UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Joseph Patrick Falvey

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

United States District Judge for the Northern District of Indiana

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.

United States Attorney's Office for the Northern District of Indiana
Robert A. Grant Federal Building
204 South Main Street, Room M-01
South Bend, Indiana 46601

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

1987; South Bend, Indiana

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.

2014 – 2017, Yale Law School; J.D., 2017

2005 – 2009, University of Notre Dame; B.A., 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.

2024 – present
United States Attorney's Office for the Northern District of Indiana
Robert A. Grant Federal Building
204 South Main Street

South Bend, Indiana 46601
Appellate Division Chief (2026 – present)
Acting Criminal Division Chief (2025 – 2026)
Assistant United States Attorney, Criminal Division (2024 – 2025)

Spring Semesters 2025 and 2026
Notre Dame Law School
1100 Eck Hall of Law
Notre Dame, Indiana 46556
Adjunct Professor of Law

2020 – 2024
Jones Day
51 Louisiana Avenue, Northwest
Washington, District of Columbia 20001
Associate, Issues and Appeals Practice

2020
Chairman Lindsey Graham
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, District of Columbia 20510
Special Counsel

2019 – 2020
Chief Justice of the United States John G. Roberts, Jr.
United States Supreme Court
1 First Street, Northeast
Washington, District of Columbia 20543
Law Clerk

2018 – 2019
Honorable Thomas B. Griffith
United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
Law Clerk

2017 – 2018
Honorable Dabney L. Friedrich
United States District Court for the District of Columbia
E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
Law Clerk

2017
Sullivan & Cromwell LLP
1700 New York Avenue, Northwest
Washington, District of Columbia 20006
Associate

2014 – 2017
United States Marine Corps Reserve, 1st Battalion, 25th Marines
53 Quebec Street
Devens, Massachusetts 01434
Executive Officer, Weapons Company (2016 – 2017)
Executive Officer, Headquarters and Service Company (2014 – 2016)

Spring Semester 2017
Yale College
115 Prospect Street
New Haven, Connecticut 06520
Teaching Fellow, Constitutional Law

Spring Semester 2017
United States Attorney's Office for the District of Connecticut
157 Church Street, Floor 25
New Haven, Connecticut 06510
Extern

Summer 2016
Sullivan & Cromwell LLP
1700 New York Avenue, Northwest
Washington, District of Columbia 20006
Summer Associate

Spring Semester 2016
Yale College
115 Prospect Street
New Haven, Connecticut 06520
Teaching Fellow, Constitutional Law

Summer 2015
Office of the Indiana Solicitor General
302 West Washington Street, Floor 5
Indianapolis, Indiana 46204
Summer Law Clerk

May 2015
Honorable Stephen J. Murphy, III

United States District Court for the Eastern District of Michigan
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan 48226
Intern

2010 – 2014
United States Marine Corps, 3rd Battalion, 6th Marines
Building 205 F Street
Camp Lejeune, North Carolina 28542
Assistant Operations Officer (2013 – 2014)
Company Advisor Team Leader, Security Force Assistance Advisor Team 2-215 (2012 – 2013)
Executive Officer, Kilo Company (2011 – 2012)
Weapons Platoon Commander, Kilo Company (2011)
Rifle Platoon Commander, Kilo Company (2010 – 2011)

2010
United States Marine Corps, 2d Intelligence Battalion, II MEF
WC 500 Battalion Complex Road
Camp Lejeune, North Carolina 28542
Human Intelligence Exploitation Team Commander, Counterintelligence-Human Intelligence Support Company (2010)
Trainee Team Officer-in-Charge, Counterintelligence-Human Intelligence Support Company (2010)

2009 – 2010
United States Marine Corps, Fox Company 6-09, The Basic School
24164 Belleau Avenue
Quantico, Virginia 22134
Student Officer

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.

2018 – 2022, United States Marine Corps Reserve (Inactive), Major, Honorable Discharge

2014 – 2018, United States Marine Corps Reserve (Active), Captain

2009 – 2014, United States Marine Corps, Second Lieutenant / First Lieutenant / Captain, Honorable Discharge

2005 – 2009, United States Marine Corps Reserve, Midshipman

I registered for the selective service upon turning 18.

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

Aquinas Fellowship (2022)

Yale Law School
- Pat Tillman Scholarship (2014 – 2017)
- *Yale Law Journal* (2015 – 2017)
  - Notes Editor (2016 – 2017)
  - Editor (2015 – 2016)
- *Yale Law & Policy Review* (2014)
  - Editor (2014)

Blackstone Legal Fellowship (2015)

Military Awards
- Navy-Marine Corps Commendation Medal (2012, 2015)
- Navy-Marine Corps Achievement Medal with Combat 'V' (2013)
- Combat Action Ribbon (2013)
- Afghanistan Campaign Medal (two stars) (2011 – 2013)
- NATO Medal (2011)
- Ronald E. Baum Teamwork Award (2010)
- Marine Corps Federal Credit Union Award, Officer Candidates School (2008)

University of Notre Dame
- Naimoli Leadership Award (2009)
- Chief of Naval Operations Distinguished Graduate Award (2009)
- Phi Beta Kappa Society (2009)
- Degree conferred *magna cum laude* (2009)

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.

Department of Justice Appellate Chiefs Working Group (2026)

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.

District of Columbia, 2017

Due to late payment of dues occasioned by an oversight, I was administratively suspended for a brief period from October 25, 2018, to January 8, 2019. I was promptly

reinstated upon paying the late dues. According to the District of Columbia bar, this interval was not a disciplinary suspension. There have been no other 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, 2023
United States Court of Appeals for the District of Columbia Circuit, 2023
United States Court of Appeals for the First Circuit, 2022
United States Court of Appeals for the Second Circuit, 2023
United States Court of Appeals for the Fifth Circuit, 2022
United States Court of Appeals for the Seventh Circuit, 2022
United States Court of Appeals for the Tenth Circuit, 2021
United States District Court for the District of Columbia, 2018
United States District Court for the Northern District of Indiana, 2024

To the best of my knowledge, these admissions remain current and 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 Compass (2020 – present)

Catholic Homeschoolers of Michiana Youth Basketball (2024 – present)
Assistant Coach (2024 – present)

The Federalist Society for Law and Public Policy Studies (2014 – present)
Litigation Practice Group Executive Committee (2026)
Washington, D.C. Young Lawyers Chapter, Steering Committee (2021 – 2022)

Fraternal Order of Police (2025 – present)

Greenbelt Little League Youth Baseball (2022 – 2023)
Manager (2022 – 2023)

Knights of Columbus (2014, 2018, estimated)

Northern Indiana Club One Youth Basketball (2024 – 2026)
Head Coach (2025 – 2026)
Assistant Coach (2024 – 2025)

South Bend NFL Youth Flag Football (2024 – present)
Head Coach (2024 – present)
Assistant Coach (2024)

South Bend Eastside Youth Baseball and Softball (2024 – present)
Assistant Coach, Elite Teams (2024 – present)
Assistant Coach, Recreational and All-Star Teams (2024 – 2026)

St. Jerome Parish Youth Basketball (2022 – 2023)
Assistant Coach (2022 – 2023)

Teneo Network (2019 – present)

Thomistic Institute (2016 – 2019, estimated)

Under the Lights Youth Flag Football (2021 – 2023)
Head Coach (2022 – 2023)
Assistant Coach (2021)

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.

Knights of Columbus is a fraternal benefits organization whose membership is limited to men who are practicing Catholics in good standing with the Church. Accordingly, it does limit membership based on sex and religion.

To my knowledge, none of the other organizations listed 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.

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 an editor on the *Yale Law Journal* and *Yale Law & Policy Review*, I performed minor

typographical, style, and editorial work on dozens of law review articles. The authors of those materials were responsible for the article's substantive contents. I am credited for substantively editing and/or providing feedback on the following published works:

Steven J. Lindsay, *Timing Judicial Review of Agency Interpretations in Chevron's Shadow*, 127 Yale L.J. 2448 (2018). Copy supplied.

Kevin Tobia, *Disparate Statistics*, 126 Yale L.J. 2382 (2017). Copy supplied.

Beatrice A. Walton, *Duties Owed: Low-Intensity Cyber Attacks and Liability for Transboundary Torts in International Law*, 126 Yale L.J. 1460 (2017). Copy supplied.

Joshua C. Macey, *Playing Nicely: How Judges Can Improve Dodd-Frank and Foster Interagency Collaboration*, 126 Yale L.J. 806 (2017). Copy supplied.

Theodore Rostow, *What Happens When an Acquaintance Buys Your Data?: A New Privacy Harm in the Age of Data Brokers*, 34 Yale J. on Reg. 667 (2017). Copy supplied.

With Domenico Pellegrini, *Cautious Hope in Sangin*, Small Wars Journal Online (Aug. 4, 2013), *available at* https://archive.smallwarsjournal.com/jrnl/art/cautious-hope-in-sangin. Copy supplied.

BCO's Words of Wisdom, The Irish Pennant, University of Notre Dame Naval ROTC Battalion (Spring 2009). Copy supplied.

Letter to the Editor, *Loving children is not selfish*, Notre Dame Observer (Sept. 17, 2006), *available at* https://www.ndsmcobserver.com/article/2006/09/loving-children-is-not-selfish. Copy supplied.

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

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.

None.

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.

October 12, 2026: Remarks, "Remarks on Blackstone Legal Fellowship," Blackstone Legal Fellowship/Alliance Defending Freedom, Notre Dame, Indiana. I spoke on the Blackstone Legal Fellowship and my legal career. I have no notes, transcript, or recording. The address of Alliance Defending Freedom is 15100 North 90th Street, Scottsdale, Arizona 85260.

October 5, 2026: Participant, Fall Public Interest Meet the Employers Reception, Notre Dame Law School, Notre Dame, Indiana. Along with the United States Attorney and other federal prosecutors, I spoke to law students regarding the work of the United States Attorney's Office for the Northern District of Indiana. I have no notes, transcript, or recording. The address of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

October 31, 2024: Guest Speaker, Professor Sherif Girgis's Criminal Law Class, Notre Dame Law School, Notre Dame, Indiana. I spoke to a class of law students about my background, military experience, clerkships, legal career, and criminal prosecution. I have no notes, transcript, or recording. The address of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

April 9, 2021: Panelist, "Blackstone Legal Fellowship Supreme Court Dinner," Blackstone Legal Fellowship/Alliance Defending Freedom, Washington, District of Columbia. I spoke on a panel about Supreme Court clerkships. I have no notes, transcript, or recording. The address of Alliance Defending Freedom is 15100 North 90th Street, Scottsdale, Arizona 85260.

February 11, 2017: Introduction, "Introduction of Professor Akhil Reed Amar," Yale Law School Federalist Society, New Haven, Connecticut. Notes and coverage supplied.

November 9, 2016: Introduction, "Introduction of Professor Mark Rienzi," Yale Law School Thomistic Institute and Catholic Law Students Association, New Haven, Connecticut. Notes supplied.

October 3, 2016: Introduction, "Introduction of Professor Russell Hittinger," Yale Law School Thomistic Institute, New Haven, Connecticut. Notes supplied.

March 7, 2016: Introduction, "Introduction of Professors John Breen and Lee Strang," Yale Law School Catholic Law Students Association, New Haven, Connecticut. Notes

supplied.

February 23, 2016: Panelist, "Veterans Panel Discussion," Yale Law School Center for Global Legal Challenges, Yale Law School, New Haven, Connecticut. The panel was on student veterans' experiences in the military, the wars in Iraq and Afghanistan, and issues facing the military. I have no notes, transcript, or recording. The address of the Yale Law School Center for Global Legal Challenges is 127 Wall Street, New Haven, Connecticut 06511. Copy of coverage supplied.

August 6, 2015 (estimated): Remarks, "Reflection on Blackstone Legal Fellowship," Blackstone Legal Fellowship/Alliance Defending Freedom, Tucson, Arizona. I spoke about the Blackstone Legal Fellowship and my law school experience. I have no notes, transcript, or recording. The address of Alliance Defending Freedom is 15100 North 90th Street, Scottsdale, Arizona 85260.

October 30, 2014: Guest Speaker, Weekly Dinner, Society of Book and Snake, New Haven, Connecticut. I provided remarks on my military experience. I have no notes, transcript, or recording. The address of the Society of Book and Snake is 145 High Street, New Haven, Connecticut 06511.

June 2, 2005 (estimated): Speaker, "Graduation Speech," Father Gabriel Richard High School, Ann Arbor, Michigan. I spoke at my high school graduation in celebration of the milestone. The address of the school is 4333 Whitehall Drive, Ann Arbor, Michigan, 48105.

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.

Joseph Falvey, Pat Tillman Foundation Scholars (est. 2016 – 2017). Copy supplied.

Joseph Falvey, Hertog Foundation Students (Nov. 2014), *available at* https://hertogfoundation.org/students/joseph-falvey. Copy supplied.

Sergeant Earnest Barnes, *Marjah district opens schools, develops future generations*, Defense Visual Information Distribution Service (Oct. 7, 2011). Copy supplied.

Corporal Jeff Drew, *Marjah residents take stand against insurgents, rebuild community*, Defense Visual Information Distribution Service (Aug. 31, 2011). 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.

I have not held public office.

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.

While in private practice at Jones Day, I rendered services to the National Republican Senatorial Committee and the National Republican Congressional Committee in approximately 2022 and 2023. These services consisted of several hours spent providing input on the lawsuit filed in *National Republican Senatorial Committee v. Federal Election Commission*, No. 1:22-cv-639 (S.D. Ohio), but I did not appear in the case or participate in subsequent litigation before the United States Court of Appeals for the Sixth Circuit or the United States Supreme Court.

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 2017 to 2018, I served as a law clerk to the Honorable Dabney L. Friedrich, District Judge of the United States District Court for the District of Columbia.

From 2018 to 2019, I served as a law clerk to the Honorable Thomas B. Griffith, Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit.

From 2019 to 2020, I served as a law clerk to the Honorable John G. Roberts, Jr., Chief Justice of the United States.

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

I have not practiced law alone.

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

2017
Sullivan & Cromwell LLP
1700 New York Avenue, Northwest
Washington, District of Columbia 20006
Associate (2017)

2020
Chairman Lindsey Graham
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, District of Columbia 20510
Special Counsel (2020)

2020 – 2024
Jones Day
51 Louisiana Avenue, Northwest
Washington, District of Columbia
Associate (2020 – 2024)

2024 – present

United States Attorney's Office for the Northern District of Indiana
Robert A. Grant Federal Building
204 South Main Street
South Bend, Indiana 46601
Assistant United States Attorney, Criminal Division (2024 – 2025)
Acting Criminal Division Chief (2025 – 2026)
Appellate Division Chief (2026 – present)

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

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

b. Describe:

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

As a law clerk for a federal district court and federal circuit court from 2017 to 2019, I advised a district judge and a circuit judge on civil and criminal matters before their respective courts. My work largely consisted of analyzing lawsuits, motions, and appeals, drafting orders and opinions resolving them, and advising on case management, trial preparation, and courtroom proceedings.

While serving as a law clerk from 2019 to 2020, I advised the Chief Justice of the United States on matters before the United States Supreme Court. My work largely consisted of analyzing cases, advising on their resolution, and drafting memoranda and opinions.

In 2020, I served as a Special Counsel for the Senate Judiciary Committee. I provided assistance during Justice Barrett's Supreme Court confirmation proceedings by conducting research and preparing memoranda.

As a litigator at Sullivan & Cromwell LLP in late 2017 and at Jones Day from late 2020 to 2024, my practice primarily consisted of complex civil litigation in federal courts, with a focus on commercial disputes, tort matters, and administrative law cases. I also handled several federal criminal matters, state civil matters, and pro bono matters. The courts in which I practiced included the United States Supreme Court, the United States Court of Appeals for the Seventh Circuit, and various federal district courts.

While serving in the United States Attorney's Office for the Northern

District of Indiana from 2024 to the present, I have largely practiced federal criminal law. As a line prosecutor, I focused on violent crime, drug trafficking, gang activity, and immigration offenses. My work involved coordinating with federal, state, and local law enforcement agencies and officials regarding criminal investigations, presenting criminal matters to federal grand juries, and litigating motions and contested proceedings such as detention hearings, suppression hearings, trials, and sentencings in the Northern District of Indiana. As Acting Criminal Chief, I supervised the range of criminal prosecutions across the District. I also planned, coordinated, and led various district-wide initiatives. As Appellate Division Chief, I now supervise the appeals that arise from federal criminal cases and certain civil cases in the Northern District of Indiana. My work largely consists of motion practice, briefing, and oral argument before the United States Court of Appeals for the Seventh Circuit as well as advising on legal and strategic issues in criminal and civil matters pending in the district court.

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

While I was in private practice, my typical clients included individuals, businesses, and non-profit and religious organizations in complex civil litigation. I also represented criminal defendants. Since beginning my career in the U.S. Attorney's Office, my client has been the United States, and I have represented the United States in a wide range of criminal prosecutions. Since becoming the Appellate Division Chief earlier this year, my focus has shifted to appellate litigation.

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

I estimate that at least 95% of my practice has been in litigation. I have frequently entered appearances in court to file complaints, dispositive motions, pre-trial submissions, post-conviction submissions, and appellate briefs. I have conducted multiple trials and have commonly appeared in court for preliminary proceedings, detention hearings, pre-trial hearings, sentencings, and oral arguments.

i. Indicate the percentage of your practice in:

1.	federal courts:	90%
2.	state courts of record:	9%
3.	other courts:	0%
4.	administrative agencies:	1%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 50%
2. criminal proceedings: 50%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried four federal cases to a jury verdict, one as chief counsel and three as associate counsel.

I also provided substantial active support in preparation for and during an additional bench trial, though I did not enter an appearance. *See Alexander v. South Carolina State Conference of the NAACP*, 649 F. Supp. 3d 177 (D.S.C. 2023).

i. What percentage of these trials were:

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

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

As an attorney in private practice, I served as lead associate counsel and second chair for the oral argument in the following case:

Alexander v. South Carolina State Conference of the NAACP, 602 U.S. 1 (2024) (No. 22-807) (jurisdictional statement, 2023 WL 2265678; brief for appellants, 2023 WL 4497083; reply brief for appellants, 2023 WL 5979638). Copies supplied.

I also occasionally assisted with oral argument preparation in other cases. Additionally, in 2022, I assisted with the preparation of a petition for a writ of certiorari in *A.B. v. Garland*, No. 22-588 (U.S.), though I did not enter an appearance or appear on the petition. In 2023, I spent several hours providing general input on Supreme Court litigation to the Institute for Justice in Arlington, Virginia.

As Appellate Division Chief for the United States Attorney's Office, I am responsible for occasionally advising the Office of the Solicitor General on whether to seek Supreme Court review of adverse decisions issued by the United States Court of Appeals for the Seventh Circuit. But no such matter in which I have been involved has resulted in substantive Supreme Court litigation.

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. *Alexander v. South Carolina State Conference of the NAACP*, 649 F. Supp. 3d 177 (D.S.C. 2023) (Heytens, Lewis, & Gergel, JJ.), *rev'd in part*, 602 U.S. 1 (2024). Representation: 2022 – 2024.

I represented state legislators, specifically the President of the South Carolina Senate and the Chairman of the South Carolina Senate Judiciary Committee, in defending their redistricting plan for the First Congressional District in South Carolina. I worked closely with the principal counsel to craft the legal strategy, supervise junior lawyers, draft the district court and Supreme Court submissions, and prepare for argument. Although the district court ruled against our clients, the Supreme Court ultimately ruled in our clients' favor and reinstated the First Congressional District.

Co-counsel:

John M. Gore
Jones Day
51 Louisiana Avenue, Northwest
Washington, District of Columbia 20001
202-879-3939

Ryan M. Proctor
Consovoy McCarthy PLLC
(formerly with Jones Day)
1600 Wilson Boulevard, Suite 700
Arlington, Virginia 22209

Robert E. Tyson, Jr.
Vordman Carlisle Traywick, III
Robinson Gray Stepp & Laffitte, LLC
Post Office Box 11449 (29211)
Columbia, South Carolina 29201
803-929-1400

William W. Wilkins

Wilkins Davis
(formerly with Maynard Nexsen PC)
330 Mills Avenue
Greenville, South Carolina 29605
864-263-3155

Andrew A. Mathias
Maynard Nexsen PC
104 South Main Street, Suite 900
Greenville, South Carolina 29601
864-282-1195

Mark C. Moore
Hamilton B. Barber
Maynard Nexsen PC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
803-771-8900

Michael A. Parente
United States Attorney's Office for the District of South Carolina
(formerly with Maynard Nexsen PC)
1441 Main Street, Suite 500
Columbia, South Carolina 29201
803-929-3000

M. Elizabeth Crum
Michael R. Burchstead
Burr & Forman LLP
1221 Main Street, Suite 1800
Columbia, South Carolina 29201
803-799-9800

Opposing counsel:

Adriel I. Cepeda Derieux
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004
212-284-7334

Leah C. Aden
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2. *Roman Catholic Archbishop of Washington v. Bowser*, 531 F. Supp. 3d 22 (D.D.C. 2021) (McFadden, J.). Representation: 2020 – 2021.

I represented the Archbishop of Washington in challenging the COVID-era limits that the Mayor of the District of Columbia imposed on attendance at worship services in advance of Christmas 2020. My work included developing the legal strategy, drafting multiple rounds of briefing, and coordinating with the client and co-counsel at the Becket Fund for Religious Liberty. Shortly before Christmas Eve, the suit succeeded in causing the Mayor to loosen the attendance limits. In advance of Easter 2021, the suit prevailed in obtaining an injunction prohibiting the Mayor from enforcing the challenged attendance limits against our client.

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3. *Sanofi-Aventis U.S., LLC v. U.S. Dep't of Health & Human Services*, 570 F. Supp. 3d 129 (D.N.J. 2021) (Wolfson, C.J.), *aff'd in part, rev'd in part*, 58 F.4th 696 (3d Cir. 2023) (Ambro, Krause, & Bibas, JJ.). Representation: 2021 – 2023.

I assisted with Sanofi-Aventis U.S., LLC's suit under the Administrative Procedure Act challenging actions taken by the U.S. Department of Health & Human Services to compel pharmaceutical manufacturers to deliver discounted products to an unlimited number of pharmacies that contract with healthcare providers covered under Medicare and Medicaid. My work included developing the legal strategy, drafting briefs at both the federal district court and federal circuit court level, and assisting with preparation for oral arguments. The challenge largely prevailed, with the federal circuit court ruling that the challenged actions were unlawful and enjoining the agency from implementing similar actions in the future. The court reasoned that although the governing statute might require delivery of discounted products to at least one pharmacy under contract with each covered healthcare provider, the statute does not require such delivery to an unlimited number of contract pharmacies.

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4. *United States v. Mackey*, 143 F.4th 129 (2d Cir. 2025) (Livingston, C.J., & Raggi, Robinson, JJ.). Representation: 2023 – 2024.

I represented Douglass Mackey in appealing the federal conviction and prison sentence he received for posting several memes on Twitter in advance of the 2016 presidential election. As the senior associate on the case, my work included developing the legal strategy and drafting portions of the appellate briefing. The challenge succeeded in obtaining a stay of Mr. Mackey's prison surrender date until the resolution of the appeal, and ultimately the challenge succeeded in obtaining reversal of Mr. Mackey's conviction and full acquittal.

Co-counsel:

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5. *Massachusetts Laborers' Health & Welfare Fund v. Blue Cross Blue Shield of Massachusetts*, 66 F.4th 307 (1st Cir. 2023) (Gelpí, Lynch, & Thompson, JJ.). Representation: 2022 – 2023 (estimated)

I represented Blue Cross against a suit alleging that the company breached fiduciary duties under the Employee Retirement Income Security Act (ERISA) in serving as a third-party administrator for a self-funded multiemployer group health plan. As lead associate for the appeal, my work included analyzing the legal framework, developing the legal strategy, drafting the brief, and assisting with preparation for oral argument.

Co-counsel:

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6. *United States v. Scott et al.*, No. 3:24-cr-71 (N.D. Ind.) (Leichty, J.). Representation: 2024 – 2025.

This case involved the investigation, prosecution, and conviction of a pair of defendants who distributed substantial amounts of methamphetamine in northern Indiana. In connection with the lead defendant's arrest, law enforcement found multiple pounds of methamphetamine in his residence and more than $200,000 in his storage unit. The defendants were convicted and sentenced to imprisonment for, respectively, 200 months and 54 months. As sole government counsel, my responsibilities included all aspects of the case, including advising on the investigation, facilitating various applications for warrants, presenting the matter to the federal grand jury, and litigating the courtroom proceedings including the detention hearings, plea hearings, and sentencings.

Opposing counsel:

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Amy L. Commean
Amy Commean Law
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219-342-2525

6. *United States v. Schmucker*, No. 3:24-cr-101 (N.D. Ind.) (Leichty, J.). Representation: 2024 – 2026.

Following substantial methamphetamine use and an armed standoff with law enforcement, the defendant in this case was charged with possessing a firearm as an unlawful drug user. The jury returned a guilty verdict and the defendant was sentenced to imprisonment for 46 months. As chief government counsel, I tried the case and handled all pre- and post-trial matters, including the preliminary proceedings, detention hearing, motion practice, and sentencing.

Co-counsel:

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Opposing counsel:

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8. *United States v. Xu et al.*, No. 3:25-cr-40 (N.D. Ind.) (Leichty, J.). Representation: 2025 – 2026.

The defendants in this case were charged with conspiring to distribute large quantities of methamphetamine and cocaine throughout the United States. Based in Los Angeles, the lead defendant marketed the drugs on the Dark Web, sold them in exchange for virtual currency, and arranged their delivery via the mail. His co-conspirator in Brooklyn stored drugs, packaged them for delivery, and shipped them to buyers. The scheme distributed drugs to every state in the United States, including cities and towns throughout Indiana, averaging hundreds of drug deals and thousands in sales per month and ultimately leading to the seizure of more than $2,000,000 in virtual currency. The defendants were convicted and sentenced to imprisonment for, respectively, 121 months and 78 months. As sole government counsel, my responsibilities included all aspects of the case, including advising on the investigation, facilitating various applications for warrants, presenting the matter to the federal grand jury, and litigating all courtroom proceedings including detention matters, plea hearings, and sentencings.

Opposing counsel:

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9. *United States v. Skeens*, No. 3:21-cr-42 (N.D. Ind.) (Leichty, J.). Representation: 2024 – 2025.

Following repeated felony convictions and reckless behavior with a gun, the defendant in this case was charged with possessing a firearm as a felon. The jury returned a guilty verdict, and the defendant was sentenced to imprisonment for 100 months. As associate counsel, my responsibilities included pre-trial submissions, motion practice, and witness preparation, and I tried the case along with the chief counsel.

Co-counsel:

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Opposing counsel:

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10. *United States v. Johnston*, 158 F.4th 870 (7th Cir. 2025) (Brennan, C.J., & Rovner, Sykes, JJ.). Representation: 2022 – 2024.

In this pro bono appeal, I represented an individual serving a lengthy prison sentence who assisted law enforcement in investigating and prosecuting a member of the Sinaloa Cartel. The appeal concerned two issues: whether the district court had jurisdiction over the government's untimely motion to reduce my client's sentence based on his assistance and, if so, whether the district court properly declined to fully grant the requested sentence reduction. The appeal prevailed on the jurisdictional issue, as the court agreed that its countervailing precedent had been effectively overruled, but the court otherwise affirmed. As counsel of record, I was responsible for developing the legal strategy, leading the briefing, and conducting oral argument before the United States Court of Appeals for the Seventh Circuit.

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

In private practice, I commonly handled civil matters that were significant but did not progress to trial because, for example, they were resolved via dismissal, summary judgment, or settlement. Similarly, as a federal prosecutor, a substantial portion of my criminal cases have not progressed to trial because the defendant instead chose to plead guilty. Even absent trial, however, such cases have commonly involved contested proceedings concerning matters like detention and sentencing.

In limited instances in private practice, I advised clients on compliance issues and related matters that did not involve litigation, including compliance with state and local civil rights laws and regulations.

I have never acted or registered as a lobbyist.

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

In the spring semesters of 2025 and 2026, I taught a three-credit course at Notre Dame Law School entitled "Constitutional Criminal Procedure: Investigations." The course examines the constitutional rights and rules that govern the investigation of crime, with a focus on the Fourth, Fifth, and Sixth Amendments of the United States Constitution. Syllabi supplied.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts

and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not expect any such income.

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.

If confirmed, I hope that I will be able to continue to teach a law school course or seminar once a year. I have no commitments or agreements to do so during service with the court, and no other plans for outside activities. I currently anticipate teaching Constitutional Criminal Procedure at Notre Dame Law School in spring semester 2027, but if confirmed the course will conclude before service on the court begins.

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).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

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.

I have no known financial arrangements, family members, or associates likely to present such conflicts. Cases most likely to implicate conflict questions would be those related to my service as an attorney within the United States Attorney's Office for the Northern District of Indiana. To determine whether I would need to recuse, 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 as those raised in the particular case. I will evaluate any real or potential conflict, or a relationship that

could give rise to an appearance of a conflict, on a case-by-case basis and take appropriate action, including recusal where necessary.

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

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

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During portions of my career, I have worked in government positions in which I was prohibited from engaging in the private practice of law for non-government clients. But when engaged in private practice, I have dedicated time to pro bono work. For example, as noted, I provided pro bono representation to an individual serving a lengthy prison sentence who assisted in the investigation and prosecution of a cartel member and who pursued an appeal to the United States Court of Appeals for the Seventh Circuit. I also provided pro bono legal services to individuals in Loudoun County, Virginia, whose children were required by a COVID-era school board policy to wear masks at school. The suit on behalf of these individuals prevailed in obtaining an injunction against the school board policy as inconsistent with state law. *See Barnett v. Loudoun County School Board*, No. CL22000546-00 (Loudoun Cty. Circuit Court Feb. 16, 2022). Additionally, I provided pro bono representation for an appeal to the United States Court of Appeals for the Tenth Circuit by an individual who claimed asylum on the ground that deportation to Mali would subject him to persecution for, among other things, his religious conversion. *See A.B. v. Garland*, No. 21-9584, 2022 WL 12081688 & 2023 WL 4533236 (10th Cir. Aug. 30, 2022 & July 13, 2023). My records are insufficient to determine the amount of time devoted to specific matters. In addition to my pro bono work, I frequently take time to mentor law students and junior attorneys.

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 September 28, 2026, I was contacted by senior staff with Senator Banks's office regarding an upcoming vacancy in the United States District Court for the Northern District of Indiana. On September 29, 2026, I was invited to interview with Senator Banks's senior staff. That interview occurred on October 1, 2026. On October 7, 2026, I was invited to interview with Senator Banks. On the same day, I was contacted by senior staff with Senator Young's office regarding the upcoming vacancy. On October 8, 2026, I discussed the position with Senator Young's senior staff. On October 12, 2026, I interviewed with Senator Banks. On October 14, 2026, I was contacted by the White House Counsel's Office regarding the vacancy. On October 19, 2026, President Trump called to inform me that he had selected me for nomination. Throughout this process, I have had contact with members of the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination and associated paperwork.

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, Joseph P. Falvey, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

October 17, 2026 (DATE)

Joseph P. Falvey (NAME)

(NOTARY)

NOTARY PUBLIC SEAL STATE OF INDIANA

JANET GONZALEZ
My Commission Expires
June 14, 2034
Commission Number NP0000771152
St. Joseph County