

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Amir Hatem Mahdy Ali

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

United States District Judge for the District of Columbia

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Roderick & Solange MacArthur Justice Center  
501 H Street, Northeast, Suite 275  
Washington, DC 20002

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

1985; Kingston, Ontario, Canada

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2008 – 2011, Harvard Law School; J.D., 2011

Fall 2006, Lund University; study abroad (no degree received)

2003 – 2008, University of Waterloo; B.S.E., 2008

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

2023 – present

University of the District of Columbia David A. Clarke School of Law  
4340 Connecticut Avenue, Northwest

Washington, DC 20008  
Adjunct Professor

2018 – present  
Harvard Law School  
1585 Massachusetts Avenue  
Cambridge, Massachusetts 02138  
Lecturer on Law; Clinical Co-Director

Spring 2018  
Georgetown University Law Center  
600 New Jersey Avenue, Northwest  
Washington, DC 20001  
Adjunct Professor

2017 – present  
Roderick & Solange MacArthur Justice Center  
501 H Street, Northeast, Suite 275  
Washington, DC 20002  
President & Executive Director (2023 – present)  
Executive Director (2021 – 2023)  
Director, DC Office; Deputy Director, Supreme Court and Appellate Program (2020 – 2021)  
Supreme Court & Appellate Counsel (2017 – 2020)

2013 – 2017  
Jenner & Block LLP  
1099 New York Avenue, Northwest  
Suite 900  
Washington, DC 20001  
Associate

2012 – 2013  
Supreme Court of Canada  
301 Wellington Street  
Ottawa, Ontario, Canada K1A 0J1  
Law Clerk for the Honorable Marshall Rothstein

2011 – 2012  
United States Court of Appeals for the Ninth Circuit  
125 South Grand Avenue  
Pasadena, California 91105  
Law Clerk for the Honorable Raymond C. Fisher

August 2009; Summer 2010  
Akin Gump Strauss Hauer & Feld LLP

2001 K Street, Northwest  
Washington, DC 20006  
Summer Associate (Summer 2010)  
Pro Bono Scholar (August 2009)

Summer 2009  
Public Defender Service of the District of Columbia  
633 Indiana Avenue, Northwest  
Washington, DC 20004  
Summer Law Clerk

Winter 2007; Fall 2007  
Google, Inc.  
1600 Amphitheatre Parkway  
Mountain View, California 94043  
Software Engineering Intern

Summer 2006; Winter 2005; Fall 2005  
Procter & Gamble, Co.  
4711 Yonge Street  
Toronto, Ontario, Canada M2N 6K8  
Brand Management Intern (Toronto office) (Summer 2006)  
Process Engineering Intern (Brockville, Ontario manufacturing plant) (Winter 2005; Fall 2005)

Summer 2004  
Health Canada  
200 Eglantine Driveway  
Ottawa, Ontario, Canada K1A 0K9  
Lead Software Engineer (Internship)

Other Affiliations (Uncompensated)

2021 – present  
Death Penalty Information Center  
1701 K Street, Northwest  
Number 205  
Washington, DC 20006  
Director

2020 – present  
Mosaic Theater Company of D.C.  
1333 H Street, Northeast  
Washington, DC 20002  
Director

2020 – 2023  
The Appellate Project, Inc.  
835 7th Street, Northwest  
Number 194  
Washington, DC 20001  
Co-Chair (2022 – 2023)  
Director (2020 – 2022)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

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

Justice Tribute Award, NAACP Detroit Chapter & ACRL (2023)

“The 40 Under 40,” Bloomberg Law (2023)

David Carliner Public Interest Award Finalist, American Constitution Society (2021)

Fellow, American Bar Foundation (2018)

Edward Coke Appellate Inn of Court  
Barrister (2021 – present)  
Member (2017 – 2021)

Exceptional Service Award, American Bar Association Capital Representation Project (2016)

Albert E. Jenner, Jr. Pro Bono Award, Jenner & Block (2015)

Akin Gump Pro Bono Scholar Fellowship (2009)

Harvard Law School  
*Magna cum laude* (2011)  
Dean’s Award for Community Service (2011)  
Best Representation, Williston Contracts Competition (2009)

University of Waterloo  
Dean’s Honor List (2008)  
With Distinction (2008)

Douglas T. Wright Award (2007)  
Millennium Excellence Award (2003)  
Nortel Networks Undergraduate Scholarship (2003 – 2008)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

I have searched my files and electronic databases in an effort to identify all information responsive to this question. To the best of my knowledge and recollection, listed below are the bar associations and legal professional societies in which I am or have been a member, as well as the titles and dates of any offices I have held and committees on which I served, with approximate dates. There may, however, be other groups, offices, or committees that I have been unable to recall or identify.

American Bar Association  
Co-Vice Chair, National Security and Civil Liberties Committee (2017 – 2018)

American Bar Foundation

Capital Area Muslim Bar Association

Edward Coke Appellate Inn of Court  
Barrister (2021 – present)  
Member (2017 – 2021)

Georgetown Supreme Court Institute

Muslim American Judicial Advisory Council

National Arab American Bar Association

National Association of Criminal Defense Lawyers

National Police Accountability Project

Native American Bar Association of D.C.

Washington Bar Association

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

California, 2012

District of Columbia, 2014

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2015  
United States Court of Appeals for the Second Circuit, 2018  
United States Court of Appeals for the Third Circuit, 2017  
United States Court of Appeals for the Fourth Circuit, 2017  
United States Court of Appeals for the Fifth Circuit, 2015  
United States Court of Appeals for the Sixth Circuit, 2014  
United States Court of Appeals for the Seventh Circuit, 2015  
United States Court of Appeals for the Eighth Circuit, 2017  
United States Court of Appeals for the Ninth Circuit, 2012  
United States Court of Appeals for the Tenth Circuit, 2015  
United States Court of Appeals for the Eleventh Circuit, 2016  
United States Court of Appeals for the District of Columbia Circuit, 2016  
United States District Court for District of Columbia, 2017  
Ontario Court of Appeal, 2015  
Law Society of Ontario, 2015

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Death Penalty Information Center  
Board of Directors (2021 – present)

Fair Punishment Project  
Legal Advisory Council (2017 – 2018)

Mosaic Theater Company of D.C.  
Board of Directors (2020 – present)

Pathways to Housing D.C.

Key Society Member (2017 – 2020)

The Appellate Project

Board Co-Chair (2022 – 2023)

Board of Directors (2020 – 2022)

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

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

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

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

*An Appeal to Books*, 121 Mich. L. Rev. 871 (2023). Copy supplied.

With Emily Clark, *Qualified Immunity: Explained*, The Appeal, June 19, 2019. Copy supplied.

*It's the Legacy of the Roberts Court—not the Travel Ban—at Stake*, Take Care Blog, Apr. 24, 2018. Copy supplied.

*The Administration's Travel Ban Guidance Falls Short of Good Faith*, Take Care Blog, June 29, 2017. Copy supplied.

*The US supreme court offers Muslims protection—and discrimination—at once*, The Guardian, June 27, 2017. Copy supplied.

*The Supreme Court's Contribution to the Offense of Flying While Muslim*, Take Care Blog, June 27, 2017. Copy supplied.

*The Travel Ban's Non-Urgency, In Pictures*, Take Care Blog, June 7, 2017. Copy supplied.

*The Ninth Circuit Can Doom Trump's Travel Ban*, Take Care Blog, June 1, 2017. Copy supplied.

*Trump's travel ban is a test for the US supreme court—and the country*, The Guardian, May 26, 2017. Copy supplied.

With Joshua Matz, *Travel Ban Misconceptions Part III: False Analogies and "Imprecise" Campaign Talk*, Take Care Blog, May 4, 2017. Copy supplied.

With Joshua Matz, *Travel Ban Misconceptions Part II: Animus & Non-Citizen/Foreign Muslims*, Take Care Blog, May 3, 2017. Copy supplied.

With Joshua Matz, *Travel Ban Misconceptions Part I: Trump, Muslims, and the Travel Ban*, Take Care Blog, May 2, 2017. Copy supplied.

*En Banc Review? How Can I Say No?*, Take Care Blog, March 30, 2017. Copy supplied.

*Judge Kozinski Asked the Wrong Question & Got the Wrong Answer*, Take Care Blog, March 30, 2017. Copy supplied.

With Leah Litman, *Justice Gorsuch, Executive Power, and Muslim Ban 2.0*, Take Care Blog, March 20, 2017. Copy supplied.

*The President's Dilemma*, Take Care Blog, March 17, 2017. Copy supplied.

Judicial Activism and the Supreme Court of Canada in 2015, in *Judicious Restraint: The Life and Law of Justice Marshall E. Rothstein* (Lisa M. Kelly & Ivo Entchev eds., 2016). Copy supplied.

*The Power of Social Media in Developing Nations: New Tools for Closing the Global Digital Divide and Beyond*, Note, 24 Harv. Hum. Rts. J. 185 (2011). Copy supplied.

*Following the Bright Line of Michigan v. Summers: A Cause for Concern for Advocates of Bright-Line Fourth Amendment Rules*, Note, 45 Harv. C.R.-C.L. L. Rev. 483 (2010). Copy supplied.

*Good speaker, good points, poor logic*, Imprint, October 1, 2004. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and

a summary of its subject matter.

MacArthur Justice Center's Statement Regarding *Dobbs v. Jackson Women's Health Organization* (June 2022). Copy supplied.

National Security and Civil Liberties Committee's Report for American Bar Association Annual Meeting (July 2018). Copy supplied.

Top 8 Reasons to Join the National Security and Civil Liberties Committee, American Bar Association Civil Rights and Social Justice Newsletter (July 2018).

National Security and Civil Liberties Committee's Report for American Bar Association Mid-Year Meeting (Jan. 2018). Draft supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Letter to United States Senate Judiciary Committee in support of the Nomination of Magistrate Judge Mustafa Kasubhai (Oct. 11, 2023). Copy supplied.

Letter to The Honorable Richard J. Durbin and The Honorable Chuck E. Grassley in support of the Nomination of Bradley N. Garcia (July 21, 2022). Copy supplied.

Letter from members of the Supreme Court Bar to Chief Justice John G. Roberts concerning the continuation of live audio for oral arguments (Mar. 15, 2022). Copy supplied.

Written Testimony, The Supreme Court's Shadow Docket: Hearing Before the Subcomm. on Courts, Intellectual Prop., & the Internet of the H. Comm. on the Judiciary, 117th Cong. 3 (Feb. 18, 2021). Copy of written testimony supplied and video available at <https://judiciary.house.gov/committee-activity/hearings/the-supreme-courts-shadow-docket>.

At the Senate Judiciary Committee Hearing on Police Use of Force and Community Policing on June 16, 2020, Attorney Lee Merritt's written testimony included a statement from me. Copy supplied.

The following legal briefs and communications were issued by my current firm, the Roderick & Solange MacArthur Justice Center, during my tenure as Executive Director. My job responsibilities generally do not include reviewing or approving the legal arguments made in individual briefs and communications authored by other attorneys of the firm. Such briefs and communications are typically approved by the Director of the office that is litigating the matter.

*Gonzalez v. Trevino*, No. 22-1025 (S. Ct.) (Brief of the Roderick & Solange MacArthur Justice Center as Amicus Curiae in Support of Petitioner (Dec. 18, 2023)). Copy supplied.

*People v. Vidaurri*, No. 129551 (Ill.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Appellant (Dec. 1, 2023)). Copy supplied.

*HRDC v. Baxter County*, No. 23-1888 (8th Cir.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Appellant (Nov. 29, 2023)). Copy supplied.

*People v. Johnson*, No. 22SC852 (Colo.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Respondent (Nov. 6, 2023)). Copy supplied.

*People v. Austin*, No. 23SC75 (Colo.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Respondent (Nov. 6, 2023)). Copy supplied.

*Short v. Hartman*, 87 F.4th 593 (4th Cir. 2023) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of the Plaintiff-Appellant, 2023 WL 5975462 (Sept. 11, 2023)).

*HRDC v. Union County*, No. 23-1677 (8th Cir.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Appellant (Aug. 2, 2023)). Copy supplied.

*Whitson v. Hanna*, No. 23-1084 (10th Cir.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Plaintiff-Appellant (July 24, 2023)). Copy supplied.

*Commonwealth v. Lee*, No. 180 WAL 2023 (Pa.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Petitioner (July 13, 2023)). Copy supplied.

*People v. Adamowicz*, 995 N.W.2d 551 (Mich. 2023) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Defendant-Appellant (June 8, 2023)). Copy supplied.

*In re Tehum Care Servs. Inc.*, No. 23-90086 (Bankr. S.D. Tex.) (Brief of Amicus Curiae in Support of *Pro Se* Litigants' Requests for Notice and Opportunity to Participate in Chapter 11 Proceedings and Certain Objections to Entry of a Final DIP Order (May 17, 2023)). Copy supplied.

*Ruelas v. Cnty. of Alameda*, No. S277120 (Cal.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Respondents (May 11, 2023)). Copy supplied.

*State v. Bellamy*, No. 11-03-0348 (N.J. Super. Ct. Law Div.) (Brief of the Roderick & Solange MacArthur Justice Center as Amicus Curiae in Support of Latonia Bellamy (Mar. 14, 2023)). Copy supplied.

*Wilson v. Midland Cnty.*, No. 22-50998, 2023 WL 8642226 (5th Cir. Dec. 14, 2023) (Brief of the Roderick & Solange MacArthur Justice Center as Amicus Curiae in Support of Appellant, 2023 WL 2456386 (Mar. 3, 2023)).

*Asinor et al. v. D.C. et al.*, No. 22-7129 (D.C. Cir.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Plaintiffs-Appellants (Feb. 28, 2023)). Copy supplied.

*Martin v. State*, No. 112, 2021, 2023 WL 6547926 (Del. Oct. 9, 2023) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Reversal (Feb. 17, 2023)). Copy supplied.

*In re McBrayer*, 511 Mich. 403 (2023) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Appellant, 2023 WL 1881849 (Jan. 31, 2023)).

*Lilgerose et al. v. Polis et al.*, No. 2023CA152 (Colo. App. Ct.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Plaintiffs-Appellants (Jan. 27, 2023)). Copy supplied.

*Brust v. Ohio Parole Bd.*, 2023 WL 7547597 (Ohio Ct. App. Nov. 14, 2023) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Appellants (Dec. 19, 2022)). Copy supplied.

*Commonwealth v. Mattis*, No. SJC-11693 (Mass.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Appellant (Dec. 16, 2022)). Copy supplied.

*United States v. Flores-Gonzalez*, 86 F.4th 399 (1st Cir. 2023) (en banc) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Defendant-Appellant, 2022 WL 16833185 (Oct. 28, 2022)).

*People v. Posey*, 512 Mich. 317 (2023) (Brief for Roderick and Solange MacArthur Justice Center as Amicus Curiae Supporting Defendant-Appellant, 2022 WL 16895451 (Oct. 21, 2022)).

*People v. Stewart*, 512 Mich. 472 (2023) (Brief for Roderick and Solange MacArthur Justice Center as Amicus Curiae Supporting Defendant-Appellant, 2022 WL 16895451 (Oct. 21, 2022)).

*People v. Hilliard*, 2023 IL 128186 (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Appellant, 2022 WL 20619083 (Oct. 18, 2022)).

*Gonzalez v. Trevino*, 42 F.4th 487 (5th Cir. 2022) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Appellee's Petition for Rehearing En Banc, 2022 WL 12374087 (Oct. 14, 2022)).

Letter to Mayor Lightfoot regarding Chicago Torture Memorial (Oct. 10, 2022).  
Copy supplied.

*Cruz v. Arizona*, 598 U.S. 17 (2023) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Petitioner, 2022 WL 2288292 (June 21, 2022)).

*Lilgerose et al. v. Polis et al.*, No. 2022cv30421 (Denver Cnty.) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Plaintiffs (June 2022)). Copy supplied.

*Wade v. Lewis*, 142 S. Ct. 1419 (2022) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Petitioner, 2022 WL 845915 (Mar. 18, 2022)).

*United States v. Sensing*, No. 21-60662, 2023 WL 167201 (5th Cir. Jan. 12, 2023) (Brief of Roderick & Solange MacArthur Justice Center as Amicus Curiae, 2022 WL 717290 (Mar. 2, 2022)).

*Rasho v. Jeffreys*, 22 F.4th 703 (7th Cir. 2022), *rehearing denied*, 2022 WL 1217256 (Apr. 25, 2022) (Brief of the Roderick & Solange MacArthur Justice Center, et al. as Amici Curiae in Support of Rehearing En Banc and Affirmance (Feb. 18, 2022)). Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify the speeches or talks that I have delivered. To compile the list, I consulted my own records and internet sources. There may, however, be other speeches or talks that I have been unable to recall or identify, as I may have spoken briefly at events for which I did not retain any record.

November 15, 2023: Acceptance speech for Justice Tribute Award, NAACP Detroit Chapter & ACRL, Detroit, Michigan. Notes supplied.

October 19, 2023: “Favorable Terminations and Unreasonable Seizures: Malicious Prosecution Claims After *Thompson v. Clark*,” National Police Accountability Project, Philadelphia, Pennsylvania. Video supplied.

October 6, 2023: Panelist, Update on Criminal Legal Reform, National Association of Muslim Lawyers, Arlington, Virginia. The panel described the current landscape of criminal legal reform efforts in the United States. I have no notes, transcript, or recording. The organization does not appear to have a physical mailing address.

October 5, 2023: Panelist, “Moving the Needle: State and Federal Courts Then and Now,” Howard University School of Law, Washington, DC. Notes supplied.

September 29, 2023: Panelist, “Supreme Court Preview: October 2023 Term,” NAACP Legal Defense & Educational Fund, Dulles, Virginia. The panel previewed the facts and legal issues in cases scheduled during the Supreme Court’s 2023 term. I have no notes, transcript, or recording. The address for the NAACP Legal Defense & Educational Fund is 40 Rector Street, 5th floor New York, New York 10006.

August 31, 2023: Panelist, “Advocating Justice Through Theater,” Edlavitch DC Jewish Community Center, Washington, DC. The panel discussed the role of theater and art in conveying themes of justice, focusing on a trilogy of plays about the life of Emmett Till. I have no notes, transcript, or recording. The address for the Edlavitch DC Jewish Community Center is 1529 16th Street, Northwest, Washington, DC 20036.

June 21, 2023: Speaker, Pursuing a Career in the Public Interest, United States District Court for D.C. and United States Court of Appeals for the D.C. Circuit, Washington, DC. I spoke to district court and circuit court law clerks and summer interns about my path to a career in the public interest. I have no notes, transcript, or recording. The address for the court is 333 Constitution Avenue, Northwest, Washington, DC 20001.

June 7, 2023: Speaker, Effective Appellate Advocacy, The Legal Academy, Washington, DC. Presentation supplied.

May 31, 2023: Panelist, “Supreme Court Review: A conversation with Amir Ali,” National Seminar for Federal Defenders, Orlando, Florida. Presentation supplied.

April 14, 2023: Appellate Litigation, Harvard Law Review Spring Event, Cambridge, Massachusetts. Notes supplied.

March 31, 2023: Panelist, “*Welch v. United States*: A Case Study,” Antonin Scalia School of Law at George Mason University (Virtual Appearance). The panel examined the facts and implications of the Supreme Court’s decision in *Welch v. United States*. I have no notes, transcript, or recording. The address for the law school is 3301 Fairfax Drive, Arlington, Virginia 22201.

November 14, 2022: Advice on Covering the Supreme Court, National Press Foundation, Washington, DC. Video available at <https://nationalpress.org/topic/amir-ali-where-to-find-great-stories-before-the-supreme-court-decision>.

November 11, 2022: Panelist, Career Advice, National Association of Muslim Lawyers, Las Vegas, Nevada. This panel provided career advice to law students and lawyers. I have no notes, transcript, or recording. The organization does not appear to have a physical mailing address.

September 30, 2022: Supreme Court Preview: October 2022 Term, NAACP Legal Defense & Educational Fund, Bethesda, Maryland. Notes supplied.

September 28, 2022: “How to Strategize for Litigation in an Increasingly Divided Judicial Landscape,” The National Law Journal (virtual event). The panel discussed how lawyers should prepare in the context of litigating complex and challenging issues. I have no notes, transcript, or recording. The National Law Journal does not have a physical address.

July 8, 2022: Speaker, Pursuing a Career in the Public Interest, United States District Court for D.C. and United States Court of Appeals for the D.C. Circuit, Washington, DC. I spoke to law clerks and interns for the district court and circuit court about my path to a career in the public interest. I have no notes, transcript, or recording. The address for the courts is 333 Constitution Avenue, Northwest, Washington, DC 20001.

April 4, 2022: Panelist, “9th Annual Home Stretch,” Constitutional Accountability Center (Virtual Appearance). Video available at <https://www.theusconstitution.org/events/9th-annual-home-stretch>.

March 17, 2022: Speaker, “Advocating and Winning Appeals in the Nation’s Highest Courts,” National Association for Public Defense (Virtual Appearance). Presentation supplied.

March 1, 2022: Panelist, Strategic Litigation, Harvard Law School (Virtual Appearance), Cambridge, Massachusetts. The panel provided career advice to law students on how to think about legal strategy in the course of work in their clinics and fields. I have no notes, transcript, or recording. The address for Harvard Law School is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

July 30, 2021: Panelist, “Transitioning From For-Profit to Public Interest Law,” Islamic Scholarship Fund (Virtual Appearance). The panel discussed experiences in moving from the private sector to public interest legal work. I have no notes, transcript, or recording. The address for the Islamic Scholarship Fund is 1935 Addison Street, Suite A, Berkeley, California 94704.

March 18, 2021: Speaker, “A Holistic Approach to Winning Appeals—Thinking Beyond Precedent,” National Association for Public Defense (Virtual Appearance). Presentation supplied.

December 2, 2020: Speaker, “Conversations on Race and Policing,” California State University, San Bernardino (Virtual Appearance). Video available at <https://www.csusb.edu/event/544527>.

October 24, 2020: Panelist, Litigating Civil Rights Actions, National Association of Muslim Lawyers (Virtual Appearance). Notes supplied.

October 14, 2020: Panelist, Civil Rights Litigation, Seventh Circuit Bar Association (Virtual Appearance). The panel covered civil rights litigation, with a focus on the history and application of qualified immunity. I have no notes, transcript, or recording. The address for the Seventh Circuit Bar Association is 1911 Cedar Road, Homewood, Illinois 60430.

October 1, 2020: Panelist, Supreme Court Litigation, Harvard Law School (Virtual Appearance). I spoke on a panel co-hosted by the Federalist Society and American Constitution Society about my experience litigating challenging cases before the Supreme Court. I have no notes, transcript, or recording. The address for Harvard Law School is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

July 27, 2020: Panelist, Supreme Court Year in Review, Maryland State Bar Association (Virtual Appearance). Video available at <https://msba.wistia.com/medias/ovk5pcrm65>.

June 18, 2020: Panelist, “The Briefing: New York’s 17th Congressional District Forum,” The Appeal (Virtual Appearance). Video available at <https://www.youtube.com/watch?v=9trzh06onW4>.

October 30, 2019: Panelist, “Supreme Court Preview,” Howard University School of Law, Washington, DC. I spoke on a panel that previewed the cases scheduled

for the Supreme Court's October 2019 term. I have no notes, transcript, or recording. The address for Howard University School of Law is 2900 Van Ness Street, Northwest, Washington, DC.

October 4, 2019: Speaker, "Appellate Lessons From Litigating Before The U.S. Supreme Court," Idaho State Bar, Boise, Idaho. Presentation supplied.

September 25, 2019: Speaker, Careers in Public Interest, Capital Area Muslim Bar Association, Washington, DC. I spoke on a panel about my path to a career in public interest work. I have no notes, transcript, or recording. The organization does not have a physical mailing address.

November 2, 2017: Speaker, "Litigating with an Eye Towards the Supreme Court," Federal Criminal Practice Seminar, Wilmington, North Carolina. Presentation supplied.

March 10, 2017: Panelist, Criminal Justice Panel, Asian Pacific American Bar Association Educational Fund, Washington, DC. I spoke on a panel about my path to doing criminal justice work while in private practice. I have no notes, transcript, or recording. The address for the Asian Pacific American Bar Association Educational Fund is P.O. Box 2209, Washington, DC 20013.

February 7, 2017: "Book Launch Event: Judicious Restraint: The Life and Law of Justice Marshall E. Rothstein," The Advocates' Society Education Center, Toronto, Ontario, Canada. Notes supplied.

October 8–9, 2010: Welcome Remarks for the Centennial Celebration of the Board of Student Advisers, Harvard Law School, Cambridge, Massachusetts. Notes supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Lydia Wheeler, *Stanford's Anand Argues Whistleblower Case in High Court Debut*, Bloomberg Law (Oct. 11, 2023). Copy supplied.

*KBJ's Rookie Year*, Strict Scrutiny (Sept. 11, 2023). Recording available at <https://open.spotify.com/episode/6xVsm72CtaqFGwWEUMoj1u>.

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In addition to the interviews above, I recall speaking with journalists or reporters on a few occasions that, to my knowledge, did not result in any publication.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_

- i. Of these cases, approximately what percent were:

jury trials: \_\_\_\_\_%

bench trials: \_\_\_\_\_% [total 100%]

ii. Of these cases, approximately what percent were:

civil proceedings: \_\_\_\_\_%

criminal proceedings: \_\_\_\_\_% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
  - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
  - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
  - e. Provide a list of all cases in which certiorari was requested or granted.
  - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to

an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I served as a volunteer on President Biden's transition team from October 2020 to January 2021. On October 31, 2020, I volunteered for a phone bank organized by WisDems in support of President Biden. I have not held a position in an election committee or played a role in a political campaign.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
  - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2011 to 2012, I served as a law clerk to the Honorable Raymond C. Fisher of the United States Court of Appeals for the Ninth Circuit.

From 2012 to 2013, I served as a law clerk to the Honorable Marshall Rothstein of the Supreme Court of Canada.

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

I have not practiced alone.

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

2013 – 2017  
Jenner & Block LLP  
1099 New York Avenue, Northwest  
Suite 900  
Washington, DC 20001  
Associate

2017 – present  
Roderick & Solange MacArthur Justice Center  
501 H Street, Northeast, Suite 275  
Washington, DC 20002  
Supreme Court & Appellate Counsel (2017 – 2020)  
Director, D.C. Office & Deputy Director, Supreme Court and Appellate Program (2020 – 2021)  
Executive Director (2021 – 2023)  
President & Executive Director (2023 – present)

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

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

b. Describe:

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

After completing my judicial clerkships, I joined Jenner & Block LLP as a litigation associate in the firm's Washington, DC office. There, I focused on complex civil litigation, regulatory litigation, and appeals. My practice

covered a wide variety of areas, including administrative law, intellectual property, contract disputes, tort actions, class actions, communications law, and numerous claims arising under federal statutes. I also devoted a substantial amount of time to pro bono work at the trial and appellate levels. During my time at the firm, I was involved in the investigation and evaluation of potential cases; the drafting of initiating and responsive pleadings; managing and conducting fact and expert discovery, including in the taking and defending of depositions; civil motions, including case dispositive motions to dismiss and for summary judgment; mediation; pre-trial statements, including proposed voir dire questions, jury instructions, and verdict forms; and evidentiary hearings. In addition to my trial practice, I argued one case before the Supreme Court of the United States while I was an associate at the firm, and I briefed and argued multiple cases before federal courts of appeals.

In 2017, I joined the Roderick & Solange MacArthur Justice Center as the firm's first attorney in Washington, DC. In 2020, I was promoted to the Director level and in 2021, I became the firm's Executive Director. My practice at the firm has included civil and criminal litigation at all levels of federal and state judiciaries, as well as work before federal administrative agencies. In the civil context, my practice has included federal statutory actions, tort claims, injunctive cases, constitutional litigation, and state law claims. In criminal cases, I have litigated issues related to pre-trial rights, voir dire, evidentiary issues, trial rights, trial procedure, sentencing, as well as federal and state habeas corpus. I also manage and supervise several senior attorneys who are engaged in complex civil, criminal, and administrative litigation. I am regularly consulted by private attorneys and public defenders across the country for counsel in their civil and criminal litigation. During my time at the firm, I have argued two more cases in the Supreme Court of the United States, and several more cases in the federal courts of appeals.

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

During my time at Jenner & Block, my clients were typically large companies involved in civil disputes in federal courts or engaged in litigation before administrative agencies. I specialized in commercial litigation, copyright and media law, regulatory practice, and appeals.

At the Roderick & Solange MacArthur Justice Center, my clients are typically individuals who are challenging government overreach or otherwise seeking access to justice. During this time, I have specialized in complex civil litigation, criminal procedure, and government accountability.

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

Except for my work as a law clerk and as a law professor, approximately 95 percent of my practice has been in litigation. I estimate that 85 percent of this litigation has been in federal courts and that the remaining 15 percent of my practice has been in administrative tribunals or state courts. I appear in courts throughout the country occasionally each year to argue motions or appeals; my practice has not been concentrated in any particular jurisdiction.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 85% |
| 2. state courts of record:  | 5%  |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 10% |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 70% |
| 2. criminal proceedings: | 30% |

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

At Jenner & Block LLP, I did not handle any matters that were tried to verdict while I worked on them. From 2013 to 2016, I was associate counsel for approximately seven cases being litigated in federal courts, state courts, or before administrative law judges. My experience included pretrial preparation (including drafting initiating and responsive pleadings; conducting and managing fact and expert discovery, including depositions; appearing for evidentiary hearings; motions, including dispositive motions to dismiss and for summary judgment), leading mediation; as well as leading the drafting of pretrial statements, motions in limine, proposed voir dire questions, jury instructions, and verdict forms.

At the Roderick & MacArthur Justice Center, I have been supervisory counsel on numerous federal, state, and administrative cases, several of which have been tried to final judgment or decision. I have also served as lead counsel for pre-trial preparation (including initial and responsive pleadings and dispositive motions) and for post-trial motions, including practice under Rule 59(a), 59(e), and 54(d)(2). I also regularly provide counsel to private attorneys and public defenders who are trying civil, criminal, and habeas corpus cases.

- i. What percentage of these trials were:

- |          |   |
|----------|---|
| 1. jury: | % |
|----------|---|

2. non-jury: %

Not applicable.

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

While in private practice at Jenner & Block LLP, I was lead counsel on merits briefing in two Supreme Court cases and I argued one of them. At the Roderick & Solange MacArthur Justice Center, I have been lead counsel on merits briefing in two Supreme Court cases and I argued both of them.

I served as lead counsel and argued the following merits cases before the Supreme Court:

*Thompson v. Clark*, No. 20-659, Oral Argument, 2021 WL 6051144 (U.S. Oct. 2021); Reply Brief for Petitioner, 2021 WL 4244940 (U.S. Sept. 2021); Brief for Petitioner, 2021 WL 2394386 (U.S. June 2021); Reply Brief in Support of Certiorari, 2021 WL 680539 (U.S. Feb. 2021); Petition for Certiorari, 2020 WL 6712185 (U.S. Nov. 2020).

*Garza v. Idaho*, No. 17-1026, Oral Argument, 2018 WL 5620812 (U.S. Oct. 2018); Reply Brief for Petitioner, 2018 WL 5078039 (U.S. Oct. 2018); Brief for Petitioner, 2018 WL 3830171 (U.S. Aug. 2018); Reply Brief in Support of Certiorari, 2018 WL 2318242 (U.S. May 2018); Petition for Certiorari, 2018 WL 557828 (U.S. Jan. 2018).

*Welch v. United States*, No. 15-6418, Oral Argument, 2016 WL 1243208 (Mar. 2016); Reply Brief for Petitioner, 2016 WL 1165971 (U.S. Mar. 2016); Brief for Petitioner, 2016 WL 537626 (U.S. Feb. 2016); Supplemental Brief for Petitioner, 2015 WL 9666640 (U.S. Dec. 2015); Reply Brief in Support of Certiorari, 2015 WL 9666639 (U.S. Dec. 2015).

As an attorney with the Roderick & Solange MacArthur Justice Center, I have contributed to the following petitions for certiorari, merits briefs, and amicus briefs:

*Andrus v. Texas*, No. 21-6001, Amicus Brief of the Roderick & Solange MacArthur Justice Center (U.S. Nov. 2022). Copy supplied.

*Lambert v. Louisiana*, No. 22-81, Reply Brief in Support of Certiorari, 2022 WL 16855871 (U.S. Nov. 2022); Petition for Certiorari, 2022 WL 2987241 (U.S. July 2022).

*Gonzalez v. United States*, No. 21-1191, Reply Brief in Support of Certiorari, 2022 WL 1785648 (U.S. May 2022); Petition for Certiorari, 2022 WL 605671 (U.S. Feb. 2022).

*Miller v. United States*, No. 20-1202, Reply Brief in Support of Certiorari, 2021 WL 2289462 (U.S. June 2021); Petition for Certiorari, 2021 WL 795839 (U.S. Feb. 2021).

*Terry v. United States*, No. 20-5904, Reply Brief of Petitioner, 2021 WL 2316800 (U.S. Apr. 2021); Brief for Petitioner, 2020 WL 2125938 (U.S. Feb. 2021).

*Ringland v. United States*, No. 20-1204, Reply Brief in Support of Certiorari, 2021 WL 2289466 (U.S. June 2021); Petition for Certiorari, 2021 WL 795838 (U.S. Feb. 2021).

*Harris v. Maryland*, No. 20-101, Reply Brief in Support of Certiorari, 2020 WL 7774933 (U.S. Dec. 2020); Petition for Certiorari, 2020 WL 4450459 (U.S. July 2020).

*Jones v. Mississippi*, No. 18-1259, Reply Brief for Petitioner 2020 WL 5578832 (U.S. Sept. 2020); Brief for Petitioner, 2020 WL 3106513 (U.S. June 2020).

*Jordan v. Ga. Dep't of Corr.*, No. 19-1361, Reply Brief in Support of Certiorari, 2020 WL 5535989 (U.S. Sept. 2020); Petition for Certiorari, 2020 WL 3124371 (U.S. June 2020).

*Lambert v. Louisiana*, No. 19-8149, Reply Brief in Support of Certiorari (U.S. Aug. 2020); Supplemental Brief in Support of Certiorari (U.S. Apr. 2020). Copies supplied.

*Phipps v. Idaho*, No. 19-1309, Reply Brief in Support of Certiorari, 2020 WL 5216889 (U.S. Aug. 2020); Petition for Certiorari, 2020 WL 2621266 (U.S. May 2020).

*Edwards v. Vannoy*, No. 19-5807, Amicus Brief of the Roderick & Solange MacArthur Justice Center, 2020 WL 4450438 (U.S. July 2020).

*Olson v. Pennsylvania*, No. 19-1070, Reply Brief in Support of Certiorari, 2020 WL 2747442 (May 2020); Petition for Certiorari, 2020 WL 1372755 (U.S. Feb. 2020).

*Jenkins v. Nebraska*, No. 19-514, Amicus of Promise of Justice Initiative, the Cato Institute, and the Roderick & Solange MacArthur Justice Center, 2019 WL 6271903 (U.S. Nov. 2019)

*Schaffer v. Pennsylvania*, No. 19-618, Reply Brief in Support of Certiorari, 2020

WL 1893491 (U.S. Apr. 2020); Petition for Certiorari, 2019 WL 6045403 (U.S. Nov. 2019).

*Rager v. Augustine*, No. 19-6410, Reply Brief in Support of Certiorari, 2020 WL 1313285 (U.S. Mar. 2020).

*Hunter v. Cole*, No. 19-753, Brief in Opposition, 2020 WL 1451616 (U.S. Mar. 2020).

*Raulerson v. Warden*, No. 19-941, Amicus Brief of Southern Center for Human Rights and Roderick & Solange MacArthur Justice Center, 2020 WL 1166636 (U.S. Feb. 2020).

*Guy v. Lampert*, No. 19-725, Reply Brief in Support of Certiorari, 2020 WL 868582 (U.S. Feb. 2020); Petition for Certiorari, 2019 WL 6716018 (U.S. Dec. 2019).

*Morgan v. Washington*, No. 19-494, Reply Brief in Support of Certiorari, 2020 WL 374381 (U.S. Jan. 2020); Petition for Certiorari, 2019 WL 5290788 (U.S. Oct. 2019).

*McKinney v. Arizona*, No. 18-1109, Amicus Brief of the Roderick & Solange MacArthur Justice Center, 2019 WL 4014073 (U.S. Aug. 2019).

*Schexnayder v. Vannoy*, No. 18-8341, Reply Brief in Support of Certiorari, 2019 WL 2711223 (U.S. June 2019).

*Welsh v. United States*, No. 18-6374, Reply Brief in Support of Certiorari (Dec. 2018); Petition for Certiorari (U.S. Oct. 2018). Copies supplied.

*Chandler v. Mississippi*, No. 18-203, Reply in Support of Certiorari, 2018 WL 6618215 (U.S. Dec. 2018); Petition for Certiorari, 2018 WL 3952035 (U.S. Aug. 2018).

*Stokeling v. United States*, No. 17-5554, Reply Brief for Petitioner, 2018 WL 4275547 (U.S. Sept. 2018); Brief for Petitioner, 2018 WL 2960923 (U.S. June 2018).

*Lacaze v. Louisiana*, No. 17-1566, Reply Brief in Support of Certiorari, 2018 WL 4106459 (U.S. Aug. 2018); Petition for Certiorari, 2018 WL 2278236 (U.S. May 2018).

*Fernandez-Rundle v. McDonough*, No. 17-1034, Brief in Opposition, 2018 WL 1942529 (U.S. Apr. 2018).

*Trump v. Hawaii*, No. 17-965, Amicus Brief of the Roderick & Solange

MacArthur Justice Center, 2018 WL 1518284 (U.S. Mar. 2018).

*Williams v. Louisiana*, No. 17-1241, Petition for Certiorari, 2018 WL 1182779 (U.S. Mar. 2018).

*Wass v. Idaho*, No. 17-425, Supplemental Brief in Support of Certiorari, 2018 WL 2734788 (U.S. June 2018); Reply Brief in Support of Certiorari, 2018 WL 637662 (U.S. Jan. 2018); Petition for Certiorari, 2017 WL 4216508 (U.S. Sept. 2017).

*Kisela v. Hughes*, No. 17-467, Brief in Opposition, 2017 WL 6034206 (U.S. Dec. 2017).

*Gonzalez-Badillo v. United States*, No. 17-696, Reply Brief in Support of Certiorari, 2018 WL 1084317 (U.S. Feb. 2018); Petition for Certiorari, 2017 WL 5248442 (U.S. Nov. 2017).

*Wilcoxson v. United States*, No. 17-669, Reply Brief in Support of Certiorari, 2018 WL 994718 (U.S. Feb. 2018); Petition for Certiorari, 2017 WL 5158070 (U.S. Nov. 2017).

*Zanders v. Indiana*, No. 17-166, Reply Brief in Support of Certiorari, 2017 WL 4565073 (U.S. Oct. 2017); Petition for Certiorari, 2017 WL 3309743 (U.S. Aug. 2017).

*Walker v. Farnan*, No. 17-53, Reply Brief in Support of Certiorari, 2017 WL 4280581 (U.S. Sept. 2017); Petition for Certiorari, 2017 WL 2954392 (U.S. July 2017).

*Trump v. Int'l Refugee Ass. Project*, Nos. 16-1436 & 16-1540, Amicus Brief of the Roderick & Solange MacArthur Justice Center, 2017 WL 3668989 (U.S. Aug. 2017).

*Lacaze v. Louisiana*, No. 16-1125, Reply Brief in Support of Certiorari, 2018 WL 4106459 (U.S. May 2017); Petition for Certiorari, 2018 WL 2278236 (U.S. Mar. 2017).

As an attorney with Jenner & Block LLP, I contributed to the following petitions for certiorari, merits briefs, and amicus briefs:

*In re Sharp*, No. 15-646, Reply Brief in Support of Certiorari, 2015 WL 9302659 (U.S. Dec. 2015); Petition for writ of habeas corpus (U.S. Nov. 2015). Copy supplied.

*In re Butler*, No. 15-578, Petition for Writ of Habeas, 2015 WL 6748885 (U.S. Nov. 2015).

*Johnson v. United States*, No. 14-1006, Reply Brief in Support of Certiorari, 2015 WL 2438825 (U.S. May 2015); Petition for Certiorari, 2015 WL 722486 (U.S. Feb. 2015).

*City of Los Angeles v. Patel*, No. 13-1175, Amicus Brief of U.S. Chamber of Commerce, 2015 WL 429070 (U.S. Jan. 2015).

*Holmich v. United States*, No. 14-337, Reply Brief in Support of Certiorari, 2014 WL 7366258 (U.S. Dec. 2014); Petition for Certiorari, 2014 WL 4727762 (U.S. Sept. 2014).

*Warger v. Shauers*, No. 13-517, Amicus Brief of Law Professors, 2014 WL 3957737 (U.S. Aug. 2014).

*Brumfield v. Cain*, No. 13-1433, Reply Brief for Petitioner, 2015 WL 1247182 (U.S. Mar. 2015); Brief of Petitioner, 2015 WL 309085 (U.S. Jan. 2015); Reply Brief in Support of Certiorari, 2014 WL 3589786 (U.S. July 2014); Petition for Certiorari, 2014 WL 2446754 (U.S. May 2014).

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
  - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
  - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *Thompson v. Clark*, 142 S. Ct. 1332 (2022) (Roberts, C.J., Thomas, Breyer, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, Barrett, JJ.), *reviewing* 794 F. App'x 140 (2d Cir. 2020) (Pooler, Lynch, Park, JJ.), *and on remand*, 2023 WL 3570658 (E.D.N.Y. May 18, 2023) (Gonzalez, J.)

From 2019 to the present, I have represented Mr. Thompson, a Navy veteran and U.S. postal worker who alleged that he was the victim of false criminal charges, and filed a federal civil action after the charges against him were dismissed. The district court dismissed Mr. Thompson's claim in the midst of trial, reasoning that dismissal of the false charges against Mr. Thompson did not affirmatively indicate he was innocent. I have since assisted Mr. Thompson at all levels of the federal judiciary. I served as lead and arguing counsel for Mr. Thompson on appeal to the Second Circuit, and then as lead

and arguing counsel before the Supreme Court of the United States. After the Supreme Court granted certiorari in the case, I first-chaired meetings with the United States government, which adopted the position I advanced and argued as amicus curiae in support of Mr. Thompson. In 2022, the Supreme Court issued an opinion adopting the position I advanced and reinstated Mr. Thompson's claim. I continued to assist Mr. Thompson on remand in the district court, including for a new round of dispositive motions. Following the district court's grant of summary judgment to Mr. Clark, I represent Mr. Thompson again on appeal to the Second Circuit, where his case is currently pending. Throughout the litigation of this case, I have supervised several other attorneys and collaborated with several community groups, members of law enforcement, and a cross-ideological group of organizations who have supported Mr. Thompson's case.

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2. *Jones v. Treubig*, 963 F.3d 214 (2d Cir. 2020) (Cabranes, Bianco, Reiss, JJ.), *on remand*, 2021 WL 3773460 (S.D.N.Y. Aug. 24, 2021) (Fox, J.), *adopted in*, 2022 WL 1223215 (S.D.N.Y. Apr. 26, 2022) (Koeltl, J.)

From 2018 to 2022, I represented Mr. Jones, a military veteran who filed a federal civil action alleging that Mr. Treubig, a police officer, used gratuitous severe force by tasing him while he was lying face down on the floor. Mr. Jones's case proceeded to trial and a jury issued a verdict in his favor, finding that the defendant maliciously and wantonly violated Mr. Jones's constitutional rights. After the district court set aside the jury's verdict, I was retained by Mr. Jones to review his trial record and serve as lead counsel in arguing for reinstatement of the jury's verdict based on the evidence. The Second Circuit issued a unanimous opinion agreeing that the trial judge had committed reversible error

and reinstated the jury's verdict in favor of Mr. Jones. Following the Second Circuit's decision, I continued to represent Mr. Jones in the United States District Court for the Southern District of New York, acting as lead counsel in response to the defendant's post-trial motions, and appearing in court to argue those motions. Throughout the litigation of this case, I supervised several other attorneys. The district court denied the defendant's motion for a new trial and granted attorneys' fees to Mr. Jones.

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3. *Cole v. Carson*, 935 F.3d 444 (5th Cir. 2019) (en banc) (Stewart, C.J., Higginbotham, Jones, Smith, Dennis, Clement, Owen, Elrod, Southwick, Haynes, Graves, Higginson, Costa, Willett, Ho, Duncan, Engelhardt, Oldham, JJ.), *cert. denied*, 141 S. Ct. 111 (2020), *on remand*, 497 F. Supp. 3d 172 (N.D. Tex. 2020) (O'Connor, J.)

In 2019, I represented the Cole family in their federal civil action alleging the defendants violated the law by using deadly force against a 17-year-old boy in the absence of any threat and thereafter attempting to cover up their actions. A district court judge in the United States District Court for the North District of Texas and a unanimous Fifth Circuit panel (Higginbotham, Clement, and Higginson, JJ.) ruled in favor of the Cole family, denying summary judgment on the basis that the defendants' use of force and fabrication of evidence violated clearly established law. After the Fifth Circuit granted en banc review, I was retained to review the trial record and to defend the district court and Fifth Circuit panel's decisions. I served as principal author of the en banc briefing and presented oral argument before the 18-judge en banc panel. The en-banc court issued an 11-judge opinion adopting the position I advanced, finding that the plaintiff's evidence established an obvious constitutional violation. I continued to serve as lead counsel to defend the Fifth Circuit's en banc decision, and the Supreme Court denied review. Thereafter, I assisted with representation of the Cole family on remand in the trial court, and the parties entered a settlement agreement before trial.

Co-Counsel

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4. *Garza v. Idaho*, 139 S. Ct. 738 (2019) (Roberts, C.J., Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, JJ.)

From 2017 to 2019, I represented Mr. Garza in the Supreme Court of the United States. After signing a guilty plea, Mr. Garza had instructed his criminal defense attorney to file an appeal. His defense attorney refused, believing that Mr. Garza had waived any right to appeal as part of his plea agreement. Mr. Garza filed a state post-conviction action arguing that he was entitled to his appeal irrespective of the terms of his plea agreement and, after his claim was rejected in the state courts, Mr. Garza's attorneys sought my assistance in bringing Mr. Garza's case to the Supreme Court of the United States. I served as lead counsel at the certiorari stage and, after the Supreme Court granted review, served as lead and arguing counsel at the merits stage. The Supreme Court issued an opinion adopting the position I advanced, holding that Mr. Garza was entitled to have his appeal reinstated.

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5. *Determination of Royalty Rates and Terms for Transmission of Sound Recordings by Satellite Radio and "Preexisting" Subscription Services*, 83 FR 65210 (C.R.B. 2018) (Barnett, Feder, Strickler, Copyright Royalty Judges)

From 2016 to 2017, I represented SoundExchange, Inc., the Recording Industry Association of America, Sony Music Entertainment, Universal Music Group, Warner Music Group, the American Association of Independent Music, the American Federation of Musicians of the United States and Canada, and the Screen Actors Guild and American Federation of Television and Radio Artists in litigation before the Copyright Royalty Board to determine the reasonable rates and terms for the digital performance of sound recordings and the making of ephemeral recordings by satellite radio and preexisting subscription services for the period between January 2018 and December 2022. I represented these parties from the initial petition to participate through fact discovery, expert discovery, and the proffer of direct testimony. This included being the lead author of motions, participating in expert depositions, and leading the written direct testimony of economic experts. My representation concluded shortly before trial, when I left Jenner & Block LLP to join the Roderick & Solange MacArthur Justice Center. Following trial and relying on the economic expert testimony, the Copyright Royalty Board issued its final determination of the rates and terms for the period from 2018 to 2027.

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6. *Keepseagle v. Perdue*, 856 F.3d 1039 (D.C. Cir. 2017) (Wilkins, Brown, Edwards, JJ.); 2016 WL 9455764 (D.D.C. Apr. 20, 2016) (Sullivan, J.)

From 2016 to 2017, I represented a class of Native American farmers and ranchers who filed suit alleging that the United States Department of Agriculture discriminated against Native American applicants in their claims under farm credit and benefits programs. The district court approved a settlement agreement that created a \$680 million compensation fund for the benefit of class members and, at the close of the claims process, \$380 million remained in the compensation fund. The class and the government thereafter agreed to a modification in which these funds would be distributed over time through a trust to non-profits that support Native American farmers. The district court upheld the modification against a challenge from individual class members. After individual class members appealed, I represented the class of Native American farmers in the D.C. Circuit. I drafted the briefing on appeal, which was adopted by the court to uphold the modified settlement agreement.

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7. *Welch v. United States*, 136 S. Ct. 1257 (2016) (Roberts, C.J., Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan, JJ.); 958 F.3d 1093 (11th Cir. 2020) (Rosenbaum, Tjoflat, Pauley, JJ.).

From 2015 to 2016, I represented Mr. Welch before the Supreme Court of the United States, where he sought retroactive application of *Johnson v. United States*, 576 U.S. 591 (2015), which had invalidated the statutory provision that authorized Mr. Welch's enhanced sentence. My representation included entering as lead counsel and drafting briefing at the certiorari stage; acting as first-chair in meetings and correspondence with the United States Solicitor General's Office; drafting briefs at the merits stage; and arguing the case before the Supreme Court. The United States government adopted the

position I advanced in the case and argued in support of Mr. Welch. The Supreme Court therefore appointed an amicus to argue the opposing view. Following oral argument, the Supreme Court issued an opinion joined by seven Justices adopting my position that *Johnson* applied retroactively to Mr. Welch. I continued to represent Mr. Welch on remand and his motion to vacate was denied in 2020.

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8. *Chevron U.S.A., Inc. v. Apex Oil Co.*, No. 1:15-cv-00341 (D. Md. 2015) (Motz, J.)

From 2015 to 2017, I represented defendants Apex Oil Company and Petroleum Fuel & Terminal Co. (“PF&T”), in a federal action filed by Chevron U.S.A., Inc., alleging breach of contract, as well as other claims under federal and state law. Chevron alleged that a pipeline owned by the defendants was the source of hydrocarbon contamination, increasing the cost of Chevron’s preexisting obligation to clean up hydrocarbon contamination near the pipeline. The defendants denied that their pipeline was the source of contamination. I represented the defendants in the district court from responsive pleadings through discovery, including authoring the defendants’ motion to dismiss. The district court granted the defendants’ motion to dismiss in part, dismissing all of the claims against defendant Apex Oil and dismissing nine claims as to defendant PF&T. Following the court’s ruling, the parties entered mediation and Chevron dismissed its claims pursuant to a settlement agreement.

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9. *Getty Images, Inc. v. Microsoft Corp.*, 61 F. Supp. 3d 301 (S.D.N.Y. 2014) (Cote, J.)

From 2014 to 2015, I represented plaintiff Getty Images, Inc., in a federal copyright infringement action against Microsoft Corporation. The complaint alleged that Microsoft released a new internet technology called the “Bing Image Widget” which allowed website creators to embed the images owned by the plaintiff onto websites without regard to copyright protection. Microsoft denied Getty Images’ claims of copyright infringement and also filed counterclaims for copyright infringement and trademark infringement. My representation included investigating and evaluating claims; drafting the complaint and answer to counterclaims; appearing in court for an order to show cause hearing and evidentiary hearing concerning the request for a preliminary injunction; drafting memoranda of law, including a motion for a preliminary injunction, a response to the defendant’s motion to dismiss, and the plaintiff’s motion for partial summary judgment; and representing the plaintiff in settlement discussions. In response to the plaintiff’s action, Microsoft permanently disabled the Bing Image Widget. After the court denied Microsoft’s motion to dismiss the case, the parties entered into a settlement agreement and the plaintiff voluntarily dismissed its claims.

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10. *D.C. Housing Authority v. Locust*, No. 2014 LTB 034175 (D.C. Super. 2014) (Mott, J.)

In 2014, I was lead counsel for Ms. Locust in response to an action seeking to evict her family, alleging that she had failed to properly recertify her eligibility for public housing and that her son had engaged in illegal activity. Ms. Locust denied the allegations. My representation included drafting Ms. Locust's responsive pleading; investigating the plaintiff's claims and interviewing witnesses; propounding discovery requests and taking and defending a third-party deposition of the lead complaining witness; appearing in court to argue motions; drafting the defendant's motion for summary judgment; exchange of witnesses and exhibits; and drafting the pretrial statements, proposed jury instructions, verdict form. The parties entered into a settlement agreement shortly before trial, in which the plaintiff agreed to accept Ms. Locust's recertification and withdrew its action to evict Ms. Locust's family.

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

In addition to my own practice, I have contributed to the legal profession through regular involvement with bar associations and participation in legal conferences. From 2017 to 2018, I was a Vice Chair of the National Security and Civil Liberties Committee of the American Bar Association. I have spoken on panels for the Asian Pacific American Bar Association Educational Fund, the National Association of Muslim Lawyers, and the Capital Area Muslim Bar Association. I regularly attend legal convenings, including bench and bar conferences, and have volunteered to deliver numerous lectures as continuing legal education for other attorneys.

I have also contributed to the profession through the management, supervision, and advising of lawyers and other legal professionals. For the past several years, I have

managed and supervised numerous senior and mid-level attorneys, and I currently oversee a firm of approximately 50 attorneys and legal professionals. I also regularly volunteer my time to advise outside private attorneys and public defenders on issues related to civil, criminal, and habeas corpus litigation. Each year, I assist many attorneys in preparation for trial and appellate court appearances, including serving as an active member of the Georgetown Supreme Court Institute's moot court program.

Since the beginning of my career, I have also devoted significant time to teaching and mentoring junior attorneys and law students. I have taught about the practice of law through seminars and clinical instruction at Harvard Law School, Georgetown Law School, and the University of the District of Columbia David A. Clarke School of Law, a public HBCU. At Jenner & Block, my current not-for-profit, and in my role in founding The Appellate Project, a not-for-profit organization focused on mentoring law students, I have personally taught and mentored hundreds of junior lawyers and law students. For the past two years, I have also provided career advice to the law clerks and summer interns at the United States District Court for D.C. and the D.C. Circuit. My service inspiring the next generation of attorneys was recognized by the NAACP and ACRL's annual Justice Tribute Award, provided to an attorney "whose unwavering commitment has paved the way for current and future leaders in the field of legal justice."

Additionally, on behalf of the Roderick & Solange MacArthur Justice Center, I have participated in stakeholder meetings with the Department of Justice and federal agencies as part of rulemaking and community engagement meetings. I have never registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In Fall 2023, I taught second- and third-year law students "Supreme Court Practice" at the University of the District of Columbia David A. Clarke School of Law. The course examined the various stages of federal litigation as it advances before the Supreme Court, including certiorari, merits, oral argument, amicus briefs, and the role of the United States Solicitor General. Syllabus supplied.

From 2019 to present, I have directed Harvard Law School's Criminal Justice Appellate Clinic. As part of the clinic, I supervise second- and third-year students' legal research and writing on civil and criminal cases. The course also has a seminar component, in which students learn about and engage with substantive civil and criminal law. Since 2022, the clinic has also extended through the Spring semester. Syllabus from 2023 term supplied.

In Spring 2018 and Spring 2019, I taught second- and third-year law students "The Anatomy of a Supreme Court Case" at Harvard Law School. The course examined the various stages of federal litigation as it advances before the Supreme Court, including

certiorari, merits, oral argument, amicus briefs, and the role of the United States Solicitor General. Syllabus from 2018 term supplied.

In Spring 2018, I taught “Constitutional Litigation and the Current Administration” at Georgetown University Law Center. The course taught students the fundamentals of complex constitutional litigation involving the Executive Branch, with a focus on the evolution of litigation and studying actual pleadings filed in federal trial court litigation. Syllabus supplied.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed, I will recuse from any litigation in which I have ever played a role.

For a period of time, I also anticipate recusing in all cases where my current employer, the Roderick & Solange MacArthur Justice Center, is or represents a party. I will evaluate any other real or potential conflict, as well as any relationship that could give rise to the appearance of such a conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including by recusing where necessary or appropriate.

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

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

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

From 2013 to 2017, I was an associate at Jenner & Block LLP, where I devoted substantial time to pro bono work. This included representing a woman whose family was at risk of eviction and reaching a favorable settlement which allowed her, her four children, and grandchild to remain in their home. I also argued pro bono appeals in the Fifth and Seventh Circuits on behalf of indigent people who were incarcerated, and I argued another pro bono case in the Supreme Court of the United States, in which I obtained a ruling in my client's favor.

Since 2017, I have worked as an attorney at the Roderick & Solange MacArthur Justice Center, where all my work has been undertaken without charge to my clients. My service has included a wide array of issues related to government overreach, including work defending the religious freedom of people of all faiths who are incarcerated. My litigation has also frequently involved collaborating with current and former law enforcement officials and working with organizations across a diverse array of ideologies.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of

Investigation personnel concerning your nomination.

On September 22, 2023, I submitted an application to the judicial screening committee for Congresswoman Eleanor Holmes Norton. On October 2, 2023, I interviewed with Congresswoman Norton's screening committee. On October 20, 2023, I interviewed with Congresswoman Norton. On October 25, 2023, I interviewed with attorneys from the White House Counsel's Office, who informed me on November 13, 2023, that I would be moving forward in the selection process. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On January 10, 2024, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

