, 2026: Panelist, "Solicitor General Roadshow," University of North Dakota Federalist Society Student Chapter, Grand Forks, North Dakota. I have no notes, transcript, or recording, but a copy of an advertisement for the event is supplied. My general recollection is that I offered remarks and engaged in discussion with the other panelist (one of the three planned panelists was unable to attend) regarding the roles and responsibilities of state solicitors general, and the opportunities for young attorneys to gain valuable experience working in the offices of state attorneys general. The address of the Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, D.C. 20006.

August 15, 2025: Panelist, "Redistricting Litigation," 2025 National Election Law Seminar, Republican National Lawyers Association, Nashville, Tennessee. I have no notes, transcript, or recording, but a copy of an advertisement for the event is supplied. My general recollection is that I offered remarks regarding the legal arguments and theories involved in the *Turtle Mountain v. Howe* redistricting litigation, which was then before the Supreme Court. The address of the Republican National Lawyers Association is Post Office Box 18965, Washington, D.C. 20036.

January 29, 2025: Panelist, "Regulatory and Legal Challenges Facing the Lignite Industry," Energy Progress & Innovation Conference, Bismarck State College, Bismarck, North Dakota. I have no notes, transcript, or recording, but a copy of the program book for the event is supplied. My general recollection is that I offered remarks and engaged in discussion with the other panelists regarding litigation that the State of North Dakota was engaged in to protect the State's traditional energy industries, primarily as it applied to litigation against the federal government. The address of Bismarck State College is 1500 Edwards Avenue, Bismarck, North Dakota 58506.

March 26, 2016: Speaker, 2016 Founder's Day, West Point Society of Connecticut, Southington, Connecticut. I have no notes, transcript, or recording. My general recollection is that I gave remarks as the youngest graduate present, and that my remarks generally related to the connections shared by each generation fortunate to have the experience of attending West Point and leading America's sons and daughters in times of conflict, as well as offering advice and encouragement for cadets, aspiring cadets, and young people considering a career in the military. To the best of my knowledge, the West Point Society of Connecticut does not have a formal address, but the address of the West Point Society of Graduates is Herbert Hall, 698 Mills Road, West Point, New York 10996.

While participating in student organizations in law school from 2015 to 2018, I periodically gave brief remarks in connection with introducing speakers and facilitating or participating in student events, typically lunchtime events where invited speakers would offer remarks and take questions from the attendees. I do not have a record of the specific occasions and contents of such introductory remarks.

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.

Press release, *Hoeven Welcomes Interns, Legal Fellow to His Washington, Bismarck & Fargo Offices*, Office of U.S. Senator John Hoeven, June 10, 2016. 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.

North Dakota Solicitor General, North Dakota Office of Attorney General (2023 – present), appointed by North Dakota Attorney General Drew Wrigley. In North Dakota, the Solicitor General is not a constitutional or statutory position.

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.

From 2017 to 2018, I was a co-president of the Yale Law Republicans, which was a student group at the law school. To the best of my knowledge and recollection, during that period the student group simply hosted speaking events and did not volunteer or otherwise play an active role supporting any specific candidate or campaign.

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 2018 to 2019, I was a law clerk for the Honorable Jennifer Walker Elrod, Circuit Judge of the United States Court of Appeals for the Fifth Circuit.

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;

2019 – 2023
Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue, Suite 1000
Dallas, Texas 75201
Associate Attorney

2023 – present
North Dakota Office of Attorney General
600 East Boulevard Avenue, Department 125
Bismarck, North Dakota 58505
Solicitor General

iii. 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.

Upon graduation from law school in 2018, I had the privilege and good fortune of clerking for the Honorable Jennifer Walker Elrod, then-Judge for the United States Court of Appeals for the Fifth Circuit (currently Chief Judge). In that role, I was responsible for researching myriad legal issues and supporting the judge in the performance of her duties.

After finishing my clerkship with Judge Elrod, my legal practice has proceeded in two general stages. From November 2019 until May 2023, I was a litigation associate in private practice with Gibson, Dunn & Crutcher LLP. And from May 2023 through the present, I have been employed by the North Dakota Office of Attorney General as the Solicitor General of North Dakota.

During my time in private practice with Gibson Dunn, I was primarily engaged in legal research and drafting briefs and dispositive motions. I was also involved in managing discovery and discovery-related motions practice in some sprawling disputes. While a litigation associate at Gibson Dunn, I was generally a junior attorney practicing under the supervision of more senior attorneys.

Since becoming Solicitor General of North Dakota, I have been lead counsel for a wide variety of litigation matters having significant importance for the State. Acting under the direction of the Attorney General, I direct the Office's Solicitor General Division and manage a team of attorneys, interns, and outside counsel retained by the State for additional litigation support. As the Solicitor General, I generally oversee or advise on the defense of State statutes that are subject to constitutional challenges, and I generally oversee and direct the State's litigation against the United States and against other States. I have personally argued numerous significant cases for the State before both federal and state courts, and I have also overseen and mentored others afforded the privilege of arguing on behalf of the State. In my capacity as Solicitor General, I also coordinate the State's writing and joining of amicus briefs and its engagement on similar issues that require coordination among multiple offices of state attorneys general. I am also heavily involved in the State's participation in the notice-and-comment process for federal rulemaking, coordinating with many North Dakota agencies to ensure the State's interests are represented during the federal rulemaking process. And I also generally provide legal counsel and advice to the Attorney General and other State officials on a wide variety of issues, legislation, and litigation affecting the State's interests.

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

During my time in private practice as an associate at Gibson Dunn, my typical clients were generally large- or mid-sized corporations facing significant litigation risk or exposure. I was a general litigation associate and worked on a wide variety of civil litigation, with a general focus or emphasis on antitrust matters and appellate proceedings.

During my time as Solicitor General of North Dakota, my client has been the State of North Dakota, its agencies, and its elected officials in their official capacities. I have overseen and directed litigation in both state and federal courts on a wide variety of matters, at both the trial and appellate levels, including defending the constitutionality of state laws under both the state and federal constitutions, and challenging (as well as defending) federal actions under the Administrative Procedure Act, other federal statutes, and the United States Constitution.

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.

During my time in private practice with Gibson Dunn, I was primarily engaged in legal research and in the drafting of briefs and dispositive motions. I did not appear in court frequently, but on occasion would second-chair hearings and arguments, including in federal district court.

During my time as Solicitor General of North Dakota, I have spent the majority of my time developing and implementing the State's litigation strategies on a wide variety of matters and issues, drafting legal briefs, supervising and reviewing the brief writing of others, preparing for and participating in oral argument, or supervising and preparing others for oral arguments. While many issues that the Solicitor General Division oversees are capable of being resolved on the briefs, I have regularly appeared in both state and federal courts, at both the trial and appellate levels, to present oral argument and to argue dispositive motions.

i. Indicate the percentage of your practice in:

1.	federal courts:	40%
2.	state courts of record:	40%
3.	other courts:	0%
4.	administrative agencies:	10%

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.

As Solicitor General of North Dakota, the litigation I oversee generally involves questions of constitutional law or statutory interpretation that can be, and typically are, resolved without trial through motions to dismiss, motions for judgment on the pleadings, or motions for summary judgment, rather than through the resolution of factual disputes for which jury or bench trials are generally required. As Solicitor General, I have provided oversight and strategic direction for cases that received judgment after going to trial and for which I served as lead counsel on appeal, but I have not served as sole counsel in any case tried to verdict. As an associate in private practice, I was involved in multiple cases that involved substantial discovery efforts and disputes, but which were ultimately resolved through settlements, dispositive motions, or other alternative dispute resolution procedures.

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 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 represented the State of North Dakota or its officers both as parties and as amici curiae before the Supreme Court of the United States, and while in private practice I represented individuals and organizations as amici curiae.

Counsel of record:

Allen v. Caster; Allen v. Singleton; Allen v. Milligan, Nos. 25-243, 25-273, 25-274 (Oct. 3, 2025) (amicus curiae brief of North Dakota in support of petitioners/appellants). Copy supplied.

Turtle Mountain Band of Chippewa Indians v. Howe, No. 25-253 (Sep. 19, 2025) (brief in opposition to petition for writ of certiorari). Copy supplied.

Hoffmann v. WBI Energy Transmission, Inc., No. 25-159 (Sep. 8, 2025) (amicus curiae brief of North Dakota and eleven other states in support of petitioners). Copy supplied.

Turtle Mountain Band of Chippewa Indians v. Howe., No. 25A62 (June 22, 2025) (response in opposition to emergency application to stay the Eighth Circuit's mandate pending petition for writ of certiorari). Copy supplied.

North Dakota v. EPA, No. 24A180 (Sep. 18, 2024) (reply in support of application for stay of administrative action). Copy supplied.

Walen v. Burgum, No. 23-969 (Dec. 23, 2024) (supplemental brief for appellees). Copy supplied.

North Dakota v. EPA, No. 24A180 (Aug. 16, 2024) (application for stay of administrative action). Copy supplied.

Walen v. Burgum, No. 23-969 (May 6, 2024) (memorandum in response to jurisdictional statement). Copy supplied.

Listed as counsel, but not counsel of record:

Kentucky v. EPA, No. 26-277 (Aug. 28, 2026) (petition for writ of certiorari). Copy supplied.

Alabama v. California, No. 22O158 (Dec. 24, 2024) (supplemental brief for plaintiffs). Copy supplied.

Oklahoma v. EPA, No. 24A213 (Sep. 24, 2024) (reply in support of application for stay of administrative action). Copy supplied.

Alabama v. California, No. 22O158 (Sep. 4, 2024) (reply in support of motion for leave to file bill of complaint). Copy supplied.

West Virginia v. EPA, No. 24A95 (Aug. 23, 2024) (reply in support of application for stay of administrative action). Copy supplied.

Oklahoma v. EPA, No. 24A213 (Aug. 23, 2024) (application for stay of administrative action). Copy supplied.

West Virginia v. EPA, No. 24A95 (Jul. 23, 2024) (application for stay of administrative action). Copy supplied.

Alabama v. California, No. 22O158 (May 22, 2024) (motion for leave to file bill of complaint). Copy supplied.

Wild v. U.S. Dist. Ct. for the S. Dist. of Fla., No. 21-351 (Oct. 4, 2021) (amicus curiae brief of current and former senators in support of petitioners). Copy supplied.

Kansas v. Boettger, No. 19-1051 (Mar. 25, 2020) (amicus curiae brief of non-profit organizations in support of petitioners). Copy supplied.

United States v. Briggs; *United States v. Collins*; *United States v. Daniels*, Nos. 19-108 & 19-184 (Jan. 13, 2020) (amicus curiae brief of members of Congress in support of petitioners). Copy 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. *Nw. Landowners Ass'n v. State,* No. 05-2023-CV-00065, Dkt. 248 (N.D. Dist. Ct. Aug. 27, 2024) (Benson, J.) (granting judgment to defendants on threshold issues); 2025 ND 147, 25 N.W.3d 220 (Jensen, C.J., Crothers, McEvers, Tufte & Bahr, JJ.) (reversing in part and affirming in part on threshold issues); No. 05-2023-CV-00065, Dkt. 273 (N.D. Dist. Ct. Dec. 2, 2025) (Benson, J.) (granting judgment to plaintiffs); No. 20260199 (N.D.) (docket for current appeal). Representation: 2023 – present.

   Since the start of this litigation in 2023, I have served as lead counsel for the State defending a statute that enables the North Dakota Industrial Commission to amalgamate individual property interests in shared underground pore space reservoirs for the purpose of carbon sequestration and storage projects when certain criteria are satisfied—such as majority consent from the reservoir's owners and a determination that all owners will be equitably compensated. This case involves questions about the nature of individual property rights and the applicability (or inapplicability) of traditional exceptions to absolute conceptions of individual property rights (such as the correlative rights doctrine) to newly emergent resources and technologies (here, carbon sequestration and storage). To our knowledge, this litigation is the first in the nation to address the nature of property rights in this context. This case has been going on for nearly three years and is currently on its second appeal to the North Dakota Supreme Court. I have overseen all aspects of the litigation at the trial and appellate levels, and I personally argued the case on its first appeal to the North Dakota Supreme Court. The case currently remains pending before the North Dakota Supreme Court, and oral argument has been scheduled for the court's November 2026 term.

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2. *Turtle Mountain Band of Chippewa Indians v. Howe*, No. 3:22-cv-00022, 2023 WL 8004576 (D.N.D. Nov. 17, 2023) (Welte, C.J.) (finding Section 2 violation); 137 F.4th 710 (8th Cir. 2025) (Colloton, C.J., Gruender & Kobes, JJ.) (vacating for lack of private right of action); 146 S. Ct. 2644 (2026) (vacating Eighth Circuit decision for reconsideration in light of *Louisiana v. Callais*); No. 23-3655, 2026 WL 1972750 (8th Cir. July 7, 2026) (Colloton, C.J., Gruender & Kobes, JJ.) (vacating trial court finding of Section 2 liability for reconsideration in light of *Louisiana v. Callais*). Representation: 2023 – present.

This case involves allegations that the State of North Dakota violated Section 2 of the Voting Rights Act during the 2021 redistricting of its state legislative map by declining to join two different Native American reservations into the same district, where doing so would have required sacrificing traditional districting criteria, such as compactness. The district court made a finding of a Section 2 violation, and I assumed the role of lead counsel on appeal, personally arguing before the Eighth Circuit that the State had not violated Section 2 of the Voting Rights Act and also that vote dilution claims under Section 2 of the Voting Rights Act are not privately enforceable under 42 U.S.C. § 1983. The Eighth Circuit ruled in favor of the State on the question of private enforceability.

The Supreme Court thereafter stayed the Eighth Circuit's judgment pending resolution of a petition for a writ of certiorari, and the Supreme Court eventually vacated and remanded the Eighth Circuit's decision for reconsideration in light of *Louisiana v. Callais*. The Eighth Circuit in turn vacated the district court's finding of a Section 2 violation and remanded to the district court for reconsideration in light of *Callais*. The case currently remains pending before the district court on remand, with the finding of a Section 2 violation currently vacated.

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3. *T.D. by and through Dolney v. Wrigley*, No. 05-2023-CV-00065, Dkt. 785 (N.D. Dist. Ct. Oct. 8, 2025) (Lofgren, J.) (granting judgment in favor of the State); 2026 ND 162, --- N.W.3d ---, (McEvers C.J., Tufte, Jensen, & Bahr, JJ., & Hurley, D.J.) (affirming). Representation: 2025 – 2026.

This litigation challenges the constitutionality of North Dakota Century Code Chapter 12.1-36.1, which generally prohibits surgically or chemically altering a minor's physical appearance based on a diagnosis of gender dysphoria. The plaintiffs contended that the law violates the Equal Protection and Fundamental Right provisions of the North Dakota Constitution. At the trial level, the litigation was managed by our office's Civil Litigation Division and I provided strategic advice and oversight. After the trial court entered judgment in favor of the State and upheld the law's constitutionality, I served as lead counsel defending the statute on appeal and personally argued the case on behalf of the State before the North Dakota Supreme Court. On September 17, 2026, the North Dakota Supreme Court unanimously affirmed and upheld the law's constitutionality.

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4. *Access Indep. Health Servs., Inc. v. Wrigley*, 2025 ND 199, 28 N.W.3d 850 (Jensen, C.J., Tufte, McEvers & Crothers, JJ., & Narum, D.J.). Representation: 2024 – 2025.

This litigation challenged the constitutionality of North Dakota Century Code Chapter 12.1-19.1, which generally prohibits abortions unless deemed necessary, based on reasonable medical judgment, to prevent death or a serious health risk to the mother. The statute also permits abortions when, based on reasonable medical judgment, the pregnancy resulted from certain forms of criminal abuse and the probable gestational age of the child is six weeks or less. The district court enjoined enforcement of the law after concluding that the statute was unconstitutionally vague and that it violated multiple provisions of the North Dakota Constitution. I assumed the role of lead counsel on appeal, challenged all the district court's determinations, and personally argued the case before the North Dakota Supreme Court. On November 21, 2025, a controlling opinion from the Court upheld the constitutionality of the statute, while three Justices would have found the statute unconstitutionally vague (North Dakota's Constitution requires the vote

of four Justices to invalidate a duly enacted State law).

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5. *Continental Res., Inc. v. N.D. Bd. of Univ. & Sch. Lands*, 136 F.4th 778 (8th Cir. 2025) (Shepherd, Kelly & Stras, JJ.). Representation: 2023 – 2025.

This litigation was an interpleader action brought by Continental Resources to resolve competing claims to oil and gas royalties from certain parcels under or adjacent to the historic Missouri riverbed in western North Dakota. The basis for the competing claims was a choice-of-law dispute between the State and the United States regarding which sovereign's laws demarcate the ordinary high water mark when that mark provides the boundary between the state-owned riverbed and federally-owned riparian properties. The State and the United States, in some circumstances, demarcate the ordinary high water mark differently. In a series of judgments stretching across several years, the trial court rejected the United States' jurisdictional arguments; determined that for Public Domain lands (lands always in the United States' possession), federal law applies but borrows state law as the rule of decision; and determined that for Acquired Lands (lands the United States patented and then later re-acquired), State law applies in the first instance. After the United States filed its notice of appeal, I took over as lead counsel for the State and personally argued the appeal on behalf of the State before the Eighth Circuit. On May 2, 2025, the Eighth Circuit affirmed the judgments in favor of the State by a 2-1 vote, with Judge Stras dissenting in part.

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6. *North Dakota v. EPA*, No. 24-1119, 2024 WL 3730667 (D.C. Cir. Aug. 6, 2024) (Henderson, Pan & Garcia, JJ.) (denying motion to stay rule pending review); 145 S. Ct. 120 (2024) (denying application for stay pending disposition of petition for review); No. 24-1119 (D.C. Cir.) (current docket before D.C. Circuit). Representation: 2024 – present.

This litigation challenges a 2024 rule promulgated by the EPA that tightened certain air emission requirements for coal-fired power plants under Section 112 of the Clean Air Act. I have been lead counsel for a coalition of 23 States and numerous industry parties who filed a petition for review challenging the promulgation of the rule on bases that the rule was both contrary to EPA's statutory authority and arbitrary and capricious. Numerous other States, cities, and organizations intervened in defense of the rule. The D.C. Circuit denied the petitioners' motion for a stay of the rule pending review, as did the Supreme Court. Before the D.C. Circuit, merits briefing was completed and the matter was scheduled for oral argument in March 2025. Prior to argument, the case was placed in abeyance pending reconsideration by EPA, and the current administration promulgated a rule rescinding the challenged rule in February 2026. The case remains in abeyance pending resolution of litigation challenging the recission rule—*Air Alliance v. EPA*, No. 1070 (D.C. Cir.)—where I am also lead counsel for coalition of 21 States that has intervened in support of that recission rule.

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7. *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs,* No. 24-905, 2025 WL 947469 (D.D.C. Mar. 28, 2025) (Boasberg, C.J.) (dismissing complaint); No. 25-5198, 2026 WL 1911607 (D.C. Cir. Jun. 23, 2026) (dismissing appeal). Representation: 2024 – 2026

This litigation sought to enjoin continued operation of the Dakota Access Pipeline while the federal government prepared a revised environmental impact statement for an easement where the pipeline crosses beneath the Missouri River in North Dakota. The courts previously vacated a federal easement for that river crossing in 2020 and ordered the federal government to undertake a more thorough environmental assessment but declined to enjoin operation of the pipeline during the interim period. In 2024, the plaintiff filed another lawsuit, seeking to enjoin continued operation of the pipeline while the environmental assessment remained underway. I was lead counsel for a coalition of 14 States that intervened to defend the pipeline's continued operation and moved to dismiss the complaint for failure to state a cause of action. In March 2025, the district court granted the motions to dismiss, and the D.C. Circuit later voluntarily dismissed the appeal after the federal government completed the court-ordered environmental assessment and re-issued an easement for the river crossing.

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8. *AbbVie, Inc. v. Wrigley,* 832 F. Supp. 3d 920 (D.N.D. 2026) (Traynor, J.) (enjoining enforcement of state law); *Pharm. Rsch. and Mfrs. v. Wrigley*, No. 26-1860 (8th Cir.), and *AbbVie, Inc. v. Wrigley*, No. 26-1863 (8th Cir.) (dockets for current appeals the 8th Circuit). Representation: 2025 – present.

This litigation involves challenges to a North Dakota law that prevents pharmaceutical drug manufacturers that participate in the 340B program from unilaterally restricting the ability of covered entities to utilize contract pharmacies for the delivery and dispensation of 340B-discounted drugs. The plaintiffs (major pharmaceutical companies and their trade association) assert a variety of constitutional challenges to the law. I have been lead counsel defending the State's law for the duration of the case and argued dispositive motions before the district court in a day-long hearing. In April 2026, the district court ruled in favor of the plaintiffs and enjoined enforcement of the State's law. I am currently lead counsel for the State on appeal in the Eighth Circuit, where the State succeeded in obtaining a stay of the district court's judgment pending appeal. The case currently remains pending before the Eighth Circuit and oral argument has not yet been scheduled.

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9. *Iowa, North Dakota, et al. v. Council on Env't Quality*, 765 F. Supp. 3d 859 (D.N.D. 2025) (Traynor, J.), *vacated as moot*, Nos. 25-1641, 25-1705, 2025 WL 2205808 (8th Cir. Jul. 29, 2025) (Smith, Benton & Kelly, JJ.). Representation: 2024 – 2025.

This litigation challenged a 2024 rule promulgated by the Council on Environmental Quality that purported to significantly revise NEPA requirements for all agencies across the federal government. Together with the Solicitor General of Iowa, I co-led a coalition of 21 States in challenging the rule in the District of North Dakota, contending that the rule exceeded the agency's authority, that the rule was arbitrary and capricious, and that the Council on Environmental Quality lacks rulemaking authority in the first place. Numerous other States, cities, and organizations intervened in defense of the rule. After holding a hearing on cross-motions for summary judgment, the district court found that the rule exceeded the agency's authority, was arbitrary and capricious in large part, and that the Council on Environmental Quality lacks rulemaking authority. The intervening States, cities, and organizations filed an appeal of the decision. The federal government, rather than appealing that decision, withdrew the Council on Environmental Quality's prior rulemaking, agreeing with the district court's conclusion that the agency lacked rulemaking authority. The Eighth Circuit thereafter dismissed the appeal and vacated the underlying judgment for mootness.

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10. *SCS Carbon Transp. LLC v. Malloy,* 2024 ND 109, 7 N.W.3d 268 (Jensen, C.J., Crothers, McEvers, Tufte & Bahr, JJ.). Representation: 2023 – 2024.

This litigation involved a challenge to a North Dakota statute that permits limited entry to private property for the purposes of conducting surveys or similar examinations when assessing whether property should be subjected to eminent domain proceedings. The challengers argued that uncompensated pre-condemnation survey access violates the takings clauses of the federal and state constitutions. While the State was not a party to the litigation, North Dakota law requires notice to the Attorney General when the constitutionality of a state statute is challenged, and the State routinely files amicus briefs in such cases defending the constitutionality of its laws. As an amicus, I was counsel for the State and submitted a brief defending the constitutionality of the statute based on the longstanding tradition of pre-condemnation survey access statutes in North Dakotan and American history. I was granted leave to present oral argument as an amicus in defense of the statute before the North Dakota Supreme Court, and the court unanimously affirmed the constitutionality of the statute, citing the persuasiveness of the State's amicus brief.

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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.)

During my time as Solicitor General of North Dakota, in addition to overseeing and directing numerous litigation matters on behalf of the State, I have been heavily involved in the State's participation in the notice-and-comment process for federal rulemaking. That generally requires coordinating with many state agencies, and the offices of other Attorneys General around the country, often at a very technical level, to ensure that North Dakota's interests are represented during the federal rulemaking process. I have been a primary proponent for numerous State and multistate comments on federal rules.

As Solicitor General of North Dakota, I have played a leading role advising the Attorney General on local, regional, and national issues of concern that the State may wish to engage on through amicus briefing. I have played a significant role in the State authoring or joining hundreds of amicus briefs on a broad range of topics and legal issues.

As Solicitor General of North Dakota, I have also frequently advised the Attorney General, State boards and agencies, State legislators, and other elected and appointed officials on the legality and litigation risks of numerous issues, including proposed or prospective legislation.

I have not 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.

During my time as an employee of the North Dakota Office of Attorney General, I have been a participant in the North Dakota Public Employees Retirement System defined benefit plan. It is my understanding that upon terminating employment with the State of North Dakota I may be eligible to roll over all or a portion of the contributions made to that plan into another qualifying and eligible retirement plan.

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

The category of cases most likely to implicate potential conflict questions would be litigation related to my current service as the North Dakota Solicitor General.

As a general matter, I would recuse from litigation in which I was personally involved during my time in the North Dakota Office of Attorney General. To determine whether other matters may pose a real or potential conflict, including matters in which the State of North Dakota or its officers, agencies, or employees are a party, but in which I was not personally involved during my time in the Office of Attorney General, I would consult 28 U.S.C. § 455(a) & (b)(3), Canon 3C of the Code of Conduct for United States Judges, and all other applicable rules or canons. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances. I will evaluate any other potential conflicts, or relationships that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, including recusal where necessary. Where prudent, I would also consult with other judges in the District of North Dakota to ascertain how similar questions or circumstances have been previously addressed.

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 resolve any real or potential conflicts of interest by reference to 28 U.S.C. § 455, the applicable canons of the Code of Conduct for United States Judges, and any applicable laws, rules, practices, or procedures governing circumstances relating to real or potential 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.

As Solicitor General for the State of North Dakota, I am generally restricted in my ability to engage in the practice of law on behalf of persons or entities other than the State. However, during the last couple years I have worked to create an internship program for public service-oriented law students and, where circumstances permit, have sponsored law student participation in oral arguments before North Dakota courts or administrative tribunals, under the State's rules for the limited practice by law students.

During my time in private practice with Gibson Dunn, I dedicated significant time to working on pro bono matters, generally with a focus on protecting the freedom of religious expression. As one example, I was part of a team that provided legal research and brief writing in pro bono support of a Texas Justice of the Peace who was sued for opening his court sessions with a ceremony that involved short, non-coercive invocations from a variety of different religions and denominations. The practice was affirmed to be constitutional and consistent with our Nation's history and traditions in *Freedom From Religion Foundation v. Mack*, 49 F.4th 941 (5th Cir. 2022). In another case, I was part of a team that provided legal research and brief writing in pro bono support of homeowners who alleged that their homeowners association discriminated against them based on their Christmas displays. The homeowners' claims were largely vindicated in *Morris v. West Hayden Estates*, 104 F.4th 1128 (9th Cir. 2024). I also brought on Hero Hut, a veteran- and first responder-focused nonprofit, as a pro bono client of the firm and occasionally provided it with general legal advice.

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 April 7, 2026, I was contacted by a member of Senator John Hoeven's staff to inquire whether I was interested in being considered for the federal judiciary. I indicated I was and later provided a copy of my resume and a letter of interest. On May 14, 2026, I was contacted by a member of the White House Counsel's Office about scheduling an interview to be considered for a judicial vacancy on the United States District Court for the District of North Dakota. On May 22, 2026, I interviewed with Senator Kevin Cramer and a member of his staff in Bismarck, North Dakota. On June 1, 2026, I interviewed

with members of the White House Counsel's Office and members of the Department of Justice's Office of Legal Policy in Washington, D.C. On June 2, 2026, I interviewed with Senator Hoeven and a member of his staff in Washington, D.C.

On August 20, 2026, I received a call from President Trump, and he informed me of his intention to nominate me for an appointment to serve on the United States District Court for the District of North Dakota. On September 14, 2026, the President submitted my nomination to the Senate.

Throughout this process, I have been in contact with members of the White House Counsel's Office and members of the Office of Legal Policy regarding the nomination process.

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, Philip Jordan Axt, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

10.08.2026
(DATE)

(NAME)

(NOTARY)

SUZIE WEIGEL
Notary Public
State of North Dakota
My Commission Expires Apr 3, 2027