

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for John Thomas Shepherd**  
**Nominee to be U.S. District Judge for the Western District of Arkansas**  
**February 11, 2026**

1. You practiced law for approximately 12 years before you joined the Arkansas state bench. However, according to your Senate Judiciary Questionnaire, you estimate that only half of your practice involved litigation, and less than five percent was before federal courts.

- a. **If you are confirmed, how would you get up to speed on federal court proceedings?**

Response: There is no substitute for hard work. I believe that my track record as an attorney and on the bench evidence that I am willing to do the work. I also believe that in addition to my civil and criminal experience in federal court, my state court experience, both as an attorney and a judge, would be of great benefit to me. I believe this to be the case as the Arkansas Sentencing Guidelines, the Arkansas Rules of Civil Procedure, and the Arkansas Rules of Evidence are each very similar to their federal counterparts. Additionally, in diversity cases, I would be applying Arkansas substantive law in most cases. As a result, I believe that my varied experience, in both federal and state court, will be of great benefit to me if I am fortunate to be confirmed to the federal bench.

- b. **How would you ensure that litigants feel they have received a fair hearing before you?**

Response: My judicial philosophy is as follows: (1) to take each case on a case-by-case basis; (2) to apply the law fairly and impartially; (3) to expeditiously issue orders and judgments; and (4) to treat all who come before the court with courtesy and respect. I believe that such philosophy not only ensures that litigants *actually* receive a fair hearing, but that they also *feel* that they received a fair hearing. I have consistently followed that approach during my time on the state bench. If I am fortunate to be confirmed to the federal bench, I would continue to follow such approach.

2. Recently, a whistleblower group revealed an Immigration and Customs Enforcement (ICE) memo claiming that ICE officers are allowed to enter private homes to arrest people without a judicial warrant.

In the memo, Acting ICE Director Todd Lyons advised agents that they can enter homes with an administrative warrant issued by ICE and not approved by an Article III judge. This baseless legal conclusion is contrary to the Fourth Amendment of the U.S. Constitution. The Supreme Court has repeatedly held that to enter a home to conduct an

arrest, the government must have an arrest warrant unless one of the narrow exceptions to the warrant requirement applies, like a life-threatening emergency.

**Does the Fourth Amendment require law enforcement officers to obtain a judicial warrant based on probable cause before they can enter someone’s home, except in narrow circumstances recognized by the Supreme Court? Please answer “yes” or “no.”**

Response: Generally speaking, under the Fourth Amendment, law enforcement must have a warrant prior to entering a home unless an exception applies. Regarding the issue of administrative warrants, this question relates to an ongoing dispute that is the subject of pending litigation and may come before me as a district judge if I am confirmed. Accordingly, it would be inappropriate for me to comment on this issue. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**3. Did President Trump lose the 2020 election?**

Response: President Biden was certified as the winner of the 2020 presidential election and served four years.

**4. Where were you on January 6, 2021?**

Response: El Dorado, Arkansas.

**5. Do you denounce the January 6 insurrection?**

Response: As a sitting state court judge and judicial nominee, it would be inappropriate for me to comment on matters of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**6. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?**

Response: As a sitting state court judge and judicial nominee, it would be inappropriate for me to comment on the President’s use of his pardon power as well as any matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**7. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.**

**a. What options do litigants—including the executive branch—have if they disagree with a court order?**

Response: Generally speaking, parties who disagree with a court order may appeal the order, file a motion for reconsideration, or seek a stay or some other relief from the order. Beyond that, as a sitting state court judge and judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly one that is the subject of pending litigation. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?**

Response: As stated above, generally speaking, parties who disagree with a court order may appeal the order, file a motion for reconsideration, or seek a stay or some other relief from the order. Beyond that, as a sitting state court judge and judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly one that is the subject of pending litigation. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?**

Response: Under Article III of the U.S. Constitution, the judicial branch is vested with the power to issue court orders and determine whether court orders are lawful. Further, each branch of the federal government is required to follow the Constitution.

**8. District judges have occasionally issued non-party injunctions, which may include “nationwide injunctions” and “universal injunctions.”**

**a. Are non-party injunctions constitutional?**

Response: Generally speaking, as held in Trump v. CASA, 606 U.S. 831 (2025), the equitable power of federal courts only allows for complete relief for the parties before the court. Because that case was decided on statutory grounds, questions regarding the constitutionality of non-party injunctions remains pending before the courts. As a result, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment further on this issue. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**b. Are non-party injunctions a legitimate exercise of judicial power?**

Response: Please see Response to Question 8(a).

- c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?**

Response: Please see Response to Question 8(a).

- d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.**

Response: No.

- 9. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.**

Response: No.

- 10. Does the U.S. Constitution permit a president to serve three terms?**

Response: The Twenty-Second Amendment to the Constitution provides that “[n]o person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.”

- 11. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”<sup>1</sup>**

- a. Do you agree that these federal judges are “USA HATING” and “MONSTERS” “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”?**

Response: I am not familiar with the above statements or the context in which they were made. Beyond that, as a sitting state court judge and a judicial nominee, it would be inappropriate for me to comment on statements by any political figure or on a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- b. Do you believe this rhetoric endangers the lives of judges and their families?**

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<sup>1</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

Response: Please see Response to Question 11(a).

12. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a "judicial coup"<sup>2</sup> and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."<sup>3</sup>

**a. Do you agree that these judges are engaged in a "judicial coup" and that "we are living under a judicial tyranny"?**

Response: I am not familiar with the above statements or the context in which they were made. Beyond that, as a sitting state court judge and a judicial nominee, it would be inappropriate for me to comment on statements by any political figure or on a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**b. Do you believe this rhetoric endangers the lives of judges and their families?**

Response: Please see Response to Question 12(a).

**c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?**

Response: Please see Response to Question 12(a).

**13. When, if ever, may a lower court depart from Supreme Court precedent?**

Response: It is never appropriate for lower courts to depart from directly controlling Supreme Court precedent.

**14. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?**

Response: The Eighth Circuit has held that only an en banc court can overturn its own precedent.

**15. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?**

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<sup>2</sup> Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

<sup>3</sup> Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

Response: The Supreme Court has held that it may overrule its own precedent in certain situations. See, e.g., Dobbs v. Jackson Women’s Health Organization, 597 U.S. 215 (2022); Janus v. AFSCME, 585 U.S. 878 (2018).

**16. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:**

***a. Brown v. Board of Education***

Response: While it has been the practice of judicial nominees to not give an opinion about whether Supreme Court precedent was correctly decided, nominees have historically made an exception in the cases of Brown v. Board of Education and Loving v. Virginia. Therefore, consistent with judicial canons, and just as other nominees before me, I can confirm that Brown was correctly decided.

***b. Plyler v. Doe***

Response: Please see Response to Question 16(a). Plyler is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

***c. Loving v. Virginia***

Response: Yes, please see Response to Question 16(a).

***d. Griswold v. Connecticut***

Response: Please see Response to Question 16(a). Griswold is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

***e. Trump v. United States***

Response: Please see Response to Question 16(a). Trump v. United States is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

***f. Dobbs v. Jackson Women’s Health Organization***

Response: Please see Response to Question 16(a). Dobbs is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

***g. New York State Rifle & Pistol Association, Inc. v. Bruen***

Response: Please see Response to Question 16(a). Bruen is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

***h. Obergefell v. Hodges***

Response: Please see Response to Question 16(a). Obergefell is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

*i. Bostock v. Clayton County*

Response: Please see Response to Question 16(a). Bostock is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

*j. Masterpiece Cakeshop v. Colorado*

Response: Please see Response to Question 16(a). Masterpiece Cakeshop is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

*k. 303 Creative LLC v. Elenis*

Response: Please see Response to Question 16(a). 303 Creative is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

*l. United States v. Rahimi*

Response: Please see Response to Question 16(a). Rahimi is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

*m. Loper Bright Enterprises v. Raimondo*

Response: Please see Response to Question 16(a). Loper Bright is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

**17. With respect to constitutional interpretation, do you believe judges should rely on the “original meaning” of the Constitution?**

Response: If confirmed, I would follow all Supreme Court and Eighth Circuit precedent regarding matters of constitutional interpretation. The Supreme Court has regularly interpreted various constitutional provisions by examining the original public meaning of the Constitution or text at the time it was enacted or ratified. See, e.g., Dobbs v. Jackson Women’s Health Organization, 597 U.S. 215 (2022); District of Columbia v. Heller, 554 U.S. 570 (2008); Crawford v. Washington, 541 U.S. 36 (2004).

**18. How do you decide when the Constitution’s “original meaning” should be controlling?**

Response: Please see my Response to Question 17.

**19. Does the “original meaning” of the Constitution support a constitutional right to same-sex marriage?**

Response: Please see my Response to Question 17. In Obergefell v. Hodges, 576 U.S. 644 (2015), the Supreme Court held that the Fourteenth Amendment required states to license same-sex marriages on the same terms and conditions as marriages between one man and one woman. If confirmed, I would faithfully apply that binding precedent.

**20. Does the “original meaning” of the Constitution support the constitutional right to marry persons of a different race?**

Response: Please see my Response to Question 17. In Loving v. Virginia, 388 U.S. 1 (1967), the Supreme Court struck down a state law prohibiting interracial couples from marrying, finding that the state law violated the Fourteenth Amendment. If confirmed, I would faithfully apply that binding precedent.

**21. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?**

Response: The Fourteenth Amendment provides that no state “shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Cases brought under these provisions are frequently litigated and are analyzed by the courts with varying levels of scrutiny depending on the classification of the persons and the rights involved. If confirmed, I would faithfully follow binding Supreme Court and Eighth Circuit precedent governing such issues.

**22. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?**

Response: The Supreme Court has applied these constitutional provisions to discrimination based on sex, see, e.g., United States v. Virginia, 518 U.S. 515 (1996), and sexual orientation, see, e.g., Obergefell v. Hodges, 576 U.S. 644 (2015). If confirmed, I would faithfully follow binding Supreme Court and Eighth Circuit precedent governing such issues.

**23. Do you believe that judges should be “originalist” and adhere to the original public meaning of constitutional provisions when applying those provisions today?**

Response: Please see my Response to Question 17.

**24. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?**

Response: Please see my Response to Question 17.

**25. Under the U.S. Constitution, who is entitled to First Amendment protections?**

Response: The First Amendment provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” If I am fortunate to be confirmed, I will faithfully follow all binding Supreme Court and Eighth Circuit precedent regarding this question. Beyond that, this issue and related matters are frequently litigated and could come before me as a judge. As a result, it would be inappropriate for me to provide further comment. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**26. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?**

Response: If I am fortunate to be confirmed, as with any case, I would faithfully apply the precedents of the Supreme Court and the Eighth Circuit to this question. Recent cases on this topic include TikTok Inc. v. Garland, 604 U.S. 56 (2025); City of Austin, Texas v. Reagan Nat’l Advertising of Austin, LLC, 596 U.S. 61 (2022); and Reed v. Town of Gilbert, 576 U.S. 155 (2015). Beyond that, this issue and related matters are frequently litigated and could come before me as a judge. As a result, it would be inappropriate for me to provide further comment. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**27. What is the standard for determining whether a statement is protected speech under the true threats doctrine?**

Response: The Supreme Court has held that true threats consist of “serious expressions conveying that a speaker means to commit an act of unlawful violence.” Counterman v. Colorado, 600 U.S. 66, 74 (2023). If confirmed, I would faithfully follow binding precedent on this issue.

**28. Is every individual within the United States entitled to due process?**

Response: The Fifth and Fourteenth Amendments address due process rights. The Supreme Court has stated that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” Zadvydas v. Davis, 533 U.S. 678, 693 (2001). Additionally, there is an extensive body of Supreme Court precedents discussing what due process requires in various contexts. Beyond that, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment further as this question relates to an ongoing political debate that is the subject of pending litigation. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4. If confirmed, I would faithfully apply all binding precedent on this issue.

**29. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?**

Response: This question is the subject of pending litigation and ongoing political debate. As a result, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment on this question. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**30. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”**

**a. Is every person born in the United States a citizen under the Fourteenth Amendment?**

Response: This question is the subject of pending litigation and ongoing political debate. As a result, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment on this question. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?**

Response: Please see my Response to Question 30(a).

**31. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.**

Response: No person should be excluded from a judicial branch position because of their race, religion, national origin, ethnicity, sex, or any other characteristic protected by law. To exclude candidates from public service based on such characteristics would be unfair to those candidates, and it would harm the judicial branch and the public by precluding talented candidates from public service.

**32. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.**

- a. **How do you view the role of federal judges in implementing the *First Step Act*?**

Response: If I am fortunate to be confirmed, I would faithfully apply the law, including the First Step Act, along with any binding precedent.

- b. **Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?**

Response: Yes. If I am fortunate to be confirmed, I would faithfully apply the law, including 18 U.S.C. § 3553, along with any binding precedent.

33. The Federalist Society seeks to “reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.”

- a. **In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of “traditional values”?**

Response: I am not familiar with this statement nor the context in which it was made. As a result, I do not know what the author meant by “traditional values.”

- b. **President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.<sup>4</sup>**

- i. **Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?**

Response: As a sitting state court judge and a judicial nominee, it would be inappropriate for me to comment on statements by any political figure or on a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- ii. **Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?**

Response: As a sitting state court judge and a judicial nominee, it would be inappropriate for me to comment on statements by any political figure

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<sup>4</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

or on a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

**iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?**

Response: If confirmed, I would evaluate my affiliations with all civic and legal organizations for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other relevant laws, rules, and practices.

**c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: No.

**d. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

**e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?**

Response: No.

34. The Teneo Network states that its purpose is to “Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society.”

**a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.**

Response: No.

**b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

**c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?**

Response: No.

35. The Heritage Foundation states that its mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Action, which is affiliated with the Heritage Foundation, seeks to “fight for conservative policies in Washington, D.C. and in state capitals across the country.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Were you ever involved in or asked to contribute to Project 2025 in any way?**

Response: No.

- d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

Response: No.

36. The America First Policy Institute (AFPI) states that its “guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?**

Response: No.

37. The America First Legal Institute (AFLI) states that it seeks to “oppose the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?**

Response: No.

38. The Article III Project is an organization which claims that, “The left is weaponizing the power of the judiciary against ordinary citizens.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?**

Response: No.

39. The Alliance Defending Freedom (ADF) states that it is “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

Response: No.

40. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

- a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?**

Response: No.

- d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

Response: I have no knowledge of such organizations nor do I have any knowledge as to whether any donations have been made in support of my nomination. Beyond that, as a sitting state court judge and a judicial nominee, it

would be inappropriate for me to comment on a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- e. **If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?**

Response: If confirmed, I would evaluate any decision on recusal pursuant to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other relevant laws, rules, and practices.

- f. **Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?**

Response: Please see my Response to Question 40(d).

Senate Judiciary Committee  
Hearing on  
Nominations  
February 4, 2026  
Questions for the Record  
Senator Amy Klobuchar

For John Thomas Shepherd, to be U.S. District Court Judge for the Western District of Arkansas  
Chief Justice John Roberts wrote in last year's end-of-year report that disregarding federal court rulings is "dangerous" and "must be soundly rejected."

- Do you agree with Chief Justice Roberts that any suggestion of disregarding a court's ruling "must be soundly rejected"?

Response: I have not reviewed Chief Justice Roberts' end-of-year report referenced hereinabove. However, if confirmed, I would expect all parties appearing before me to comply with court orders.

- If confirmed to the federal bench, would it be your expectation that the parties before you, including federal officials, comply with your orders?

Response: If confirmed, I would expect all parties appearing before me, including federal officials, to comply with court orders.

**Nomination of John Shepherd to the  
United States District Court for the Western District of Arkansas  
Questions for the Record  
Submitted February 11, 2026**

**QUESTIONS FROM SENATOR COONS**

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate judicial nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

Response: Yes.

2. Do you believe that you, as a judicial nominee, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

Response: Yes, provided that a response is consistent with the rules of professional conduct, the judicial canons, and any other applicable laws or rules that may limit the matters on which a nominee may comment.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

Response: Yes.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: I drafted my responses to each of these written questions. After receiving feedback from persons at the Office of Legal Policy at the Department of Justice, I finalized my answers and authorized them to be submitted to this Committee. My answers are my own.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

Response: I see no problem with a nominee responding to a question in the same manner that a previous nominee responded so long as the response accurately reflects the nominee's actual views.

- c. Did you review the answers to my questions for the record submitted by previous judicial nominees before answering these questions?

Response: Yes.

- d. To your knowledge, are any of your answers to these questions for the record exact duplicates of answers provided by previous nominees?

Response: Yes.

4. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case or matter if confirmed? If so, explain fully.

Response: No.

- a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

Response: No.

5. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: My father, Judge Bobby E. Shepherd.

6. How would you describe your judicial philosophy?

Response: My judicial philosophy is as follows: (1) to take each case on a case-by-case basis; (2) to apply the law fairly and impartially; (3) to expeditiously issue orders and judgments; and (4) to treat all who come before the court with courtesy and respect.

7. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

Response: If I am fortunate to be confirmed, in considering such question, I would faithfully apply the standards set forth by the Supreme Court. See, e.g., *Washington v. Glucksberg*, 521 U.S. 702 (1997).

- a. Would you consider whether the right is expressly enumerated in the Constitution?

Response: Yes, consistent with any applicable Supreme Court or Eighth Circuit precedent.

- b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes, consistent with any applicable Supreme Court or Eighth Circuit precedent.

- c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes. If the Supreme Court or Eighth Circuit has recognized such right then the matter is decided. Relevant decisions from other circuit courts would only be of persuasive value.

- d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes, consistent with any applicable Supreme Court or Eighth Circuit precedent.

- e. What other factors would you consider?

Response: Any other factor identified by the Supreme Court or the Eighth Circuit.

8. If you concluded that the President had violated his constitutional duty to faithfully execute the laws and then had to determine the remedy, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: If I am fortunate to be confirmed, I would faithfully follow the law and apply all binding precedent of the Supreme Court and Eighth Circuit. Beyond that, as a sitting state court judge and judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is a matter of ongoing political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

9. Is President Trump eligible to be elected President for a third term in 2028? Assume that I know what the text of the 22<sup>nd</sup> Amendment says. I am interested in your application of that text to whether or not President Trump can be elected President in 2028.

Response: The Twenty-Second Amendment states that “[n]o person shall be elected to the office of the President more than twice.” Beyond that, as a sitting judge and judicial nominee, it would be inappropriate for me to comment on such issue, particularly

considering this is a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

10. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

Response: The Constitution and federal statutory law set forth the method for Congress to determine the winner of a presidential election. See, e.g., U.S. Const., art. II, § 1; U.S. Const., amend. XII; 3 U.S.C. § 15. Beyond that, to the extent this question seeks a comment on pending litigation as well as broader political or policy debates, as a sitting judge and judicial nominee it would be inappropriate for me to comment. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

11. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you who won the popular vote in the 2020 election. You replied that “President Biden was certified the winner and served four years.” When he asked you who won the electoral college, you echoed fellow nominee Andrew Davis’s answer that “in 2020, President Biden was certified and served four years as president.”

- a. In advance of the hearing, did you prepare a potential answer or set of answers to question(s) you might receive related to who won the 2020 election? If so, what information or sources did you use to develop your answer(s)?

Response: In preparing for the hearing, I considered how I might answer a variety of questions. To prepare, I watched videos of prior hearings as well as reviewed responses to written questions for the record. As a sitting state court judge and judicial nominee, I also reviewed the applicable judicial canons.

- b. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly answering questions about who won the 2020 election? If so, please explain. If not, please explain how you, without any outside input, made the decision to reply with who was *certified* the winner when asked about who *won* the 2020 election.

Response: No. I based my response on my understanding of the electoral process, discussed above in my Response to Question 10. Further, because there is ongoing political debate as well as pending litigation regarding the conduct of the 2020 presidential election, it would have been inappropriate for me to comment further. My response was consistent with applicable judicial canons relating to my roles as a sitting state court judge and judicial nominee. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- c. Do you believe that you would face any adverse professional consequences if you directly stated, during your hearing or otherwise on the record, that President Trump lost the 2020 election, or that President Biden won the 2020 election? Please explain.

Response: No.

12. Under 28 U.S.C. § 455, “[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned.” You note in your Senate Judiciary Questionnaire that you have recused yourself “in well over 100 cases since taking the bench,” including cases in which you, your brother, or your wife had involvement. As a general matter, if you are confirmed, what criteria would you use when deciding whether to recuse yourself from a case?

Response: If I am fortunate to be confirmed, I would evaluate any decision on recusal pursuant to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other relevant laws, rules, and practices.

13. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts’ existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

- a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: Yes.

- b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Yes.

- c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: Yes.

14. If you had to determine whether it is appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: As in any case, I would consider the applicable law and apply the relevant facts to the law. Beyond that, as a sitting state court judge and judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is a matter of pending litigation and ongoing political and legal debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

15. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: Yes, the Supreme Court has recognized a right to travel across state lines.

- a. If you had to determine whether it is constitutional for a state to restrict the interstate travel of its citizens, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: If confirmed, in considering such question, I would apply any relevant Supreme Court or Eighth Circuit precedent. See, e.g., Saenz v. Roe, 526 U.S. 489 (1999); Attorney Gen. of New York v. Soto-Lopez, 476 U.S. 898, 902 (1986); United States v. Guest, 383 U.S. 745 (1966); Edwards v. California, 314 U.S. 160 (1941). Beyond that, as a sitting state court judge and judicial nominee, commenting on a hypothetical situation which may come before me would be inappropriate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

16. Do you believe that the Constitution protects a fundamental right to privacy?

Response: Yes, the Supreme Court has recognized a right to privacy in certain situations.

- a. Do you agree that that right protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: Yes, the Supreme Court has recognized such a right. See, e.g., Griswold v. Connecticut, 381 U.S. 479 (1965).

17. Does the public's original understanding of the meaning of a constitutional provision constrain its application decades or centuries later?

Response: The Supreme Court has regularly interpreted various constitutional provisions by examining the original public meaning of the Constitution or text at the time it was

enacted or ratified. See, e.g., Dobbs v. Jackson Women’s Health Organization, 597 U.S. 215 (2022); District of Columbia v. Heller, 554 U.S. 570 (2008); Crawford v. Washington, 541 U.S. 36 (2004). If confirmed, I would follow all Supreme Court and Eighth Circuit precedent regarding matters of constitutional interpretation.

- a. What specific sources would you employ to discern the public’s original understanding of the meaning of a constitutional provision? Please provide three examples of sources you consider reliable in this regard.

Response: I would consult any source consistent with Supreme Court and Eighth Circuit precedent. Beyond that, as a sitting state court judge and judicial nominee, it would be inappropriate for me to forecast on how I might rule in a given situation. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

18. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: The Fifth and Fourteenth Amendments address due process rights. The Supreme Court has stated that “the Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” Zadvydas v. Davis, 533 U.S. 678, 693 (2001). Additionally, there is an extensive body of Supreme Court precedents discussing what due process requires in various contexts. Beyond that, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment further as this question relates to an ongoing political debate that is the subject of pending litigation. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4. If confirmed, I would faithfully apply all binding precedent on this issue.

19. Should you be confirmed, what would you do if a party refuses to comply with one of your orders?

Response: The powers to enforce a court order vary based on the nature of the order and factual circumstances. In determining the available powers which I would have to enforce an order in any given situation, I would consider the applicable law and apply the facts before me to the law. Beyond that, as a sitting state court judge and judicial nominee, it would be inappropriate for me to forecast on how I might rule in a given situation. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

20. What criteria would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: As in every case, I would consider the applicable law and apply the facts before me to the law.

- a. If you determined that a party was engaging in such tactics, how would you address it?

Response: Please see Response to Question 20. Beyond that, as a sitting state court judge and judicial nominee, it would be inappropriate for me to forecast on how I might rule in a given situation. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

21. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: Generally speaking, the practical consequences of a decision should not influence a judge's rulings. Instead, every decision should be made fairly and impartially based on application of the relevant facts to the governing law. That said, some legal issues require a judge to consider practical consequences. For example, when considering a request for equitable relief, such as a preliminary injunction, temporary restraining order, or stay.

22. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: Generally speaking, a judge's personal life experience should not influence a judge's rulings. Instead, every decision should be made fairly and impartially based on application of the relevant facts to the governing law. That said, a judge's personal life experience may inform the ability of a judge to be fair and impartial, and to treat all who come before the court with courtesy and respect.

23. What role, if any, should empathy play in a judge's decision-making process?

Response: Generally speaking, empathy should not influence a judge's rulings. Instead, every decision should be made fairly and impartially based on application of the relevant facts to the governing law. That said, a judge's personal life experience may inform the ability of a judge to be fair and impartial, and to treat all who come before the court with courtesy and respect.

24. What case or legal matter are you most proud of having worked on during your career?

Response: I am proud of my varied experience in private practice representing and advising individuals, small businesses, large corporations, as well as non-profit and charitable entities. By the very nature of practicing law in a small town, an attorney is called upon to handle cases in numerous areas, rather than specializing in one specific area. More specifically, it was an honor to represent the people of the State of Arkansas as a prosecutor. Particularly, in prosecuting violent crimes, including murders, in an effort to bring justice to the families of the victims of such crimes.

25. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Responses: Junior attorneys can greatly benefit from courtroom experience, as I did as a young attorney. As a result, I would be open to any attorney, including a junior attorney, presenting argument on the issues presented. If confirmed, I would consider issuing such an order, however, I would consult with other federal judges as well as any policies of the Western District of Arkansas. Such a consideration must also be mindful of the importance of a litigant's right to decide on representation.

- a. How else would you support the skills development of junior lawyers appearing before you?

Response: As discussed in response to Question 25, I would be open to any attorney, including a junior attorney, presenting argument on the issues presented. Further, as a judge and former practicing attorney in a rural area, it is clear that there are many areas across our nation that are in desperate need of more attorneys. As a result, I am currently very much invested in supporting the development of junior attorneys to serve the people who are in need of representation. If confirmed, I would continue to be invested in the development of junior attorneys.

26. Discuss your proposed hiring process for law clerks.

Response: If I am fortunate to be confirmed, I would seek to hire the most qualified applicants for clerkships in my chambers.

- a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: As a sitting state court judge and judicial nominee, it would be inappropriate for me to comment on a matter of ongoing political and congressional debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4. Notwithstanding the foregoing, no person should be excluded from a clerkship position because of a characteristic protected by law. To exclude candidates from such service based on such characteristics would be unfair to those candidates, and it would harm the judicial branch and the public by precluding talented candidates from serving. Further, discrimination and harassment would not be tolerated in my chambers.

27. Recently, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the

National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

- a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: Out of respect for the Senate process, I have not yet determined any policies that I would implement if confirmed. However, I would follow any and all applicable policies of the Eighth Circuit and the Western District of Arkansas. Further, I would plan to consult with other federal judges on their policies and I would consider implementing any policy that would help ensure that the clerks and other staff who would work in my chambers are treated with courtesy and respect and are not subject to any misconduct. Ultimately, discrimination and harassment would not be tolerated in my chambers.

- b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: Please see Response to Questions 27(a).

- c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: Please see Response to Question 27(a). I would take any steps required or recommended by law or ethical rule.

28. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: The characterization of the events of January 6, 2021, is the subject of ongoing political and legal debate. Further, there is pending litigation relating to such events. As a result, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- a. If you think this question would require you to express an opinion on “political” matters, as some judicial nominees have responded when asked this question, please explain why labeling the events of January 6, 2021, as either “an insurrection” or “not an insurrection” requires you to opine on a “political” matter.

Response: Please see Response to Question 28.

29. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: As a sitting state court judge and judicial nominee, it would be inappropriate for me to comment on the President's use of his pardon power as well as any matter of ongoing political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

30. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: Please see Response to Question 29.

31. In a press release applauding your nomination, Senator Cotton described you as a “strong conservative judge.”

a. Do you agree with Senator Cotton's description of your performance as a judge?

Response: I am unsure as to which part of my body of work Senator Cotton was referring. As stated previously, the judicial philosophy by which I serve on the state bench is as follows: (1) to take each case on a case-by-case basis; (2) to apply the law fairly and impartially; (3) to expeditiously issue orders and judgments; and (4) to treat all who come before the court with courtesy and respect. If I am fortunate to be confirmed to the federal bench, I would continue to serve in the same manner.

b. Do you think it is appropriate for a judge to make decisions based on his ideology or political leaning rather than on the merits of a particular case?

Response: No, it is never appropriate for a judge to make decisions based on ideology or political leaning. A judge should always make decisions based on the law.

32. In your Senate Judiciary Questionnaire, you note that less than 5% of your legal practice has occurred in federal courts. What resources will you use to get up to speed on the rules and procedures of federal court?

Response: There is no substitute for hard work. I believe that my track record as an attorney, and on the bench, evidence that I am willing to do the work. I also believe that

in addition to my civil and criminal experience in federal court, my state court experience, both as an attorney and a judge, would be of great benefit to me on the federal bench if confirmed. I believe this to be the case as the Arkansas Sentencing Guidelines, the Arkansas Rules of Civil Procedure, and the Arkansas Rules of Evidence are each very similar to their federal counterparts. Additionally, in diversity cases, I would be applying Arkansas substantive law in most cases.

**Questions for the Record for Judge John Shepherd**  
**Submitted by Senator Richard Blumenthal**  
**February 11, 2026**

1. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

Response: The *appearance* of impartiality as well as *actual* impartiality are essential to maintaining public confidence in our justice system. I currently follow and comply with the Arkansas Code of Judicial Conduct regarding recusals. If I am fortunate to be confirmed to the federal bench, I will address all actual or potential conflicts by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges and its canons, and any other applicable laws, rules, and practices governing such circumstances.

- a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: Please see my Response to Question 1.

- b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: Please see my Response to Question 1.

- c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: Please see my Response to Question 1.

2. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: If I am fortunate to be confirmed to the federal bench, I will faithfully comply with the Code of Conduct for United States Judges and its canons, and any other applicable laws, rules, and practices governing such circumstances.

- d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: Please see my Response to Question 2.

- e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: Please see my Response to Question 2.

- f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: Please see my Response to Question 2.

- 3. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: Yes.

- g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: Yes.

- h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: Yes.

- i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: Yes.

- 4. The House Republican-authored budget reconciliation bill for Fiscal Year 2026 had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

- a. Do you believe the contempt power is “essential . . . to the due administration of justice[?]”

Response: As stated above, the Supreme Court has found the contempt power to be “inherent in all courts” and that “its existence is essential to the preservation in judicial proceedings . . . and consequently to the due administration of justice.” Ex parte Robinson, 86 U.S. 505, 510 (1873). If I am fortunate to be confirmed, I would abide by and follow all Supreme Court precedent. Beyond that, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment further on an issue which could come before me. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: Please see my Response to Question 4(a).

5. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that “[j]udges aren’t allowed to control the executive’s legitimate power.” This raises an extremely concerning specter of Executive Branch defiance of court orders.

- a. If confirmed, would you have the ability to issue orders?

Response: Yes.

- i. Would you have the ability to enforce those orders?

Response: Yes.

- ii. What powers would you have to enforce those orders?

Response: The powers to enforce a court order vary based on the nature of the order and factual circumstances. In determining the available powers which I would have to enforce an order in any given situation, I would consider the applicable law and apply the facts before me to the law. Beyond that, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment further on an issue which could come before me. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

Response: As a sitting state court judge and judicial nominee, it would be inappropriate for me to attempt to identify a hypothetical legal basis for a federal executive official to defy a federal court order, particularly considering this is a matter of pending litigation and ongoing political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: Please see my Response to Question 5(b).

- d. What would make a court order unlawful?

Response: As a sitting state court judge and judicial nominee, it would be inappropriate for me to attempt to identify a hypothetical legal basis for an unlawful court order, particularly considering this is an abstract question of law involved in an ongoing political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- i. What is the process a party should follow if it believes a court order to be unlawful?

Response: Generally speaking, parties who disagree with a court order may appeal the order, file a motion for reconsideration, or seek a stay or some other relief from the order. Beyond that, as a sitting state court judge and judicial nominee, recommending what process a party should follow in a hypothetical situation would be inappropriate, particularly considering this is an abstract question of law involved in an ongoing political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- ii. Is it ever acceptable to not follow this process? When and why?

Response: Please see my Response to Question 5(d)(i).

- 6. Were you in Washington, D.C. on January 6, 2021?

Response: No.

- a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

**Senator Mazie K. Hirono**  
**Senate Judiciary Committee**

**Nomination Hearing**  
**Questions for the Record for John T. Shepherd**

1. Given that you estimate that less than 5% of the cases you have worked on have been in federal court, **why do you have the experience to serve as a federal judge?**

Response: Upon graduating from law school, I made the conscious decision to return to my small, rural hometown to practice law. I made this decision in order to gain immediate experience in the courtroom as well as make a difference in the lives of Arkansans. I was able to do that through my private law practice where I represented individuals and entities in civil litigation in both state and federal court. My representation in civil matters was on behalf of plaintiffs as well as defendants. I also practiced state criminal defense and federal criminal defense as a CJA Panel attorney. I later served as a Deputy Prosecuting Attorney and the appointed Prosecuting Attorney of my judicial district. As Prosecuting Attorney, I oversaw all criminal prosecutions in my six-county judicial district. As Prosecuting Attorney and Deputy Prosecuting Attorney, I personally handled felony cases from filing decision to jury trial or other adjudication, including homicides and other violent felonies, major drug cases, and white-collar criminal offenses. I believe all of this courtroom and leadership experience as an attorney has helped to prepare me for my current role as an elected state court trial judge. As a trial judge, I preside over civil and felony criminal matters.

I believe that in addition to my civil and criminal experience in federal court, my state court experience, both as an attorney and a judge, would be of great benefit to me. I believe this to be the case as the Arkansas Sentencing Guidelines, the Arkansas Rules of Civil Procedure, and the Arkansas Rules of Evidence are each very similar to their federal counterparts. Additionally, in diversity cases, I would be applying Arkansas substantive law in most cases. As a result, I believe that my varied experience, in both federal and state court, make me uniquely qualified to serve, if I am fortunate to be confirmed to the federal bench.

2. **Does the 4th Amendment protection against unreasonable search and seizure and the 5th Amendment right to Due Process apply regardless of skin color?**

Response: Yes.

**Nomination of John Thomas Shepherd**  
**United States District Court for the Western District of Arkansas**  
**Questions for the Record**  
**Submitted February 11, 2026**

**QUESTIONS FROM SENATOR BOOKER**

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."<sup>1</sup>

- a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

Response: As a sitting judge and judicial nominee, it would be inappropriate for me to comment on the statements of any political figure or on a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

2. If this Committee were to establish that a sitting federal judge knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: I have no knowledge on the procedures of the Senate Judiciary Committee nor would I presume to comment on how the Committee should proceed in the situation described hereinabove. As a sitting judge and judicial nominee, it would be inappropriate for me to comment on the actions of a political body or a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

3. If this Committee were to establish that a political appointee knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: I have no knowledge on the procedures of the Senate Judiciary Committee nor would I presume to comment on how the Committee should proceed in the situation described hereinabove. As a sitting judge and judicial nominee, it would be inappropriate for

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<sup>1</sup> Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

me to comment on the actions of a political body or a matter of political debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

4. How would you characterize your judicial philosophy?

Response: My judicial philosophy is as follows: (1) to take each case on a case-by-case basis; (2) to apply the law fairly and impartially; (3) to expeditiously issue orders and judgments; and (4) to treat all who come before the court with courtesy and respect.

5. What do you understand originalism to mean?

Response: My understanding is that originalism is a method of constitutional interpretation. Under the originalism method, the meaning of the text is determined by ascertaining the original public meaning at the time of ratification.

6. Do you consider yourself an originalist?

Response: Yes. As noted by other nominees, the Supreme Court has repeatedly interpreted constitutional provisions by discerning the original meaning of the words used as understood by the public at the time of ratification. If confirmed as a district court judge, I would follow all applicable Supreme Court and Eighth Circuit precedent in interpreting constitutional provisions.

7. What do you understand textualism to mean?

Response: My understanding is that textualism is a method of statutory interpretation. Under the textualism method, the meaning of the statute is determined by ascertaining the public meaning at the time of enactment.

8. Do you consider yourself a textualist?

Response: Yes. As noted by other nominees, the Supreme Court has repeatedly interpreted statutory provisions by discerning the meaning of the words used as understood by the public at the time of enactment. If confirmed as a district court judge, I would follow all applicable Supreme Court and Eighth Circuit precedent in interpreting statutory provisions.

9. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

- a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

Response: If confirmed as a district court judge, I would follow all binding precedent, including those concerning the use of legislative history or that relied on legislative history.

- b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: If confirmed as a district court judge, I would follow all binding precedent, including those concerning the determination of congressional intent as it relates to statutory interpretation.

10. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.<sup>2</sup>

- a. What do you attribute this to?

Response: I am not familiar with this study and, therefore, I cannot offer any assessment. As a sitting state court judge, I perform all of my duties without bias, prejudice, or partiality. If I am fortunate to be confirmed to the federal bench, I would continue to serve in the same manner.

11. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.<sup>3</sup>

- a. What do you attribute this to?

Response: I am not familiar with this report and, therefore, I cannot offer any assessment. As a sitting state court judge, I perform all of my duties without bias, prejudice, or partiality. If I am fortunate to be confirmed to the federal bench, I would continue to serve in the same manner.

12. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: As a sitting judge, I have an obligation to ensure that all defendants in criminal cases receive equal protection of the law and due process of law. If I am fortunate to be confirmed to the federal bench, 18 U.S.C. § 3553(a) lays out factors that a judge shall

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<sup>2</sup> Sonja B. Starr & M. Marit Rehani, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

<sup>3</sup> U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114\\_Demographic-Differences.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf).

consider when sentencing a defendant. A person's race should not factor into a judge's ultimate sentencing decision.

13. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: No person should be excluded from a judicial branch position because of their race, religion, national origin, ethnicity, sex, or any other characteristic protected by law. To exclude candidates from public service based on such characteristics would be unfair to those candidates, and it would harm the judicial branch and the public by precluding talented candidates from public service.

14. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

- a. Abortion
- b. Affirmative action
- c. Contraceptives or birth control
- d. Gender-affirming care
- e. Firearms
- f. Immigration
- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. Religious discrimination
- n. Disability discrimination
- o. Climate change or environmental disasters
- p. "DEI" or Diversity Equity and Inclusion

Response: To the best of my knowledge, my Senate Judiciary Questionnaire, as supplemented in a letter to Chairman Grassley and Ranking Member Durbin, discloses all of my responsive published writings and public statements. Aside from those previously disclosed publishing writings and public statements, I do not recall authoring any written materials or making additional public statements on the above-mentioned subjects.

15. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: Generally speaking, parties who disagree with a court order may appeal the order, file a motion for reconsideration, or seek a stay or some other relief from the order. Beyond that, as a sitting state court judge and judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is an abstract question of law of ongoing political and legal debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: I would consider the facts and the relevant law on such issue. Beyond that, as a sitting state court judge and judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is an abstract question of law of ongoing political and legal debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: As a sitting state court judge and judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is an abstract question of law of ongoing political and legal debate. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

16. Does the president have the power to ignore or nullify laws passed by Congress?

Response: The Constitution vests the President with authority to veto legislation passed by Congress. U.S. Const., art. I, § 7. Otherwise, the Constitution provides that the president “take Care that the Laws be faithfully executed.” U.S. Const., art. II, § 3. The Supreme Court has recognized that the Executive Branch has discretion to prioritize enforcement and prosecution of federal law. See, e.g., United States v. Texas, 599 U.S. 670 (2023); United States v. Nixon, 418 U.S. 683 (1974). How these general principles interact is an issue of ongoing political dispute. As a result, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment further on such political issues. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

17. Does the president have the power to withhold funds appropriated by Congress?

Response: This question relates to an ongoing political debate that is the subject of pending litigation. As a result, it would be inappropriate for me to comment on this issue. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4. If confirmed, I would faithfully apply all binding precedent on this issue.

18. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: This question relates to an ongoing political debate that is the subject of pending litigation. As a result, it would be inappropriate for me to comment on this issue. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4. If confirmed, I would faithfully apply all binding precedent on this issue.

19. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: Article VI of the Constitution provides that: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." The Supreme Court has explained that under the Supremacy Clause, "[c]ourts ... must not give effect to state laws that conflict with federal laws." Armstrong v. Exceptional Child Ctr., Inc., 575 U.S. 320, 324 (2015) (citing Gibbons v. Ogden, 9 Wheat. 1, 210, 6 L.Ed. 23 (1824)). If confirmed, I would faithfully follow all binding precedent on this issue.

20. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Supreme Court has stated that "the Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." Zadvydas v. Davis, 533 U.S. 678, 693 (2001). Additionally, there is an extensive body of Supreme Court precedents discussing what due process requires in various contexts. Beyond that, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment further as this question relates to an ongoing political debate that is the subject of pending litigation. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4. If confirmed, I would faithfully apply all binding precedent on this issue.

21. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: The Supreme Court has held that "Congress may vest discretion in executive agencies to implement and apply the laws it has enacted" and "[t]o distinguish between the permissible and the impermissible in this sphere, we have long asked whether Congress has set out an 'intelligible principle' to guide what it has given the agency to do." Fed. Commc'ns Comm'n v. Consumers' Research, 606 U.S. 656, 673 (2025). If confirmed, I would faithfully apply all binding precedent on this issue.

22. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: While it has been the practice of judicial nominees to not give an opinion about whether Supreme Court precedent was correctly decided, nominees have historically made an exception in the case of Brown v. Board of Education. Therefore, consistent with judicial canons, and just as other nominees before me, I can confirm that Brown was correctly decided.

23. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: Yes, Griswold v. Connecticut is binding precedent. In Griswold, the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives. I would faithfully follow all binding precedent if confirmed to the federal bench.

24. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: Yes, Lawrence v. Texas is binding precedent. In Lawrence, the Supreme Court held that laws criminalizing consensual sexual intimacy between adult members of the same sex violated the Fourteenth Amendment. I would faithfully follow all binding precedent if confirmed to the federal bench.

25. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: Yes, Obergefell v. Hodges is binding precedent. In Obergefell, the Supreme Court held that the Fourteenth Amendment required states to license same-sex marriages on the same terms and conditions as marriages between one man and one woman. I would faithfully follow all binding precedent if confirmed to the federal bench.

26. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: President Biden was certified as the winner of the 2020 presidential election and served four years. Beyond that, to the extent this question seeks an answer relating to broader political or policy debates, pending litigation, or on statements by any political figure, regarding the conduct of the 2020 presidential election, as a sitting judge and judicial nominee it would be inappropriate for me to comment on such issues. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see Response to Question 26.

- b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: Please see Response to Question 26.

27. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”<sup>4</sup>

- a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: President Trump was certified as the winner of the 2016 presidential election.

- b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: President Trump was certified as the winner of the 2016 presidential election.

- c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: President Trump was certified as the winner of the 2024 presidential election.

- d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: President Trump was certified as the winner of the 2024 presidential election.

- e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: The Twenty-Second Amendment states that “[n]o person shall be elected to the office of the President more than twice.” Beyond that, to the extent this question seeks an answer relating to broader political or policy debates, as a sitting judge and judicial nominee it would be inappropriate for me to comment on such issue. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

28. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: No.

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<sup>4</sup> U.S. CONST. amend. XXII.

29. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

30. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

31. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

32. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

33. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

34. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: When I was at the Department of Justice in preparation for my hearing, Mr. Blanche briefly attended and wished the nominees good luck.

35. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

36. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

37. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud

Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

38. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
- a. Enrique Tarrío
  - b. Stewart Rhodes
  - c. Kelly Meggs
  - d. Kenneth Harrelson
  - e. Thomas Caldwell
  - f. Jessica Watkins
  - g. Roberto Minuta
  - h. Edward Vallejo
  - i. David Moerschel
  - j. Joseph Hackett
  - k. Ethan Nordean
  - l. Joseph Biggs
  - m. Zachary Rehl
  - n. Dominic Pezzola
  - o. Jeremy Bertino
  - p. Julian Khater

Response: No as to all.

39. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

40. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

41. Article III Project (A3P) “defends constitutionalist judges and the rule of law.” According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”<sup>5</sup>

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<sup>5</sup> <https://www.article3project.org/about>

- a. Do you agree with the above statement?

Response: I am not familiar with the above statement nor am I aware of the context in which it was made. Beyond that, this question relates to an ongoing political debate. As a result, as a sitting state court judge and judicial nominee, it would be inappropriate for me to comment on this issue. See Code of Conduct for U.S. Judges, Canons 3, 5; Arkansas Code of Judicial Conduct, Canons 2, 4.

- b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

- c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: No.

- d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: No.

42. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: No.

- a. If so, who? What advice did they give?

Response: Not applicable.

- b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: Not applicable.

43. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

44. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

45. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

Response: I drafted my responses to each of these written questions. After receiving feedback from persons at the Office of Legal Policy at the Department of Justice, I finalized my answers and authorized them to be submitted to this Committee. My answers are my own.