

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Jeffrey M. Kuhlman
Nominee to be U.S. District Judge for the District of Kansas
April 22, 2026

1. You represented five juvenile detention officers who pinned down 17-year-old Cedric Lofton, a child in foster care who was experiencing a mental health crisis, for approximately 40 minutes. He went into cardiac arrest and died. You argued that a lawsuit brought by Mr. Lofton’s family should be dismissed. You said: “[i]f Lofton had been lying there, as this made-up narrative says, without doing anything, he’d be alive...He only died because he was fighting and because he was in an air deficit.”

In February 2026, a jury awarded Lofton’s family \$8.3 million in damages, finding that four of the five officers used excessive force.

- a. **Why did you argue that a 17-year-old child who weighed 135 pounds and was in the midst of a mental health crisis was responsible for his own death?**

Response: I respectfully disagree with the characterization of the argument I made on behalf of my client. As I told the jury during closing argument, Mr. Lofton’s death was a tragedy and I extend my condolences to his family. The precise issue before the Tenth Circuit when the above-referenced argument was made related to the level of Mr. Lofton’s resistance, and whether that resistance rose to the level that would entitle my clients to qualified immunity. Our position, based on the evidentiary record, was that due to Mr. Lofton’s mental health crisis, my clients testified they were unaware of, Mr. Lofton fought and resisted attempts to engage in the juvenile intake process. And the excerpt of argument cited in this question relates to the opinion rendered by the plaintiff’s medical expert: Mr. Lofton died, in part, because he was in a state of metabolic acidosis caused by both (1) his high exertion and (2) the impact that prone restraint had on his ability to take full breaths, and therefore, adequately breathe off carbon dioxide.

- b. **Do you regret any arguments you made during the course of this litigation?**

Response: No.

2. You graduated from law school in 2015 and then completed a two-year clerkship before you entered private practice in 2017, meaning you have at most nine years of experience practicing law. On a podcast, when asked to give advice to aspiring attorneys, you said: “The first two years of practicing law is like waking up every day and feeling like you don’t know what you’re doing...” In your own words then, you have only felt like you know what you are doing for the last seven years.

Given your minimal legal experience, what makes you qualified for a lifetime position on the federal bench?

Response: After gaining two years of valuable experience and exposure to federal litigation by clerking for Judge Melgren, I entered private practice. Since entering private practice in 2017, I have taken or defended hundreds of depositions, argued scores of motions in state and federal courts in Kansas, as well as in front of the United States Court of Appeals for the Tenth Circuit, and have tried three federal trials to verdict: two as lead counsel, and one as second chair. I have drafted hundreds of dispositive motions, *Daubert* motions, and motions in limine, and have been hired as lead counsel for some of the most high-profile lawsuits that have arisen in Kansas over the past five years.

My litigation experience speaks for itself.

3. While representing a Topeka police officer who shot and killed 33-year-old Taylor Lowery in October 2022, you and your co-counsel argued that it was not “in the public’s interest” to publicly release the body worn camera footage of the incident. You claimed in your filing that Mr. Lowery’s family had the right to access the footage for their wrongful-death lawsuit, but argued that, if made public, “the footage will be used for improper purposes.” You also claimed that the Lowery family had an “apparent desire to litigate this matter publicly, using video,” and later filed a motion seeking to impose sanctions on the Lowery family’s lawyer for publicly releasing the body camera footage to the media.

- a. **Do you believe the public has a legitimate interest in transparency when a law enforcement officer kills a civilian?**

Response: Yes.

- b. **Please explain what you meant by “improper purposes.” What specific harms were you concerned about, and who were you seeking to protect?**

Response: The Lowery Family’s lawsuit is still pending and, in light of my nomination, a new defense team has been substituted as counsel for my former clients. As a judicial nominee, it would be inappropriate for me to comment extensively on issues that are subject to pending litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6). I will note that attorneys in Kansas were bound by the Kansas Rules of Professional Conduct, including Rule 3.6, which relates to trial publicity.

4. During your hearing you said, “I’ve represented my clients in high profile cases, in cases that had negative media attention and negative scrutiny. And my clients have been really scared in those situations. I’ve had clients who have had death threats in types of cases because of coverages, often unfair coverage that those cases were getting...”
 - a. **Please identify all of the cases you have worked on that you believe received unfair media coverage.**

Response: A number of cases that I have worked on that have garnered significant media attention are still pending in some respect, including the *Marion County Record* cases and the Taylor Lowery case. As a judicial nominee, it would be inappropriate for me to comment extensively on issues that are subject to pending litigation. Additionally, it would be improper to comment on news coverage from media outlets because, if I am confirmed, these may be instances where media outlets are involved in litigation in the District of Kansas. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

b. Why do you believe the coverage was unfair in each case?

Response: See my answer to Question 4(a).

5. In your Senate Judiciary Questionnaire, four of your 10 most significantly litigated matters involved cases in which you represented law enforcement in suits filed for excessive force.

a. Have you ever represented individuals harmed by law enforcement using excessive force? If so, please provide the case citations.

Response: I have not.

b. If confirmed to the federal bench, why should individuals who have alleged excessive force by law enforcement believe their cases will be fairly decided by you?

Response: As an advocate, I zealously represented my clients. My practice generally consisted of defending governmental entities or employees, which included excessive force claims. If confirmed, I will no longer be an advocate for one side or the other. My only job will be to apply to the law faithfully, impartially, and fairly, to all parties and claims that appear before me.

6. Did President Trump lose the 2020 election?

Response: President Biden was certified as the winner of the 2020 presidential election.

7. Where were you on January 6, 2021?

Response: In Great Bend, Kansas.

8. Do you denounce the January 6 insurrection?

Response: It would be inappropriate for me, as a judicial nominee, to take a position as to how the events of January 6, 2021, should be characterized. Whether those events were an “insurrection” has significance for application of Section 3 of the Fourteenth

Amendment, an issue which may come before me if I am confirmed. I denounce any violence that occurred on January 6, 2021, and I denounce violence in all of its forms.

9. 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: The President’s pardon power is plenary, and the decision to issue a pardon is a political issue within the discretion of the President. It would be inappropriate for me, as a judicial nominee, to weigh in on the propriety of any pardon.

10. 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, a party who disagrees with a court order can seek reconsideration of the order, request a stay of that order, or appeal the order.

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

Response: In my years of practice, I have never come across a situation where it would be appropriate for a party to ignore or defy a federal court order, and I have never advised a client to do so. The normal course is for the party to seek reconsideration or appellate review if the party disagrees with the outcome. I am aware of a few well-established exceptions to this general practice, such as impossibility or a lack of jurisdiction. *United States v. Mine Workers*, 330 U.S. 258, 291 (1947).

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

Response: Generally speaking, the judicial branch is responsible for saying “what the law is.” *Marbury v. Madison*, 5 U.S. 137, 177 (1803). That said, every official in the government takes an oath to uphold the Constitution and laws of the United States.

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

a. Are non-party injunctions constitutional?

Response: The question of whether non-party injunctions are constitutional did not come up *Trump v. CASA*, 606 U.S. 831 (2025). That case was decided on statutory grounds; the Supreme Court determined that federal courts likely lack the statutory authority to issue universal injunctions that would apply to non-parties. If confirmed, I will apply all relevant precedent when considering injunctive relief. But as a judicial nominee, the Code of Conduct for United States Judges prohibits me from elaborating further as this is an issue that could come before me in the future.

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

Response: Please see my answer to Question 11(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 my answer to Question 11(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.

12. 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.

13. Does the U.S. Constitution permit a president to serve three terms?

Response: The 22nd Amendment to the Constitution provides, in relevant part, that “No person shall be elected to the office of the President more than twice.”

14. 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...”¹

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

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

Response: As a judicial nominee, it would not be appropriate for me to comment on statements by political figures regarding pending litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

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

Response: Please see my answer to Question 14.a.

15. 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”² and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”³

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

Response: As a judicial nominee, it would not be appropriate for me to comment on statements by political figures regarding pending litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

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

Response: Please see my answer to Question 15.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 my answer to Question 15.a.

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

Response: Never.

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

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

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

Response: In the Tenth Circuit, where I would be sitting a district court judge if confirmed, a panel cannot overturn another panel's decision. Only the en banc court can overturn prior precedent. *United States v. Hernandez-Rodriguez*, 352 F.3d 1325, 1333 (10th Cir. 2003). As a nominee to the district court, it would be inappropriate for me to opine on when the Tenth Circuit should overturn its precedent; if confirmed, I will apply all binding Tenth Circuit and Supreme Court precedent.

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

Response: The Supreme Court has issued opinions addressing situations in which it will overrule its own precedent. As a nominee to the district court, it would be inappropriate for me to opine on when the Supreme Court should overturn its precedent; if confirmed, I will apply all binding Supreme Court precedent.

19. 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: As a nominee, it is generally not appropriate to comment on whether a Supreme Court decision was correctly decided. That said, prior nominees *have* made an exception to this practice for *Brown v. Board of Education*, as well as *Loving v. Virginia*. With that in mind, *Brown* was correctly decided.

b. *Plyler v. Doe*

Response: *Plyler* is binding precedent that I would faithfully apply if confirmed.

c. *Loving v. Virginia*

Response: *Loving* was correctly decided. See my answer to Question 19(a).

d. *Griswold v. Connecticut*

Response: *Griswold* is binding precedent that I would faithfully apply if confirmed.

e. *Trump v. United States*

Response: *Trump* is binding precedent that I would faithfully apply if confirmed.

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

Response: *Dobbs* is binding precedent that I would faithfully apply if confirmed.

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

Response: *Bruen* is binding precedent that I would faithfully apply if confirmed.

h. *Obergefell v. Hodges*

Response: *Obergefell* is binding precedent that I would faithfully apply if confirmed.

i. *Bostock v. Clayton County*

Response: *Bostock* is binding precedent that I would faithfully apply if confirmed.

j. *Masterpiece Cakeshop v. Colorado*

Response: *Masterpiece Cakeshop* is binding precedent that I would faithfully apply if confirmed.

k. *303 Creative LLC v. Elenis*

Response: *303 Creative* is binding precedent that I would faithfully apply if confirmed.

l. *United States v. Rahimi*

Response: *Rahimi* is binding precedent that I would faithfully apply if confirmed.

m. *Loper Bright Enterprises v. Raimondo*

Response: *Loper Bright* is binding precedent that I would faithfully apply if confirmed.

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

Response: Yes. Generally speaking, I am an originalist and believe that courts should interpret constitutional provisions by trying to discern the original public understanding of the provision at issue. That said, if I am confirmed, I will apply on-point, binding precedent from the United States Supreme Court and the United States Court of Appeals for the Tenth Circuit. If a question of constitutional interpretation is a matter of first impression for which there is no on-point, binding precedent, I would attempt to discern the original public understanding of the provision at issue.

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

Response: Please see my answer to Question 20.

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

Response: The Supreme Court has held that there is a constitutional right to same-sex marriage and I would faithfully apply that precedent if confirmed.

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

Response: The Fourteenth Amendment was correctly interpreted to protect such a right in *Loving v. Virginia*, and I would faithfully apply that precedent if confirmed.

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

Response: Section 1 of the Fourteenth Amendment provides: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State 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.” There is a robust body of caselaw applying these provisions in various contexts.

Generally speaking, the Due Process Clause has been interpreted to contain both a procedural and substantive component. Procedurally, it requires basic procedural protection before the government can deprive a person of his life, liberty, or property. Substantively, it has been interpreted to include a substantive component that protects certain fundamental rights. The Equal Protection Clause, as interpreted by the Supreme Court, requires States to treat similarly situated people alike.

25. 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 provided guidance in cases like *Obergefell*, *Lawrence*, and *Romer*. I would faithfully apply these precedents, and their progeny, if confirmed.

26. 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 answer to Question 20.

27. 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 answer to Question 20.

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

Response: The First Amendment protects the freedoms of speech, religion, press, petition, and association from being abridged by the government. The application of the First Amendment is very context dependent. For example, different rules can apply depending on the forum at issue or the speaker's employment. If confirmed, I will faithfully follow and apply all binding precedent regarding the First Amendment.

29. 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: The Supreme Court recently explained that a law is content based if, on its face, the law applies to speech due to the topic discussed or the idea expressed. *TikTok, Inc. v. Garland*, 604 U.S. 56 (2025). In determining whether a law was content based or content neutral, I would carefully determine and apply all binding Tenth Circuit and Supreme Court precedent regarding this issue.

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

Response: The Supreme Court has explained that the First Amendment does not protect serious expressions that would convey, to a reasonable person, that the speaker means to commit violence against him. *Counterman v. Colorado*, 600 U.S. 66 (2023).

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

Response: Yes, although the level of process that is due depends on the specific circumstance or deprivation at issue. If confirmed, I will faithfully apply all precedent interpreting and applying the due process provisions of the Fifth and Fourteenth Amendments.

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

Response: This question touches on an issue that is subject to pending litigation. Therefore, it would be inappropriate for me to comment on this question as a judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

33. 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 issue is being actively litigated and this question is currently before the Supreme Court. Therefore, it would be inappropriate for me to comment on this question as a judicial nominee. If confirmed, I will faithfully apply Supreme Court precedent, regardless of how this issue is decided.

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: See my answer to Question 33(a).

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

Response: It is important that no person should be denied the opportunity to serve as a judge. Judges should be selected on the basis of merit, and no one should be denied any opportunities based on any immutable or protected characteristic.

35. 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: Judges should impartially apply all duly enacted laws, including the First Step Act.

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: I will fully and fairly apply all laws relating to sentencing, including all of the factors set forth in 18 U.S.C. § 3553.

36. 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 position or its context, and have no view or position on what it may mean.

- 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.⁴**

- 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 judicial nominee, it would be inappropriate to comment on any politician’s comments about another politician or public figure regarding a matter of political or public controversy. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

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

Response: See my answer to Question 36(b)(i).

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

Response: If confirmed, I would evaluate all my associations and memberships for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- 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: I have not.

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

- 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: I have not.

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

Response: I have not.

37. 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: I have not.

- 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: I have not.

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

Response: I have not.

38. 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: I have not.

- 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: I have not.

- 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: I have not.

- 39.** 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: I have not.

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

Response: I have not.

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

Response: I have not.

- 40.** 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: I have not.

- 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: I have not.

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

Response: I have not.

41. 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: I have not.

- 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: I have not.

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

Response: I have not.

42. 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: I have a good friend who works as an attorney at ADF. We have spoken once or twice in the past year about the fact that I was being considered for a district judge position.

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

Response: I have not.

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

Response: I have not.

43. 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: I have not.

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

Response: I have not.

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

Response: I have not.

- 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 am unaware of any such donations in support of my nomination. Any advocacy for or against my nomination would not bear on how I would decide cases if I am confirmed. To the extent that this question asks about policy or legal views on whether certain donations should be disclosed, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

- 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: I am unaware of any such donations. If I were to learn of any such donations, I would follow all of the legal requirements for financial disclosures outlined in the United States Federal Code and in the Judicial Code of Conduct. I will also carefully follow all of the appropriate procedures for identifying potential conflicts of interest and will take all appropriate action, including recusal when necessary.

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 answers to Questions 43(a)-(e).

Senate Judiciary Committee
Hearing on
Nominations
April 15, 2026
Questions for the Record
Senator Amy Klobuchar

For Jeffrey Marion Kuhlman, to the U.S. District Court for the District of Kansas

In May 2025, Chief Justice Roberts said that “in our Constitution...the judiciary is a co-equal branch of government, separate from the others, with the authority to interpret the Constitution as law - and strike down acts of Congress or acts of the President.”

He also said that part of the job of the courts was to “check the excesses of Congress or the executive and that does require a degree of independence.”

- Do you agree with the Chief Justice?

Response: Yes. I am unfamiliar with the specific context of Chief Justice Roberts’ statement, but as a general matter, the role of the judiciary is to faithfully apply the law, which may result in striking down acts of the legislative or executive branches.

**Nomination of Jeffrey Kuhlman to the
United States District Court for the District of Kansas
Questions for the Record
Submitted April 22, 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.

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 reviewed the responses of a handful of prior nominees before preparing my answers to these questions. I initially drafted each response myself. I received feedback from individuals in the Office of Legal Policy at the U.S. Department of Justice, before finalizing my answers and authorizing their submission to this Committee.

- 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: Yes, if the nominee agrees with the prior nominee's answer.

- 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: I cannot name all of my professional role models, here, as I have been privileged to work with excellent attorneys throughout my career. To name a few: the judge for whom I clerked, Judge Eric F. Melgren. I also think of colleagues that I have worked with in private practice: Judge Mitchell Herren, Allen Glendenning, and Taylor Calcara.

6. How would you describe your judicial philosophy?

Response: If I am fortunate enough to be confirmed, my judicial philosophy would be to impartially and fairly apply the law to decide cases and controversies properly before me under Article III of the Constitution, all while setting aside any personal views or preferences. In doing so, first and foremost, I would be duty-bound to faithfully apply precedent from the United States Supreme Court and the United States Court of Appeals for the Tenth Circuit. In matters of first impression involving constitutional or statutory interpretation, my approach would be to utilize textualist and originalist methods of interpretation.

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: In *Washington v. Glucksberg*, the Supreme Court instructed that the substantive due process clause of the Fourteenth Amendment protects “fundamental rights and liberties which are, objectively, deeply rooted in this Nation’s history and tradition.” 521 U.S. at 702, 720-21 (1997) (cleaned up). If confirmed, I would faithfully

apply all Supreme Court and Tenth Circuit precedent regarding fundamental rights protected under the Fourteenth Amendment.

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

Response: Yes.

- 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. The Supreme Court has used the nation's history and tradition in determining whether a fundamental right is protected. *E.g., McDonald v. City of Chicago*, 561 U.S. 742 (2010). Courts typically consult historical resources, such as case law and statutes from the time in question. Most importantly, I would look to and apply binding Supreme Court and Tenth Circuit precedent regarding the right at issue.

- 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. I would, of course, start with Supreme Court and Tenth Circuit precedent. If no clear answer can be found in binding precedent, case law from other circuits or jurisdictions can be persuasive or helpful.

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

Response: Yes.

- e. What other factors would you consider?

Response: Any other factors identified in applicable precedent from the Supreme Court or the Tenth 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: As a judicial nominee, it would be inappropriate to delve too deep into a hypothetical in a manner that could be seen as prejudging a potential dispute. At a general level, under Article II, Section 3, the President shall "take Care that the Laws be faithfully executed." That includes prosecutorial discretion and the ability of the President to prioritize how aggressively the law is enforced. *See United States v. Texas*, 599 U.S. 670, 678 (2023).

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

Response: Under the plain text of the 22nd Amendment, no person shall be elected president for a third term.

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: A candidate being certified as the winner of a presidential election means that the requisite number of presidential electors casts their vote in that candidate's favor, and that candidate will become the President of the United States.

11. The *New York Times* reported that on March 25, 2026, President Trump stated the following at a National Republican Congressional Committee event: "The time has also come for Republicans to pass a tough new crime bill that imposes harsh penalties for dangerous repeat offenders, cracks down on rogue judges. We got rogue judges that are criminals. They are criminals, what they do to our country. The decisions that they hand down and hurt our country."

- a. Is it a crime for a judge to rule against President Trump's desired outcome in a particular case?

Response: As a judicial nominee, it would not be appropriate for me to comment on statements by a political figure regarding proposed or potential legislation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6). As a general matter, it is not a crime for a judge to decide a case.

- b. Do you think that judges ruling against President Trump's desired outcome should be "crack[ed] down on"?

Response: As a judicial nominee, it would not be appropriate for me to comment on statements by a political figure regarding proposed or potential legislation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

- c. Is it possible for a judge's decision to be correct, as a matter of fact and law, even if it differs from President Trump's desired outcome?

Response: Yes.

- d. Do you agree with President Trump that we need a "tough new crime bill" that "cracks down on rogue judges"?

Response: As a judicial nominee, it would not be appropriate for me to comment on statements by a political figure regarding proposed or potential legislation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

- e. Do you think that rhetoric like the example quoted above could discourage a judge from ruling against President Trump’s desired outcome?

Response: As a judicial nominee, it would not be appropriate for me to comment on statements by a political figure regarding proposed or potential legislation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

- f. If you were confirmed and you ruled against President Trump’s desired outcome in a case, would you consider yourself a “rogue judge[]” and a “criminal[]”?

Response: As a judicial nominee, it would not be appropriate for me to comment on statements by a political figure regarding proposed or potential legislation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6). If confirmed, I will be independent and will faithfully and impartially apply the law.

- g. Do you think statements like those made by President Trump quoted above make federal judges more or less safe?

Response: As a judicial nominee, it would not be appropriate for me to comment on statements by a political figure regarding proposed or potential legislation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

- 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.” As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: If confirmed, I will take up any recusal issue on a case-by-case basis. In doing so, I would look closely at 28 U.S.C. § 455, the Code of Conduct for United States Judges, as well as ethics opinions from the Committee on Codes of Conduct, if necessary.

- 13. You note in your Senate Judiciary Questionnaire that you have served as a member (2020-22) and alternate member (2022-24) of the Kansas First District Republican Committee. Canon 5 of the Code of Conduct for federal judges says that judges should refrain from all political activity. If confirmed, do you plan to discontinue any relationship you may have with the Kansas First District Republican Committee or other political organizations?

Response: Yes.

- 14. 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.

15. 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: This question asks about a matter that is subject to political controversy and is the subject of pending litigation. Therefore, as a judicial nominee, it would be inappropriate for me to comment on this issue. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

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

Response: Yes.

- 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: Depending on the specific issue before me, I would look to Supreme Court and Tenth Circuit precedent to see if the issue had previously arisen. At a general level, in a “right to travel” case, I would probably start with the Privileges and Immunity Clause in Article IV of the Constitution and *Saenz v. Roe*, 526 U.S. 489 (1999).

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

Response: The Supreme Court has acknowledged the right to privacy as a fundamental right in certain contexts. *See, e.g., Lawrence v. Texas*, 539 U.S. 558 (2003); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswold v. Connecticut*, 381 U.S. 479 (1965).

- 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: Binding Supreme Court precedent protects this right, and if confirmed I would faithfully apply that precedent.

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

Response: Not necessarily. Even strident originalists have recognized that the First Amendment applies to the internet, not just the printing press. As Justice Scalia recognized, words should be interpreted to be given their plain meaning at the time they were written, “with the understanding that general terms may embrace later technological innovations. Antonin Scalia & Bryan Garner, *Reading Law: The Interpretation of Legal Texts* 15-16 (2012).

- 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 the text, contemporaneous precedent, statutes, dictionaries, and other writings.

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

Response: The Due Process Clause applies to citizens and non-citizens alike. If confirmed, I will adjudicate any claims before me fairly and impartially, without regard to a party’s immigration status.

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

Response: If I am fortunate enough to be confirmed, and a party ignores or defies an order, I would look to the applicable rules of procedure and precedent to determine the proper course of action. Presumably, those options could include an order to show cause, sanctions, or contempt proceedings.

21. 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: I would start by referring to the Federal Rules of Civil Procedure and relevant binding precedent. I would also rely on my experience as a civil litigator. I have served and responded to thousands of interrogatories and document requests and taken and defended hundreds of depositions, which has helped me to understand the normal flow of litigation.

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

Response: Again, I would look to the Federal Rules of Civil Procedure—particularly Rules 11 and 37—and consider whether an appropriate sanction may be necessary, along with relevant case law.

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

Response: Generally speaking, a court should not consider policy matters, such as the practicalities of a particular outcome or interpretation of a law. Judges should apply the law as it is written and interpreted by binding precedent, without substituting their personal views or policy preferences. That said, it is sometimes appropriate, when interpreting a written document, for a court to consider, whether a particular interpretation of the document would create an absurd or impossible outcome.

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

Response: A judge's personal life experience can impact his or her judicial temperament, and hopefully, can impact his or her ability to utilize sound judgment and treat all people with dignity and respect. That said, if confirmed, my primary goal will be to fairly and impartially apply the law to the facts of each case, without regard to my personal views.

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

Response: Please see my answer to Question 23. Judges should treat every party and attorney with respect and dignity.

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

Response: It is almost impossible to pick one. I have represented many clients in very difficult cases. Even when the underlying facts are ugly, it has been my professional honor to provide zealous representation to my clients, always subject to the facts, law, and with courtesy towards the other side.

I am particularly proud of my representation in *Harris v. Janes*, which is included in my Senate Judiciary Committee Questionnaire.

26. 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?

Response: I would certainly consider entering such an order. In any event, if confirmed I would consult with my fellow judges about their approach to this issue. I would relish the opportunity to allow more attorneys—especially younger attorneys—the opportunity to gain courtroom experience.

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

Response: I would encourage law students and junior lawyers to look for opportunities to provide pro bono representation as a way to gain experience and give back to their community. I also would hope to be involved in the local bar, and, to hire and train law clerks that would stay in my legal community and hopefully continue practicing in Kansas. Criminal justice appointments are another opportunity to provide valuable in-court experience.

27. Discuss your proposed hiring process for law clerks.

Response: Because I have not been confirmed, I have not yet developed a uniform process for hiring clerks. If fortunate enough to be confirmed, I would strive to identify clerks that respect the rule of law, take the job seriously, work hard, and treat others with respect.

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

Response: As a judicial nominee, it would be inappropriate for me to address this legislative proposal. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6). If

confirmed, I would not tolerate any form of unlawful discrimination or harassment in my chambers.

28. 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: Because I have not been confirmed, I have not yet developed or implemented a formal policy that would address this matter. I do know that I would have a zero-tolerance policy for any sort of sexual harassment or discrimination. If confirmed, everyone in my chambers will be required to treat others with respect, dignity, and professionalism at all times.

- 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 my answer to Question 28(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: I would consult with the Chief Judge of the District as well as the Federal Judicial Conference.

29. 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: It would be inappropriate for me, as a judicial nominee, to take a position as to how the events of January 6, 2021, should be characterized because these events are subject to ongoing litigation.

- 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: January 6, 2021, is a polarizing issue for many Americans. The discourse around the event, including the discourse by many sitting politicians, would make it inappropriate for me to comment. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

30. 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: The President’s pardon power is plenary, and the decision to issue a pardon is a political issue within the discretion of the President. It would be inappropriate for me, as a judicial nominee, to weigh in on the propriety of any pardon.

31. 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 my answer to Questions 29, 30, and 31.

32. At your Senate Judiciary Committee nomination hearing, Senator Kennedy asked you, “what’s the difference between . . . cause-in-fact and proximate cause?” You responded: “Cause-in-fact is the specific cause of death, or injury rather . . . Proximate cause does not always have to be the cause-in-fact, and there can be multiple causes, so a proximate cause is, you know, but for this thing happening, this injury may not have occurred.”

- a. Do you stand by your statement that “a proximate cause is . . . but for this thing happening, this injury may not have occurred”?

Response: No. I mixed up proximate cause and “but for” causation during my answer and appreciate the opportunity to correct my misstatement.

- b. If not, what is proximate cause?

Response: Proximate cause is “a cause that is legally sufficient to result in liability.” *United States v. Holder*, 135 F.4th 887, 904 (10th Cir. 2025). A defendant’s actions are the proximate cause of an injury if his action causes or contributes to the injury.

33. I am concerned about the lack of legal experience you would bring to this lifetime position. The American Bar Association Standing Committee on the Federal Judiciary recommends a minimum of 12 years of legal experience to consider a nominee qualified

for judicial office. Judge Eric Melgren—the jurist you are nominated to replace and for whom you clerked—had 23 years of legal experience, including 6 years as the U.S. Attorney for the District of Kansas, when President Bush nominated him to a seat on the federal bench.

- a. After graduating from law school and aside from your clerkship, how many years have you practiced law?

Response: I entered private practice in 2017, so I have been practicing law for nearly 9 years.

- b. You note in your Senate Judiciary Questionnaire: “I estimate I have tried approximately 35 trials to verdict. Four of those were jury trials that went to verdict. . . . Utilizing my third-year practice certificate at the Commonwealth Attorney’s Office in Alexandria, Virginia, I estimate that I tried approximately 10 - 12 bench trials on criminal misdemeanor or traffic offenses in the Alexandria General District Court. As City Prosecutor for a year in the City of Great Bend, I estimated that I tried approximately 20 bench trials on criminal misdemeanors or traffic offenses in Great Bend Municipal Court.”

A) How many cases have you tried to verdict in your civil practice?

Response: Three. I also tried a case that settled on the eve of a verdict early in my career. Since 2020, I have had approximately 20 to 50 open civil matters pending at a time. These matters have demanded far more time, attention, and experience than the traffic and misdemeanor cases I handled in one year that I served as City Attorney (which was in addition to this civil practice). These civil cases routinely had hundreds of thousand, if not millions, of dollars at stake. For that reason, trial is rare and settlements are the norm. Additionally, we often filed motions to dismiss or motions for summary judgment. Those were regularly granted, and obviously, those cases did not go to trial either.

In just the past twelve months, I have been lead counsel on two trials in federal court. The most recent trial—the *Teetz* case—was a nearly three-week jury trial on a case that had been litigated for almost four years. I was lead counsel for the defendants throughout that case, which included the taking and defending of nearly 40 depositions, the filing of a motion for summary judgment, an appeal and argument in front of the Tenth Circuit, and numerous pre-trial *Daubert* motions and motions in limine.

I have been lead counsel on scores of civil cases. I have taken and defended hundreds of depositions. I have drafted and filed countless dispositive motions and appellate briefs. I have argued dozens and dozens of motions in state and federal courts. I have tried three cases in federal court and have argued in front of the Tenth Circuit twice. My experience speaks for itself.

B) How many cases have you tried to verdict in your criminal practice that were not misdemeanors or traffic offenses?

Response: Every criminal case that I have tried has been a misdemeanor or traffic case. Four of those were jury trials.

C) How many cases have you tried to verdict in federal court?

Response: Please see my answer to Question 33.b.A.

Questions for the Record for Jeffrey Kuhlman
Submitted by Senator Richard Blumenthal
April 22, 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: Yes.

- 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: If confirmed, I will consider recusal issues on a case-by-case basis, and will refer to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other precedent or guidance regarding recusal. If my impartiality might reasonably be questioned, if any of the facts set forth in 28 U.S.C. § 455(b) are met, or if for any other reason, in my judgment, recusal is appropriate, I will recuse myself.

- 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 answer to Question 1(a).

- 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 answer to Question 1(a).

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 confirmed, I will adhere to all ethical rules and obligations that apply to federal judges, and will follow the Code of Conduct for United States Judges and all applicable rules governing *ex parte* communications.

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

Response: If confirmed, I will adhere to all ethical rules and obligations that apply to federal judges, and I will follow the Code of Conduct for United States Judges.

- 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 above.

- 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 above.

- 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: If confirmed, I will faithfully comply with the Code of Conduct and all applicable statutes, regulations, and guidance regarding gifts and potential conflicts of interest.

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

Response: If confirmed, I will faithfully comply with the Code of Conduct and all ethical rules and obligations regarding judicial conduct, including any rules and obligates related to privately funded travel, hospitality, or entertainment.

- 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: This language is from the Supreme Court case *Ex Parte Robinson*, 86 U.S. 505 (1873). As a judicial nominee, it would be inappropriate for me to give my views on this precedent, other than to note that, if confirmed, I would follow this, and any other, binding precedent.

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

Response: See my answer 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: Generally speaking, courts can enforce their orders through orders to show cause, sanctions, and civil and criminal contempt proceedings.

- 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: Generally speaking, parties should follow orders issued by Courts that have jurisdiction over them. I am aware of a few well-established exceptions to this general rule, such as impossibility or a lack of jurisdiction. *United States v. Mine Workers*, 330 U.S. 258, 291 (1947).

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

Response: See my answer to Question 5(b).

- d. What would make a court order unlawful?

Response: An order is void and null if the court lacked jurisdiction to enter it. *In re Sawyer*, 124 U.S. 200 (1888). A party may believe an order is “unlawful” in that it is erroneous or incorrect, but it would still be binding unless it was modified or reversed on appeal.

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

Response: A party that believes an order is unlawful can file a motion for reconsideration, move for a stay or deferral, and/or seek appellate review of the order.

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

Response: In my years of practice, I have never come across a situation where it would be appropriate not to follow this process, although I am aware of narrow exceptions. *E.g.*, *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009); *Shillitani v. United States*, 384 U.S. 364, 371 (1966).

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.

7. Was the United States Capitol attacked on January 6, 2021?

Response: It would be inappropriate for me, as a judicial nominal, to take a position as to how the events of January 6, 2021, should be characterized.

8. Who won the 2020 election?

Response: President Biden was certified as the winner of the 2020 election.

- a. Who won the popular vote in the 2020 election?

Response: Please see my answer to Question 8 above. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee.

b. Who won the electoral college in the 2020 election?

Response: A majority of electors cast their vote for President Biden in the 2020 election, and therefore, President Biden was certified as the winner of the 2020 election.

c. Did Donald Trump lose the 2020 election?

Response: See my answer to Question 8(b).

9. Who won the 2024 election?

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

a. Who won the popular vote in the 2024 election?

Response: Please see my response to Question 9 above. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2024 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee.

b. Who won the electoral college in the 2024 election?

Response: Please see my answer to Question 9 above.

c. Did Donald Trump lose the 2024 election?

Response: Please see my answer to Question 9 above.

10. In your questionnaire, you told the Senate Judiciary Committee that you had tried approximately 35 cases to verdict. Is that accurate?

Response: Yes.

a. Is it correct that approximately 12 of those 35 cases occurred at an internship while you were a law student?

Response: No. I was not an intern at the City of Alexandria Commonwealth Attorney's Office. I was a full-time, salaried employee as the senior law clerk while I attended law school in the evening. In my final year there, when I was able to appear in court with a third-year practice certificate, I estimate that I tried 10 to 12 cases, three of which were jury trials.

- i. Is it correct that those 12 cases involved only traffic offenses and misdemeanors?

Response: Yes. As you may be aware, trial experience can often be difficult to obtain for young and seasoned attorneys alike. I was fortunate to have the opportunity to try so many cases, including two jury trials, at the City of Alexandria Commonwealth Attorney's Office. Many of the skills and procedural knowledge that I learned there have continued to apply in the more complex civil litigation that I now handle.

- b. Is it correct that, of the approximately 25 cases that you tried after graduating law school, about 20 also involved only traffic offenses and misdemeanors?

Response: Yes.

- c. Do you—who graduated from law school in 2015, whose trial experience is overwhelmingly in traffic offenses and misdemeanors, and whose internship comprises a third of his trial experience—believe that you have the requisite experience for a lifetime appointment to the federal bench?

Response: As conveyed though the list of my significant cases in the Senate Judiciary Committee Questionnaire, my experience is overwhelmingly in civil litigation in federal court.

Traffic and criminal misdemeanor cases go to trial relatively regularly. This is shown by the fact in one year as a law student, and one year as the City Attorney for the City of Great Bend, I was able to try approximately 30 traffic and misdemeanor trials.

My civil caseload carried much higher stakes. Since 2020, I have had approximately 20 to 50 open civil matters pending at a time. These matters have demanded far more time, attention, and experience than the one year that I served as City Attorney (which was in addition to this civil practice). Often, there were hundreds of thousands, if not millions of dollars, at stake in these matters. For that reason, trial is rare and settlements are the norm. Additionally, we often filed motions to dismiss or motions for summary judgment. Those were regularly granted, and obviously, those cases did not go to trial either.

In just the past twelve months, I have been lead counsel on two trials in federal court. The most recent trial—the *Teetz* case—was a nearly three-week jury trial

on a case that had been litigated for almost four years. I was lead counsel for the defendants throughout that case, which included the taking and defending of nearly 40 depositions, the filing of a motion for summary judgment, an appeal and argument in front of the Tenth Circuit, and numerous pre-trial *Daubert* motions and motions in limine.

I have been lead counsel on scores of civil cases. I have taken and defended hundreds of depositions. I have drafted and filed countless dispositive motions and appellate briefs. I have argued dozens and dozens of motions in state and federal courts. I have tried three cases in federal court and have argued in front of the Tenth Circuit twice. My experience speaks for itself.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Jeffrey Kuhlman

1. As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two initial questions:
 - a. **Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

Response: No.

- b. **Have you ever faced discipline or entered into a settlement related to this kind of conduct?**

Response: No.

Nomination of Jeffrey M. Kuhlman
United States District Court for the District of Kansas
Questions for the Record
Submitted April 22, 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.”¹

- 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 judicial nominee, it would be inappropriate for me to opine on the statements of any political figure or on any subject of political controversy.

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 presume procedures are in place to effectively address that situation if it arose, and I would defer to this Committee to follow those procedures.

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 presume procedures are in place to effectively address that situation if it arose, and I would defer to this Committee to follow those procedures.

4. How would you characterize your judicial philosophy?

Response: If I am fortunate enough to be confirmed, my judicial philosophy would be to impartially and fairly apply the law to decide cases and controversies properly before me under Article III of the Constitution, all while setting aside any personal views or

¹ 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>.

preferences. In doing so, first and foremost, I would be duty-bound to faithfully apply binding precedent from the United States Supreme Court and the United States Court of Appeals for the Tenth Circuit. In matters of first impression involving constitutional or statutory interpretation, my approach would be to utilize textualist and originalist methods of interpretation.

5. What do you understand originalism to mean?

Response: Originalism is a method of constitutional interpretation in which a judge applies the original public meaning of the provisions he is interpreting.

6. Do you consider yourself an originalist?

Response: Yes. That said, if I am confirmed, I will apply on-point, binding precedent from the United States Supreme Court and the United States Court of Appeals for the Tenth Circuit. If a question of constitutional interpretation is a matter of first impression for which there is no on-point, binding precedent, I would attempt to discern the original public understanding of the provision at issue.

7. What do you understand textualism to mean?

Response: Textualism is a method of statutory interpretation in which a judge's interpretation is grounded on the text of a statute, giving words their ordinary meaning in context.

8. Do you consider yourself a textualist?

Response: Yes. That said, if I am confirmed, I will apply on-point, binding precedent from the Supreme Court and the Tenth Circuit. If a question of statutory interpretation is a matter of first impression for which there is no on-point, binding precedent, I would apply principles of textualism to interpret the statute at issue.

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: Generally speaking, if the meaning of a statute's terms is plain, there is no need to consult legislative history. *E.g.*, *Bostock v. Clayton Cnty.*, 590 U.S. 644, 674 (2020); *Mohamad v. Palestinian Authority*, 566 U.S. 449, 458 (2012). If confirmed, my approach to statutory interpretation will be to look at the plain meaning of the text to determine what the law means. Because legislative history does not meet the requirements of Article I, Section 7 of the U.S. Constitution and thus is not law, it cannot be used to alter the meaning of unambiguous text. If confirmed, I will follow

all applicable precedent from the Supreme Court and the Tenth Circuit regarding the use of legislative history.

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

Response: Please see my answer to Question 9(a).

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.²

- a. What do you attribute this to?

Response: I am not personally familiar with this study or statistic and am not in a place to comment on it. If confirmed, I will apply the law equally to all people that appear before me, and I will treat every person fairly and impartially.

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.³

- a. What do you attribute this to?

Response: I am not personally familiar with this report or statistic and am not in a place to comment on it. If confirmed, I will apply the law equally to all people that appear before me, and I will treat every person fairly and impartially.

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: A federal judge's duty is to apply the law fairly and faithfully to all people, regardless of that person's race. That includes application of 18 U.S.C. § 3553(a), which provides that courts should consider "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct."

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

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

³ 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.

Response: Yes. No person should be denied the opportunity to serve as a judge, clerk, or administrative staff member based on any immutable or protected characteristic.

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 discloses all my published writings and public statements. I do not recall having published written material or made public statements regarding any of these topics.

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

Response: In my years of practice, I have never come across a situation where it would be appropriate for a party to ignore or defy a federal court order, and I have never advised a client to do so. The normal course is for the party to follow the order and seek reconsideration or appellate review if the party disagrees with the outcome. I am aware of a few well-established exceptions to this general practice, such as impossibility or a lack of jurisdiction. *United States v. Mine Workers*, 330 U.S. 258, 291 (1947).

- 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: If I am fortunate enough to be confirmed, and a party ignores or defies an order, I would look at the applicable rules of procedure and precedent to determine the proper course of action. Presumably, those options could include an order to show cause, sanctions, or contempt proceedings.

- 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: Please see my answers to Questions 15 and 15(a).

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

Response: At a general level, under Article I, Section 7 of the Constitution, the President has the authority to veto legislation passed by Congress. And under Article II, Section 3, the President shall “take Care that the Laws be faithfully executed.” That includes prosecutorial discretion and the ability of the President to prioritize how aggressively the law is enforced. *See United States v. Texas*, 599 U.S. 670, 678 (2023). How those powers are applied and interact with the legislative branch is a matter of ongoing dispute and it could come before me as a judge, if I am confirmed. Thus, under the Code of Conduct for United States Judges, it would be inappropriate for me to provide further commentary. *See Code of Canon for U.S. Judges*, Canons 3, 5.

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

Response: I am generally aware of the Impoundment Control Act in 1974, and the Supreme Court’s decision in *Train v. City of New York*, 420 U.S. 35 (1975), but have not encountered this issue in my practice or researched it in great detail. But as a judicial nominee, it would be inappropriate for me to comment on potential hypothetical situations in which the President’s constitutional powers particularly in an area that is the subject of ongoing litigation. *See Code of Canon for U.S. Judges*, Canons 3, 5.

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: Please see my answer to Question 17.

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

Response: Yes.

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

Response: The Supreme Court has held that the Fifth Amendment's Due Process Clause applies to non-citizens present in the United States. If confirmed, I would adhere to binding precedent applying the Fifth Amendment.

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

Response: Yes, subject to a robust body of precedent governing such delegations. *E.g.*, *Learning Res., Inc. v. Trump*, 165 S. Ct. 628 (2026); *Biden v. Nebraska*, 600 U.S. 477 (2023); *West Virginia v. EPA*, 597 U.S. 697 (2022); *Gundy v. United States*, 588 U.S. 128 (2019); *Whitman v. American Trucking*, 531 U.S. 457 (2001). If confirmed, I will apply any binding precedent to resolve any questions that may come before me regarding the delegation of legislative powers to administrative bodies.

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

Response: Yes. Although nominees typically refrain from offering views on whether a particular Supreme Court precedent was correctly decided, numerous nominees have made an exception for *Brown v. Board of Education*.

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

Response: Yes, *Griswold* is binding precedent in which the Supreme Court held that the Fourteenth Amendment of the Constitution protects the right to use contraceptives.

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

Response: Yes, *Lawrence* is binding precedent in which the Supreme Court held that laws criminalizing sexual intimacy between members of the same sex violate the Fourteenth Amendment.

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

Response: Yes, *Obergefell* is binding precedent in which the Supreme Court held that the Fourteenth Amendment protected a same-sex couple's right to marry in all states.

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. To the extent you are asking about disputes or political statements regarding the 2020 presidential election, under the Code of Conduct for United States Judges, it would be inappropriate for me to provide further commentary. *See* Code of Canon for U.S. Judges, Canon 3(A)(6).

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

Response: Please see my answer 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 my answer to Question 26.

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

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: Please see my answer to Question 27(a).

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: Please see my answer to Question 27(c).

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

Response: The 22nd Amendment prohibits any person from being elected to the office of the President more than twice.

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?

⁴ U.S. CONST. amend. XXII.

Response: No.

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: No.

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.

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.”⁵

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

a. Do you agree with the above statement?

Response: I am not familiar with this statement or its context. I do not believe Democrats are evil. I believe people are fundamentally good.

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: Not to my knowledge.

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

Response: Not to my knowledge.

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

Response: Not to my knowledge.

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?

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

Response: No.

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: Not to my knowledge. I am not familiar with the Article III Project or what individuals are associated with that project.

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: Not as part of the selection process. I have several friends and colleagues that are members of the Federalist Society that I interact with in a variety of contexts.

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 reviewed the answers provided by some previous nominees to understand the general length and appropriate tone of prior responses. I also received feedback from persons at the Office of Legal Policy at the U.S. Department of Justice. Ultimately, I drafted and finalized all of my answers.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Jeffrey Marion Kuhlman
Hearing on “Nominations”
Wednesday, April 22, 2026

1. In 2024, you represented Sedgwick County correctional officers after they held a child in the prone position for approximately 40 minutes, at which point the child went into cardiac arrest and passed away.
 - a. You were a Shareholder/Attorney at Watkins Calcara when you were lead counsel for these clients. Please explain what factors you considered in choosing to represent them.

Response: My partner Allen Glendenning and I were contacted by the Sedgwick County Counselor’s office about representing the individual Sedgwick County employees pursuant to the Kansas Tort Claims Act—K.S.A. 75-6108—which provides that governmental entities shall provide a defense to governmental employees who are sued civilly for acts taken in the scope of their employment.

My civil practice involves the representation of governmental entities and employees at every level, including cases with difficult underlying facts, and this case was no different.

- b. You argued that the suit against your clients should be dismissed under the doctrine of qualified immunity. The Supreme Court has said that the doctrine of qualified immunity balances two interests: (1) “the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably,” and (2) “the need to hold public officials accountable when they exercise power irresponsibly.” Please explain why you believed that the doctrine of qualified immunity applied to the five correctional officers you represented.

Response: Under the doctrine of qualified immunity, in a claim against a governmental employee sued in his individual capacity, the plaintiff must prove both that (1) the defendant violated a constitutional right, and (2) that the right violated was clearly established. *Cummings v. Dean*, 913 F. 3d 1227, 1239 (10th Cir. 2019). Our argument was that under Tenth Circuit case law regarding prone restraint, my clients did not violate clearly established law by utilizing a prone restraint on Mr. Lofton while he was still fighting, struggling, and resisting. We believed that we had a good faith basis in both fact and law to raise that defense. Ultimately, the Tenth Circuit disagreed and denied qualified immunity to our clients.

- c. Why did you list this case in your questionnaire to this Committee as one of the ten (10) most significant cases you litigated during your career? Please explain.

Response: The *Teetz* case was a very high-profile and heavily litigated case. The parties took dozens of depositions and disclosed numerous experts. We litigated the case for over three years, which included many hours of fact and expert depositions, summary judgment briefing, an appeal to the Tenth Circuit, and countless *Daubert* motions and motions in limine. Ultimately, the case was tried in a nearly three-week jury trial in federal court. The plaintiff's counsel is very competent and, although we vigorously litigated our sides of the case, I gained immense professional respect for counsel.