

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Jeffrey T. Kuntz**  
**Nominee to be U.S. District Judge for the Southern District of Florida**  
**May 6, 2026**

1. You authored the Fourth District Court of Appeal’s majority opinion in *Alexander v. Trump* holding that President Trump’s lawsuit against the individual members of the Pulitzer Prize Board for defamation and conspiracy could continue. President Trump sued the Board for bestowing its prize on publications for their reporting on Russia’s interference in the 2016 election and the Board’s subsequent decision not to strip the publications of the recognition after Trump’s demand that they do so.

According to your Senate Judiciary Questionnaire, you spoke with Senator Scott’s office in November 2024 about your interest in being nominated for this position. This opinion was issued on February 12, 2025. Sixteen days later, you interviewed with attorneys from the White House Counsel’s Office regarding your nomination.

**a. Did you discuss this case during your interview with the White House Counsel’s Office?**

**Response:** During my interview at the White House in February 2025, I was asked about the reasoning of several of my cases, including the *Trump v. Alexander* case. The reasoning is contained in the majority opinion, which can be found at *Alexander v. Trump*, 404 So. 3d 425 (Fla. 4th DCA 2025).

Judge Edward Artau, one of the judges on the appellate panel, wrote a concurring opinion that went further than the majority opinion by addressing the merits of the President Trump’s defamation and conspiracy claims. Judge Artau took it upon himself to zealously make the President’s case, opening and closing his opinion with the same phrase, “FAKE NEWS.”

**b. Please explain why you did not join Judge Artau’s concurring opinion in *Alexander v. Trump*.**

**Response:** The majority opinion in the case speaks for itself. Additionally, as the case is one that may come before my current court, it would be inappropriate for me to comment further.

During your exchange with Senator Coons regarding this case, you distinguished between the judicial vacancy you were initially interested in filling in November 2024 and the current vacancy you have been nominated to fill.

**c. Is the vacancy you referenced when answering Senator Coons the position Judge Artau was ultimately nominated to fill?**

**Response:** Yes, the only vacancy that existed in November 2024 is the vacancy that Judge Artau was nominated to fill.

**d. When did you learn that you were not selected for the vacancy available in November 2024?**

**Response:** I did not learn about Judge Artau's nomination until it was announced by the President and reported in the media.

Judge Artau was also interviewed by the White House Counsel's Office at the end of February 2025, and his nomination was announced in May 2025.

**e. Once you were assigned the case, did you make the defendants in the case aware that you had taken steps to be considered for a lifetime appointment to the federal bench by the plaintiff in this case?**

**Response:** I disagree with the characterization as I did not hear from the White House until after the conclusion of the case.

**f. Knowing that you might be nominated for a federal judgeship, were you concerned with any appearance of impropriety when you were assigned to this case?**

**Response:** Please see my response to Question 1.e. above.

**2.** You were endorsed by Florida Family Action in your 2018 and 2024 retention elections. The organization opposes a bill that would prohibit the use of the gay panic defense to mitigate criminal offenses and opposes a bill that protect LGBTQ+ individuals from hate crimes. According to a Democratic Florida voter guide, the group claims credit for defunding Planned Parenthood and forcing the state board of education to teach students evolution is merely a theory, not a fact.

**a. Were you aware that Florida Family Action endorsed you during the most recent retention elections?**

**Response:** I do not believe I was aware of the endorsement at the time and had no communication with the group.

**b. Do you believe that evolution is a theory or a fact?**

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

In its 2024 voting guide endorsing you, Florida Family Action wrote that it is “far more critical” that appellate and Florida Supreme Court judges possess a conservative judicial philosophy than trial court judges.

**c. Why do you think an anti-LGBTQ organization that opposes funding for reproductive rights and teaching children about evolution endorsed you?**

**Response:** I am unfamiliar with the basis for any endorsement from that group.

**3.** In your Senate Judiciary Questionnaire, you disclosed that you had authored hundreds of blog posts on the Florida Legal Blog. The blog also links to the X (formerly Twitter) account @FloridaLegal, which lists your name as the owner of the account.

**a. Were you the author of all tweets or retweets by this account?**

**Response:** No, generally not. I set up rules and automations that automatically published tweet when certain conditions were satisfied such as judicial opinions, the publication of law review articles, and the publication of news articles by various sources.

The account currently has 23 posts, all of which were posted after you stopped contributing to the blog. However, an archived version from 2016 indicates that the account had at least 17,200 tweets at the time.<sup>1</sup>

**b. At what point did you decide to delete these thousands of tweets from the account?**

**Response:** To my recollection, the tweets were deleted on November 4, 2016, the day Governor Scott called me to inform me that he was appointing me to the Fourth District Court of Appeal.

**c. Why did you delete the posts from the account?**

**Response:** I deleted the posts to comply with then governing interpretations of the Florida Code of Judicial Conduct.

On August 11, 2016, your account posted a tweet which said, “Why Would You Trust Trump on SCOTUS?”<sup>2</sup> The post appears to link to an article in *The Weekly Standard*,<sup>3</sup> which quotes conservative legal commentator Ramesh Ponnuru’s assessment that then-candidate Trump “doesn’t care about the Constitution or the proper role of judges. When he talks about the Constitution, it’s glibly and dismissively.”<sup>4</sup>

**d. Do you recall posting this tweet?**

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<sup>1</sup> <https://web.archive.org/web/20160822201601/https://twitter.com/FloridaLegal>.

<sup>2</sup> <https://web.archive.org/web/20160822201601/https://twitter.com/FloridaLegal>.

<sup>3</sup> <https://weeklystandardarchives.com/articles/why-would-you-trust-trump-on-scotus/>.

<sup>4</sup> <https://www.aei.org/articles/trumps-meaningless-vow-on-the-supreme-court/>.

**Response:** No.

**e. Do you stand by the assessment of President Trump that you linked to in the post?**

**Response:** I neither recall posting the tweet nor do I have any recollection of the assessment described in the question.

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

**Response:** Joseph R. Biden, Jr. was certified the winner of the 2020 Electoral College and, as a result, became the 46<sup>th</sup> President of the United States.

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

**Response:** I was at the Fourth District Court of Appeal in West Palm Beach, Florida during the workday, and I hosted a Boca Raton Little League manager's meeting in the evening.

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

**Response:** I denounce all violence. Beyond that, under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

**7. 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:** See my answer to Question 6.

**8. 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 a litigant is permitted to seek a stay in the issuing court and reviewing court; and can appeal the order to the reviewing court.

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

**Response:** Subject to the remedies referenced in response to Question 8.b., litigants are expected to comply with all court orders.

**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, the judicial branch is responsible for determining the lawfulness of a federal court order.

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

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

**Response:** The Supreme Court decided this issue in *Trump v. CASA, Inc.*, 606 U.S. 831, 841 (2025), and I will faithfully follow all precedent of the Supreme Court.

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

**Response:** Please see my response to Question 9.b.

**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 response to Question 9.b.

**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.

**10. 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.

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

**Response:** The 22nd Amendment states that no person may be “elected to the office of the President” for a third term. *See* U.S. Const., amend. XXII. The text of the Amendment speaks for itself.

**12. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who**

“...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”<sup>5</sup>

**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:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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

**Response:** Please see my response to Question 12.a. above.

**13.** In addition to the President’s own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”<sup>6</sup> and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”<sup>7</sup>

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

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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

**Response:** Please see my response to Question 13.a. above.

**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 response to Question 13.a. above.

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

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<sup>5</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

<sup>6</sup> Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

<sup>7</sup> Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

**Response:** A lower court is always bound by Supreme Court precedent until such time as the Supreme Court recedes from that precedent.

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

**Response:** The circuit court should follow the law when considering precedent, and follow rules and procedures when determining whether to overturn any precedent.

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

**Response:** The Supreme Court should follow the law when considering precedent. If I am fortunate enough to be confirmed, I would faithfully follow all binding Supreme Court precedent.

**17. 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:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, past nominees including all nine justices on the United States Supreme Court recognized that *Brown v. Board of Education* is a landmark ruling that is a limited exception to the prohibition on commenting on past Supreme Court decisions. Therefore, I can confirm that *Brown* was correctly decided.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Plyler v. Doe*.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, *Loving v. Virginia* is a landmark ruling that is a limited exception to the prohibition on commenting on past Supreme Court decisions. Therefore, I can confirm that *Loving* was correctly decided.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Griswold v. Connecticut*.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Trump v. United States*.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Dobbs v. Women’s Health Organization*.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *New York State Rifle & Pistol Association, Inc. v. Bruen*.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Obergefell v. Hodges*.

**i. *Bostock v. Clayton County***

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See Fla. Code of Jud. Conduct 2.* However, if confirmed, I will follow

and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Bostock v. Clayton County*.

**j. *Masterpiece Cakeshop v. Colorado***

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See* Fla. Code of Jud. Conduct 2. However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Masterpiece Cakeshop v. Colorado*.

**k. *303 Creative LLC v. Elenis***

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See* Fla. Code of Jud. Conduct 2. However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *303 Creative LLC v. Elenis*.

**l. *United States v. Rahimi***

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See* Fla. Code of Jud. Conduct 2. However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *United States v. Rahimi*.

**m. *Loper Bright Enterprises v. Raimondo***

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See* Fla. Code of Jud. Conduct 2. However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Loper Bright Enterprises v. Raimondo*.

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

**Response:** The Supreme Court has interpreted constitutional provisions by understanding the original public meaning. I would faithfully follow all Supreme Court precedent.

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

**Response:** The Supreme Court has interpreted constitutional provisions by understanding the original public meaning. I would faithfully follow all Supreme Court precedent and all precedent of the United States Court of Appeals for the Eleventh Circuit.

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

**Response:** Please see my response to Question 17.h. above.

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

**Response:** Please see my response to Question 17.c. above.

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

**Response:** The Equal Protection Clause of the Fourteenth Amendment states that “[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” I would faithfully apply all precedent from the Supreme Court and the United States Court of Appeals for the Eleventh Circuit interpreting this provision.

**23. 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:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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

**Response:** Please see my response to Question 18 above.

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

**Response:** Please see my response to Question 18 above.

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

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on issues that may come before me as a judge.

**27. 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:** I would apply controlling Supreme Court and Eleventh Circuit precedent. But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment further on issues that may come before me as a judge.

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

**Response:** I would apply controlling Supreme Court and Eleventh Circuit precedent. But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment further on issues that may come before me as a judge.

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

**Response:** The Supreme Court held that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would faithfully follow this and other controlling Supreme Court precedent. However, this question implicates issues that are the subject of ongoing litigation, and that could come before me if I am confirmed. Therefore, it would be inappropriate for me as a nominee to further address this question.

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

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

**31. 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:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

**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:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues.

**33.** 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:** I would follow the law as written.

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

**Response:** Yes.

**34.** 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 the quote included in the question. My understanding is that the Federalist Society exists “to sponsor fair, serious, and open debate about the need to enhance individual freedom and the role of the courts in saying what the law is rather than what they wish it to be” and “do[es] not lobby for legislation, take policy positions, or sponsor or endorse nominees and candidates for public service.”

**b. President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.<sup>8</sup>**

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

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues.

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

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues.

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

**Response:** Yes.

**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 knowingly had any discussions with any Federalist Society employees or officers about the judicial selection process. Further, I have not had any discussions with Leonard Leo or Steven G. Calabresi during the selection process. I note that the Federalist Society has thousands of members and I certainly spoke to some of them. For example, I have friends that are members of the Federalist Society and I communicated with some of them about my nomination.

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

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

**Response:** Yes, as disclosed in my Senate Judiciary Questionnaire.

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

**Response:** No.

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

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

**Response:** No.

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

**Response:** No.

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

**Response:** No.

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

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

**Response:** No.

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

**Response:** No.

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

**Response:** No.

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

**Response:** No.

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

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

**Response:** No.

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

**Response:** No.

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

**Response:** No.

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

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

**Response:** No.

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

**Response:** No.

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

**Response:** No.

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

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

**Response:** No.

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

**Response:** No.

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

**Response:** No.

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

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

**Response:** No.

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

**Response:** No.

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

**Response:** No.

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

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

**Response:** No.

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

**Response:** No.

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

**Response:** No.

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

**Response:** I do not have any knowledge about the organizations you mentioned. Furthermore, under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues.

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

**Response:** If confirmed, I will follow the recusal statute and all ethical requirements of the Code of Conduct for United States Judges. I will also consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues and the judges of the United States Court of Appeals for the Eleventh Circuit. To the extent the question seeks my comment on political donations, under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues.

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

**Response:** Please see my response to Question 41.e. above.

**Nomination of Jeffrey Kuntz to the  
United States District Court for the Southern District of Florida  
Questions for the Record  
Submitted May 6, 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 did not receive any assistance in writing my responses to these questions. After I drafted the responses I received feedback from the Department of Justice's Office of Legal Policy. All responses are my own.

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

**Response:** The answer to your questions may depend on specific facts and circumstances, and the specific question.

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:** As some of the questions require one word yes or no answers they may be identical to other nominees. As to questions that require a longer response, not to my knowledge.

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:** During my interview at the White House in February 2025, I was asked about the reasoning of several of my cases, including the *Trump v. Alexander* case. The reasoning is contained in the majority opinion, which can be found at *Alexander v. Trump*, 404 So. 3d 425 (Fla. 4th DCA 2025)

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

**Response:** I have been fortunate to have many mentors during my time as a lawyer and judge. I look to each of them as a role model and consult with them on ethical issues.

6. How would you describe your judicial philosophy?

**Response:** As a judge, I apply the law as written to the facts before me without regard to my own views on any issue.

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

**Response:** If confirmed, I would faithfully apply all controlling United States Supreme Court and United States Court of Appeals for the Eleventh Circuit authority on this and any issue presented. Because the question asks about issues that may come before me as a judge, it would be inappropriate for me to respond further.

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

**Response:** If confirmed, I would faithfully apply all controlling United States Supreme Court and United States Court of Appeals for the Eleventh Circuit authority on this and any issue presented. I would also faithfully apply the Constitution. Because the question asks about issues that may come before me as a judge, it would be inappropriate for me to respond further.

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:** If confirmed, I would faithfully apply all controlling United States Supreme Court and United States Court of Appeals for the Eleventh Circuit authority on this and any issue presented. I would also faithfully apply the Constitution, including whether a right is deeply rooted in our nation's history and tradition. Because the question asks about issues that may come before me as a judge, it would be inappropriate for me to respond further.

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:** See my answer to Question 7.a-b. above.

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

**Response:** See my answer to Question 7.a-b. above.

e. What other factors would you consider?

**Response:** See my answer to Question 7.a-b. above.

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:** Generally, I would consider the controlling Supreme Court and Eleventh Circuit authority, and the issues as presented by the parties. Because the question asks about issues that may come before me as a judge, it would be inappropriate for me to respond further.

9. Do you believe that part of the role of a federal judge is to apply the text of the U.S. Constitution, including its amendments?

**Response:** Yes.

10. At your Senate Judiciary Committee nomination hearing, I asked you and your fellow nominees to apply the plain text of the 22<sup>nd</sup> Amendment to the question of whether President Trump can run for President again in 2028. Here is the text of the relevant section of the 22<sup>nd</sup> Amendment: “No person shall be elected to the office of the President more than twice.”

a. Was President Trump elected to the office of the President twice?

**Response:** Yes.

b. If President Trump were elected again in 2028, how many times in total would he have been elected to the office of the President?

**Response:** Three.

c. Is President Trump eligible to be elected President for a third term in 2028?

**Response:** No. The 22<sup>nd</sup> Amendment states that no person may be “elected to the office of the President” for a third term. *See* U.S. Const., amend. XXII.

11. 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:** When Congress certifies a candidate as winning the electoral college, that means the candidate is elected President of the United States.

12. At your hearing, Senator Blumenthal asked you who won the 2020 election. You echoed fellow nominee Michael Hendershot’s response that “President Biden was certified the winner of the 2020 election.”

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

**Response:** I reviewed the Constitution and Supreme Court opinions.

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

**Response:** No. Please see my response to Question 12.a. above.

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

**Response:** No.

13. As I discussed at your hearing, 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:** No, to the extent the question assumes the judge is otherwise acting in accordance with federal law. But as a judicial nominee, it would be improper for me to offer any additional opinion on a political issue. *See* Code of Conduct for United States Judges, Canons 3(A)(6) & 5.

b. Do you think that judges ruling against President Trump’s desired outcome should be “crack[ed] down on”?

**Response:** Please see my response to Question 13.a. above.

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:** Please see my response to Question 13.a. above.

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

**Response:** Please see my response to Question 13.a. above.

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

**Response:** Please see my response to Question 13.a. above.

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:** Please see my response to Question 13.a. above.

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

**Response:** Please see my response to Question 13.a. above.

14. 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 follow the recusal statute and all ethical requirements of the Code of Conduct for United States Judges. I will also consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues and the judges of the United States Court of Appeals for the Eleventh Circuit.

15. 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.

16. 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:** I would faithfully follow all binding precedent and apply that precedent and controlling laws to the facts of each case before me. But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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

**Response:** I would faithfully follow all binding precedent including *United States v. Guest*, 383 U.S. 745, 758 (1966). But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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:** I would faithfully follow all binding precedent including *United States v. Guest*, 383 U.S. 745, 758 (1966). But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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

**Response:** I would faithfully follow all binding precedent which I understand recognizes a fundamental right to privacy in certain circumstances. But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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:** I would faithfully follow all binding precedent including *Griswold v. Connecticut*, 381 U.S. 479 (1965) and *Eisenstadt v. Baird*, 405 U.S. 438 (1972). But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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

**Response:** My understanding is that originalism asks the person interpreting a constitutional provision to analyze the original public meaning of the word or phrase. If confirmed, I will faithfully apply all controlling precedent regardless of the methodology used by the higher court in reaching its decision.

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 first consult the words of the Constitution. I would also consult Supreme Court and circuit authority on the issue to determine if binding authority exists. Additionally, I would consult historical sources to understand the meaning of the word or phrase at the time of enactment or ratification.

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

**Response:** The Supreme Court held that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would faithfully follow this and other controlling Supreme Court precedent.

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

**Response:** I would consider the circumstances and facts of each case and utilize any remedy deemed appropriate under the circumstances. But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on issues that may come before me as a judge.

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

**Response:** As I have done as a state judge, I would consider the facts and circumstances of each case and utilize any remedies I deem appropriate. But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on issues that may come before me as a judge.

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

**Response:** Please see my response to Question 22.

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

**Response:** A judge should consider the facts and circumstances of each case and apply the facts to applicable law. Factors outside of the facts and applicable law should play no part in the decision. But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on issues that may come before me as a judge.

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

**Response:** Please see my response to Question 23.

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

**Response:** Please see my response to Question 23.

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

**Response:** I am proud of my decade in private practice and my nearly ten-years as a state court appellate judge. Each case is equally important.

27. 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 have not given any thought to the entry of such orders. But I do not believe it is appropriate for a judge to dictate which lawyer represents a party at an oral argument.

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

**Response:** I would participate in educational events, speak to students, and otherwise offer my time as a resource to younger lawyers and students.

28. Discuss your proposed hiring process for law clerks.

**Response:** Consistent with my practice at the Fourth District Court of Appeal, I would endeavor to hire the most qualified law clerks that apply to any position. I would, of course, comply with all applicable laws and rules in all hiring practices.

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

**Response:** As a sitting state court judge and district court nominee, it would be inappropriate for me to comment on policy reasons for or against Title VII applying to employees of the federal government, including judicial law clerks. *See* Code of Conduct U.S. Judges, Canon 3(A)(6); Canon 5.

29. 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:** As I have done at the Fourth District Court of Appeal, I would treat all employees with respect and require others to do the same. While I do not have a specific plan at this time, I would not tolerate abuse, harassment, or inappropriate behavior. If an issue did arise, I would promptly address it.

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:** See my response to Question 29.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 take whatever action is appropriate including seeking advice from the Chief Judge and colleagues to quickly remedy the issue.

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

**Response:** The Supreme Court has written that the U.S. Capitol was breached on January 6, 2021, and that “[t]his breach of the Capitol caused Members of Congress to evacuate the Chambers.” *See Fischer v. United States*, 603 U.S. 480, 484 (2024); *see also id.*, 603 U.S. at 506 (Barrett, J., dissenting) (“Joseph Fischer allegedly joined a mob of rioters that breached the Capitol on January 6, 2021.”). But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues.

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:** See my answer to Question 30 above.

31. 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:** See my answer to Question 30 above.

32. 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:** See my answer to Question 30 above.

33. At the hearing, I asked you about the timeline of your involvement in *Alexander v. Trump* while you were seeking a judicial nomination from President Trump. You issued your decision in President Trump’s favor on February 12, 2025. In your Senate Judiciary Questionnaire, you described your selection process as follows:

“In November 2024, I spoke to Senator Rick Scott’s Office regarding my interest in seeking a position on the United States District Court for the Southern District of Florida. In February 2025, I was contacted by the Office of White House Counsel and interviewed with that office on February 28, 2025. In March 2026, I was again contacted by the Office of White House Counsel and informed of my potential nomination to the United States District Court. Since that phone call there have been multiple phone calls and email correspondence with the Department of Justice, Office of Legal Policy.”

a. On what date did you first speak to Senator Scott’s office regarding your interest in seeking a position on the U.S. District Court for the Southern District of Florida?

**Response:** I do not recall the specific date but in January 2023, I received a call from a friend in Senator Scott’s office asking if I would be interested in potentially being nominated by President Biden to the Southern District of Florida. Later, in November 2024, I had another informal discussion with the same friend in Senator Scott’s office and indicated I remained interested in a nomination to the Southern District of Florida. It is my recollection that the call was approximately one minute long.

b. On what date were you first contacted by the Office of White House Counsel regarding your nomination?

**Response:** February 20, 2025.

c. At the hearing, you indicated that you first applied with Senator Scott's office for a different judicial position. Please describe the timeline for this initial position, including when you applied and when you discovered you were unsuccessful, and please describe when you learned of and began pursuing the position to which you are currently nominated.

**Response:** See my response to Question 33.a. above. The President selected a different person for the only available position at that time. The position I am nominated for did not become available until approximately August 2025.

d. You stated at the hearing that you learned about the case in January 2025. Knowing that one of the parties before you had the power to give you a position for which you had already applied, did you consider whether or not you should recuse yourself from the case? If so, please explain how you decided not to recuse yourself, noting that Canon 3 of the Florida Code of Judicial Conduct says: "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, *including but not limited to*" a number of specific instances (emphasis added).

**Response:** In every case I am assigned I consider the Florida Code of Judicial Conduct and whether I am required to sit on the case or recuse. Canon 3 requires that I not disqualify under these circumstances because we completed our judicial labor on the *Alexander v. Trump* case and the opinion had already been publicly issued before February 20, 2025, when I was first notified that the White House Counsel's Office had an interest in interviewing me for the vacancy on the Southern District of Florida.

e. Even if you were not in contact with the Office of White House Counsel before you issued your ruling, would you agree that actively seeking a position from one of the parties is enough to allow your impartiality to reasonably be questioned?

**Response:** No.

f. Did President Trump's potential reaction to your decision in this case play any role in your consideration of this case? If so, please explain.

**Response:** No.

34. In your 2018 and 2024 retention elections, you were endorsed by Florida Family Action, the legislative arm of Florida Family Voice, a group that opposes abortion and claims on their website that "[r]eligious liberty around the country is being threatened by radical LGBT activists

who will not stop until they force all Americans to approve, support and celebrate their lifestyle.” Do you agree with Florida Family Voice’s views on abortion and “LGBT activists”?

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

35. In your Questionnaire, you note that 0% of your practice has involved criminal proceedings.

a. Why do you think you are qualified to serve as a federal judge overseeing a substantial criminal docket if you have little to no experience with criminal cases at the trial level?

**Response:** For the past almost ten years I have participated on three-judge appellate panels in thousands of criminal cases. That, coupled with my ten years of practicing law, helped prepare me for the role.

b. If you are confirmed, what resources will you use to get up to speed on criminal proceedings?

**Response:** As I did when I started as an appellate judge in 2016, I will take advantage of every resource offered to me.

36. You also note in your Questionnaire that you have tried “[a]pproximately five to ten” cases to verdict and that “[g]enerally, [you were] associate counsel.”

a. Have you ever tried a case to verdict as chief counsel?

**Response:** No.

b. How many of the cases you have tried to verdict were jury trials?

**Response:** To my recollection, two.

c. How many of the cases you have tried to verdict were in federal court?

**Response:** I have not participated in any jury trials in federal court.

**Questions for the Record for Jeffrey Thomas Kuntz**  
**Submitted by Senator Richard Blumenthal**  
**April 29, 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:** If confirmed, I will follow the recusal statute and all ethical requirements of the Code of Conduct for United States Judges. I will also consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues and the judges of the United States Court of Appeals for the Eleventh Circuit.

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

**Response:** Please see my answer to Question 1 above.

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 above.

i. You have represented President Trump in multiple cases. Will you recuse yourself from matters involving President Trump?

**Response:** To my knowledge I have never represented President Trump.

ii. Will you recuse yourself from matters involving President Trump's administration?

**Response:** Please see my answer to Question 1.b.i. above.

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 above.

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 faithfully comply with the Code of Conduct for United States Judges and its judicial canons, and any other applicable laws, rules, and obligations governing judicial conduct.

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

**Response:** Please see my answer to Question 2 above.

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 answer 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 answer 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:** If confirmed, I will diligently comply with all laws, statutes, rules, and/or practices relating to the filing of complete and accurate financial disclosure reports.

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 comply with all laws, statutes, rules, and/or practices governing my conduct.

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

**Response:** Please see my answer to Question 3.g. above.

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:** Please see my answer to Question 3.g. above.

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:** If confirmed, I would faithfully follow all precedent of the United States Supreme Court and the Eleventh Circuit Court of Appeals, including the quote from the Supreme Court opinion included in Question 4.a. To the extent the question asks me to comment on current political issues, under the canons of judicial conduct, I am required to decline to do so. *See* Code of Conduct U.S. Judges, Canon 3(A)(6); Fla. Code of Jud. Conduct 2.

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

**Response:** Please see my response to Question 4.a. above.

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:** If confirmed I would have the ability to issue orders after the President signs my commission.

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

**Response:** Yes.

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

**Response:** A court has various options to enforce its orders including the contempt power and sanctions.

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, all parties must enforce court orders including Executive Branch officials when the issuing court had jurisdiction over the matter. Procedural safeguards exist for review of court orders including seeking a stay from a reviewing court and appeal.

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

**Response:** Please see my response to Question 5.b. above.

d. What would make a court order unlawful?

**Response:** This question calls for a legal conclusion and as a sitting state court judge and a district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial canons and the Florida Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Fla. Code of Jud. Conduct 3(B)(9)-(10).

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

**Response:** The process is case dependent but generally a party may seek a stay or appeal to a reviewing court. But as a sitting state court judge and a district court nominee, I cannot give specific advice to any party. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Fla. Code of Jud. Conduct 3(B)(9)-(10).

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

**Response:** See my answer to Question 5.d. above.

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. In *Alexander v. Trump*, President Trump sued the Pulitzer Prize Board in Florida state court for defamation and conspiracy based on their awarding of the Prize to journalists who reported on Trump-Russia collusion during the 2016 election and their subsequent refusal to not strip those journalists of the award.

When ruling on the issues raised by a motion to dismiss in that case last year, you wrote the Florida Fourth District Court of Appeal's decision in favor of President Trump in a majority opinion that focused on a jurisdictional issue while avoiding the merits.

The court's ruling was issued on February 12, 2025. Three months earlier, in November 2024, you had already spoken with Senator Scott about being considered for a federal judicial nomination. In February 2025, the same month you issued your ruling in *Alexander v. Trump*, you were also having conversations with the White House about a nomination.

a. What other steps had you taken to seek a judicial nomination prior to February 12, 2025?

**Response:** I disagree with the characterization of the facts to the extent the question implies I had conversations with the White House about a nomination prior to the issuance of the opinion in *Alexander v. Trump*. I do not recall the specific date but in January 2023, I received a call from a friend in Senator Scott's office asking if I would be interested in potentially being nominated by President Biden to the Southern District of Florida. Later, in November 2024, I had another informal discussion with the same friend in Senator Scott's office and indicated I remained interested in a nomination to the Southern District of Florida. It is my recollection that the call was approximately one minute long.

b. Had you or anyone on your behalf contacted anyone at the White House about a judicial nomination during the pendency of the *Alexander v. Trump* case?

**Response:** No, not to my knowledge.

c. Did you speak with President Trump, Stephen Miller, or any other White House officials about a judicial vacancy before February 12, 2025?

**Response:** No.

i. If so, did you discuss the pending *Alexander v. Trump* case?

**Response:** Not applicable.

**Nomination of Jeffrey T. Kuntz**  
**United States District Court for the Southern District of Florida**  
**Questions for the Record**  
**Submitted May 6, 2026**

**QUESTIONS FROM SENATOR BOOKER**

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

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

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

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a judicial nominee to comment on political and policy issues. *See* Code of Conduct U.S. Judges, Canon 3(A)(6); Fla. Code of Jud. Conduct 2-3.

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:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a judicial nominee to comment on political and policy issues, including issues that may come before me as a judge.

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:** Please see my response to question 2 above.

4. How would you characterize your judicial philosophy?

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

**Response:** A judge should carefully apply the law as written to the facts of the case. To the extent the United States Supreme Court or the United States Court of Appeals for the Eleventh Circuit has interpreted the law, the judge must faithfully follow that interpretation.

5. What do you understand originalism to mean?

**Response:** Generally, I understand originalism to be a theory of constitutional interpretation where the person interprets the words of the Constitution based on the original public meaning of those words at the time it was enacted.

6. Do you consider yourself an originalist?

**Response:** Yes, I generally consider myself an originalist. I also consider myself bound by all opinions of the United States Supreme Court and, if confirmed, would also be bound by all opinions of the United States Court of Appeals for the Eleventh Circuit.

7. What do you understand textualism to mean?

**Response:** Generally, I understand textualism to require a person interpreting a statute to apply the plain meaning of the words of the statute in the context of the entire statutory scheme.

8. Do you consider yourself a textualist?

**Response:** Generally, I consider myself to be a textualist. I also consider myself bound by all opinions of the United States Supreme Court and, if confirmed, would also be bound by all opinions of the United States Court of Appeals for the Eleventh Circuit.

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:** I would generally decline to refer to legislative history as it is the words enacted by Congress that have undergone the process to become law. However, if confirmed, I would faithfully follow any decision from the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit that applies legislative history and/or concerns my use of legislative history.

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

**Response:** Please see my response to question 9.a. above.

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

a. What do you attribute this to?

**Response:** I am not familiar with the study or the data referenced in the question.

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

a. What do you attribute this to?

**Response:** I am not familiar with the report or the data referenced in the question.

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:** Federal judges must apply all relevant statutes, rules, and precedents when deciding every issue and case, including when ensuring all defendants receive a fair and impartial trial.

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

**Response:** No one should be denied an opportunity to serve in the judicial branch based on any 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

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

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

- 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 I have never made any public remarks on any of these topics. To the extent one of these subjects was included in a judicial opinion issued as part of my official duties as a state court judge, every opinion I authored was listed on my Senate Judiciary Questionnaire.

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

**Response:** Generally, all parties must obey all lawfully issued court orders. Exceptions include an order entered by a court lacking jurisdiction, and an order stayed by the issuing court or a reviewing court.

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

**Response:** I would consult all federal laws and controlling precedent and apply them to the facts of the case.

- 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:** See my answer to question 15.a above.

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

**Response:** Generally, the President has the power to veto legislation passed by Congress. *See* Const., art. I, § 7, cl. 2. The Constitution also vests the President with the power to “take Care that the Laws be faithfully executed.” *See* Const., art. II, § 3. Because this issue could come

before me as a judge, it would not be appropriate for me to answer this question in more detail. *See* Code of Conduct U.S. Judges, Canon 3(A)(6).

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

**Response:** If confirmed, I would faithfully apply all controlling precedent including *Train v. City of New York*, 420 U.S. 35 (1975) and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* Because this issue could come before me as a judge, it would not be appropriate for me to answer this question in more detail. *See* Code of Conduct U.S. Judges, Canon 3(A)(6).

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 response to question 17 above.

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

**Response:** Yes, the Supremacy Clause states that federal laws made in pursuance of the U.S. Constitution supersede conflicting state laws.

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

**Response:** Because this matter is currently being litigated, as a sitting state court judge and district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.,* Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Fla. Code of Jud. Conduct 3(B)(9)-(10).

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

**Response:** Because this is a question that could come before me as a judge, it would be inappropriate for me to answer it. *See* Code of Conduct U.S. Judges, Canon 3(A)(6). However, I would follow all Supreme Court precedent on this and every issue that comes before me.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. *See* Fla. Code of Jud. Conduct 2. However, past nominees including all nine justices on the United States Supreme Court recognized that *Brown v. Board of Education* is a landmark ruling that is a limited exception to the prohibition on commenting on past Supreme Court decisions. Therefore, I can confirm that *Brown* was correctly decided.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. See Fla. Code of Jud. Conduct 2. However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Griswold v. Connecticut*.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. See Fla. Code of Jud. Conduct 2. However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Lawrence v. Texas*.

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

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. See Fla. Code of Jud. Conduct 2. However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit including *Obergefell v. Hodges*.

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:** Under our Constitution, the person that wins a presidential election is the person certified as the winner of the Electoral College. In 2020, that person was Joseph R. Biden, Jr., the 46th President of the United States. As a sitting judge and a nominee to the district court, it would be inappropriate for me to comment further.

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

**Response:** Please see my response to question 26 above.

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 response to question 26 above.

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

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

**Response:** Donald J. Trump was certified as the winner of the 2016 Electoral College, and served as the 45<sup>th</sup> President of the United States.

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:** Donald J. Trump was certified as the winner of the 2024 Electoral College, and is serving as the 47<sup>th</sup> President of the United States.

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 to the U.S. Constitution states that “[n]o person shall be elected to the office of the President more than twice.” The text of the Amendment speaks for itself.

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

**Response:** No.

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.

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

**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 Tarrio
- 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, I have not spoken or corresponded with any of the individuals listed in question 39.a-p.

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

**Response:** No.

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

**Response:** Yes.

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

- a. Do you agree with the above statement?

**Response:** I am not familiar with these statements or the person that made them. But because the question calls for a response that requires me to express an opinion on a political matter, as a sitting state court judge and a district court nominee, it is impermissible for me to comment on this issue.

- 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.

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

**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. I have been in contact with the Department of Justice's Office of Legal Policy, which provided general guidance about how to complete the SJQ. But I made my own decisions about which cases to list.

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

**Response:** Please see my answer to question 42.

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

**Response:** Please see my answer to question 42.

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.

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:** I have not knowingly had any discussions with any Federalist Society employees or officers about the judicial selection process. I note that the Federalist Society has thousands of members and I certainly spoke to some of them. For example, I have friends that are members of the Federalist Society, and I communicated with some of them about my nomination.

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:** Prior to receiving the questions, I reviewed responses from past nominees across multiple administrations. After receiving the questions, I also conducted some legal research. Subsequently, I drafted my responses to the questions. After I drafted the responses I received feedback from the Department of Justice's Office of Legal Policy, I finalized my answers and authorized my responses to be submitted to the Committee.

**Questions for the Record from Senator Alex Padilla  
Senate Judiciary Committee  
“Nominations”**

**April 29, 2026**

**Questions for Jeffrey Kuntz (SD-FL):**

1. In November 2024, you contacted Senator Rick Scott's office to express your interest in a federal judicial appointment to the U.S. District Court for the Southern District of Florida. At that time, you were already presiding over *Alexander v. Trump*, a defamation case in which President Trump was a plaintiff in his personal capacity, having filed suit against individual members of the Pulitzer Prize Board.

You were interviewed by the White House Counsel's Office on February 28, 2025. Two weeks earlier, on February 12, 2025, you authored and issued the majority opinion in *Alexander v. Trump*, ruling in favor of President Trump by allowing his defamation lawsuit to continue. It does not appear that you disclosed your ongoing pursuit of a Trump nomination to the defendants in that case.

a. Please confirm that this account is accurate.

**Response:** I do not recall the specific date but in January 2023, I received a call from a friend in Senator Scott's office asking if I would be interested in potentially being nominated by President Biden to the Southern District of Florida. Later, in November 2024, I had another informal discussion with the same friend in Senator Scott's office and indicated I remained interested in a nomination to the Southern District of Florida. It is my recollection that the call was approximately one minute long.

I first learned of the *Trump v. Alexander* appeal in January 2025, when I learned of my assignment to the case. The three-judge panel issued its unanimous opinion resolving the appeal on February 12, 2025. After the issuance of the opinion, I received an invitation to interview with White House Counsel's Office.

2. Canon 3E(1) of Florida's Code of Judicial Conduct requires a judge to disqualify themselves in any proceeding in which their impartiality might reasonably be questioned. While presiding over *Alexander v. Trump* and seeking a Trump nomination, why did you conclude that Canon 3E did not require you to recuse yourself or disclose your conflict to the parties?

**Response:** In every case I am assigned I consider the Florida Code of Judicial Conduct and whether I am required to sit on the case or recuse. Because none of the judicial canons permitted my recusal, I did not recuse from the case.

3. Judge Edward Artau sat on the same panel as you in *Alexander v. Trump* and engaged in the same pattern of conduct: pursuing a Trump nomination while the case was pending, without recusing himself or disclosing the conflict. When that conduct became public during his Senate

confirmation proceedings, a formal ethics complaint was filed against him with the Florida Judicial Qualifications Commission.

a. Are you aware of whether a similar complaint has been or will be filed against you?

**Response:** No.

b. Do you contend that your conduct was ethically distinguishable from Judge Artau's?

**Response:** I am not familiar with every aspect of Judge Artau's conduct and cannot comment as to whether my circumstances were similar.

4. From 2023 to 2025, you served on the Florida Supreme Court's Judicial Ethics Advisory Committee, including as Vice-Chair and then Chair. That committee provides guidance to Florida judges on questions of judicial ethics, including recusal and conflicts of interest.

a. As Chair of the Judicial Ethics Advisory Committee, you were responsible for providing ethics guidance to Florida judges on questions including recusal and conflicts of interest. Did you personally seek an advisory opinion from your own committee, or from any other body, regarding whether your pursuit of a presidential nomination while presiding over a case involving the president required recusal or disclosure?

**Response:** Ethics opinions sought from the Judicial Ethics Advisory Committee are confidential pursuant to order of the Florida Supreme Court. In the event the requesting judge asks for a written opinion, the opinion is issued without any identifying information. Further answering, please see my response to question 2 above.

b. If a Florida judge had approached your committee and described the following facts -- that they were presiding over a case in which a party was the same individual from whom they were seeking a lifetime appointment -- what guidance would your committee have provided?

**Response:** The committee would have requested additional facts from the requesting judge and would not have responded with the limited facts provided.

c. Canon 3E's commentary explicitly analogizes the recusal requirement to a judge negotiating for employment with a law firm that has a case before them. In your professional judgment why does seeking a presidential appointment while presiding over a presidential party's case fall outside that same principle?

**Response:** Please see my response to questions 1.a. and 2 above.

5. On January 7, 2021, a joint session of Congress certified 306 electoral votes for Joseph Biden and 232 electoral votes for Donald Trump. Joe Biden received more votes than Donald Trump across 25 states, DC, and NE-02 in the 2020 election.

a. Do you have any reason to believe that Congress was wrong to certify each of these states' electoral votes?

**Response:** The question asks me to comment on actions of Congress, and its members, on issues of legislative concern. Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues.

b. Members of Congress have the right to object to slates of electors under federal law. Do you contend that members of Congress were justified in doing so on January 6th? If so, please explain.

**Response:** Please see my response to question 5.a.

6. How do you define whether a candidate “wins” a presidential election?

**Response:** The “winner” of a presidential election, as I understand the question, is defined by the 12th and 23rd Amendments to the Constitution. More commonly understood as the person that is certified by Congress as the winner of the electoral college.

7. The following are yes or no questions related to the 2020 election:

a. Did Joe Biden receive over 19,000 more votes than Donald Trump in the state of Wisconsin in the 2020 General Election?

**Response:** I do not know nor have any recollection as to the reported vote count in any jurisdiction for the 2020 General Election. Further, under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues or matters of public controversy.

b. Did Joe Biden receive over 80,000 more votes than Donald Trump in the state of Pennsylvania in the 2020 General Election?

**Response:** Please see my response to question 7.a. above.

c. Did Joe Biden receive over 11,000 more votes than Donald Trump in the state of Georgia in the 2020 General Election?

**Response:** Please see my response to question 7.a. above.

d. Did Joe Biden receive over 40,000 more votes than Donald Trump in the state of Arizona in the 2020 General Election?

**Response:** Please see my response to question 7.a. above.

e. Did Joe Biden receive over 20,000 more votes than Donald Trump in the state of Nevada in the 2020 General Election?

**Response:** Please see my response to question 7.a. above.

f. Did Joe Biden receive over 154,000 more votes than Donald Trump in the state of Michigan in the 2020 General Election?

**Response:** Please see my response to question 7.a. above.

g. Based on your answers to questions 7(a) through 7(f), did Joe Biden win more votes than Donald Trump in each of those six states?

**Response:** Please see my response to question 7.a. above.

h. Do you have any reason to believe that the outcome in any of those states was impacted by irregularities or fraud

**Response:** Please see my response to question 7.a. above.

8. More than 60 federal and state courts, including courts presided over by judges appointed by Republican presidents, dismissed legal challenges to the 2020 presidential election results for lack of evidence, lack of standing, or lack of merit.

a. Do you have any reason to believe that any of those courts reached the wrong conclusion?

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including the decisions of other courts.

b. Do you believe those judges -- many of whom were appointed by Republican presidents, including President Trump -- acted improperly or in bad faith in dismissing those challenges?

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including on cases pending or decided by other judges.

9. Do you believe in a constitutional right to privacy as recognized in *Griswold v. Connecticut*, and do you believe *Griswold* was correctly decided?

**Response:** It is generally not appropriate for me to comment on decisions of the United States Supreme Court. Further, doing so is generally prohibited by the Florida Canons of Judicial Conduct. See Fla. Code of Jud. Conduct 2 and 3. However, if confirmed, I will follow and faithfully apply all decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit, including *Griswold v. Connecticut*.

10. At a recent speaking event at Catholic University, Justice Kavanaugh stated that he considers himself “in many ways, a Bork, Scalia, Rehnquist guy” when discussing his judicial role models. What judges or justices would you consider foundational to your judicial philosophy, and why?

**Response:** I am not familiar with the statement made by Justice Kavanaugh nor the event where the statement was made. However, I would consider Justice Scalia to be foundational to my judicial philosophy due to the influence he had at the time when my judicial philosophy was being formed.

11. If confirmed, cases involving reproductive rights -- including access to abortion, contraception, and assisted reproductive technology -- may come before you. Do you believe that individuals have any constitutionally protected right to make reproductive healthcare decisions? Please explain.

**Response:** Under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including cases that may come before me.

12. Judicial clerkships serve several important professional roles. They are a meaningful opportunity for recent law graduates to learn from an experienced mentor, and they serve as an important -- and often necessary -- step toward the highest levels of our legal profession. Too often, students from diverse backgrounds are overlooked for these opportunities despite equivalent qualifications.

a. Do you believe that diversity at all levels of the federal judiciary is important? Please explain your view.

**Response:** I believe that no one should be denied an opportunity to serve as a judicial law clerk based on any protected characteristic and would make my hiring decisions in accordance with that belief.

b. If confirmed, how will you personally ensure diversity among your law clerk classes?

**Response:** Please see my response to question 12.a.

13. I wanted to give you an opportunity to discuss your views on the 22<sup>nd</sup> Amendment, as none of the judicial nominees were able to articulate their views on the 22<sup>nd</sup> Amendment during your nomination hearing.

a. What does the 22nd Amendment state?

**Response:** The 22nd Amendment to the U.S. Constitution states that “[n]o person shall be elected to the office of the President more than twice.”

b. Under the text of that amendment, is there any basis on which an individual who has already been elected President twice could lawfully be elected to a third term?

**Response:** No.

c. Donald Trump was elected President in 2016 and again in 2024. How many times has Donald Trump been elected President?

**Response:** Twice.

d. Are you aware of any provision of the Constitution, federal statute, or judicial precedent that would permit Donald Trump to be elected to a third term?

**Response:** No.

e. If a case came before you challenging the eligibility of any individual to appear on a presidential ballot in violation of the 22nd Amendment and you concluded a candidate was ineligible to run for under that amendment, would you have any hesitation in ruling against them regardless of that individual’s political standing or the political consequences of your decision?

**Response:** I would faithfully apply the 22<sup>nd</sup> Amendment, regardless of any party’s political standing or the political consequences of the decision.

14. If confirmed, cases involving discrimination claims brought by LGBTQ+ individuals under Title VII or other federal civil rights statutes may come before you. Will you commit to treating these individuals with dignity by ensuring that your courtroom is a forum where LGBTQ+ litigants, witnesses, and counsel are addressed respectfully -- including by use of their correct name and gender identity -- and where their claims receive the same full and fair consideration afforded to all parties?

**Response:** If confirmed, I will treat every person with dignity and afford them every protection they are entitled to in accordance with the decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit. But under the Code of Conduct for United States Judges and the Florida Code of Judicial Conduct, it would not be appropriate for me as a sitting judge and judicial nominee to comment on political and policy issues, including cases that might come before me.

15. Article III judges serve during good behavior and are insulated from political pressure precisely so they can rule impartially, including against the interests of the branch that appointed them.

a. If the administration that nominated you directed a federal agency to take an action that you concluded was unlawful, would you have any hesitation in ruling against that administration?

**Response:** I will faithfully follow the law without regard to the identity of the party before me.

b. If confirmed, will you commit to deciding every case before you solely on the basis of the law and facts, without regard to the preferences of the executive branch, the political party of the president who appointed you, or the anticipated reaction of any political actor to your ruling?

**Response:** Yes.

16. Do you believe that individuals in immigration removal proceedings, including those who entered the United States without authorization, are entitled to the due process protections guaranteed under the US Constitution? Please explain.

**Response:** The Supreme Court held that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would faithfully follow this and other controlling Supreme Court precedent.

17. If confirmed, will you commit to ensuring that every person who appears before you is treated with dignity and afforded the full protection of the Constitution and federal law regardless of their immigration status, national origin, or language?

**Response:** If confirmed, I will treat every person with dignity and afford them every protection they are entitled to in accordance with the decisions of the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit.

18. Do you believe the executive branch is bound to comply with court orders? What recourse do you believe is available to a federal judge whose orders are not followed?

**Response:** Every party is bound to comply with court orders other than orders that are stayed by the issuing court or a reviewing court. A court has various options to enforce its orders including the contempt power and sanctions.