

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

John Campbell ("Cam") Barker

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

United States District Judge for the Eastern District of Texas

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.

209 West 14th Street
Austin, Texas 78701

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

1980; New Orleans, Louisiana

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.

2002 – 2005, University of Texas School of Law; J.D. (highest honors), 2005

1998 – 2002, Texas A&M University; B.S. (*summa cum laude*), 2002

1998, Houston Community College; no degree pursued or received

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.

2015 – present
Office of the Attorney General of Texas
209 West 14th Street

Austin, Texas 78701
Deputy Solicitor General

2011 – 2015
Yetter Coleman LLP
909 Fannin Street, Suite 3600
Houston, Texas 77010
Partner (2014 – 2015)
Associate (2011 – 2013)

2011
John W. Barker
1100 County Road 507
Marbury, Alabama 36051
Technical Writer

2007 – 2011
United States Department of Justice
Criminal Division
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Trial Attorney

2009
Office of the United States Attorney
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, Virginia 22314
Special Assistant United States Attorney (on detail)

2006 – 2007
Hon. William C. Bryson
United States Court of Appeals for the Federal Circuit
717 Madison Place NW
Washington, D.C. 20439
Law Clerk

2005 – 2006
Hon. John M. Walker, Jr.
United States Court of Appeals for the Second Circuit
157 Church Street, 17th Floor
New Haven, Connecticut 06510
Law Clerk

2005
United States Department of Justice

Antitrust Division
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Summer Law Intern

2004 – 2005
University of Texas School of Law
727 East Dean Keeton Street
Austin, Texas 78705
Research Assistant to Professor Douglas Laycock

2004
Wilson Sonsini Goodrich & Rosati PC
900 South Capital of Texas Highway
Las Cimas IV, Fifth Floor
Austin, Texas 78746
Summer Associate

2004
Vinson & Elkins LLP
2801 Via Fortuna
Austin, Texas 78746
Summer Associate

2003
University of Texas School of Law
727 East Dean Keeton Street
Austin, Texas 78705
Research Assistant to Professor William Forbath

2003
Baker Botts LLP
2001 Ross Avenue, Suite 600
Dallas, Texas 75201
Summer Associate

2003
Locke Liddell & Sapp LLP
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201
Summer Associate
Now Locke Lord LLP

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 have not served in the military. I timely registered for selective service upon turning eighteen.

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.

Best Brief Award, National Association of Attorneys General (2016, 2017)

Pro Bono College, State Bar of Texas (2014, 2015)

Named Texas Rising Star by Thomson Reuters (2014, 2015)

Appellate Lawyer of the Week, Texas Lawyer (2013)

Pegasus Scholar, American Inns of Court (2011)

Meritorious Award, United States Department of Justice (2008, 2009, 2010)

Certificate of Achievement, United States Attorney for the Eastern District of Virginia (2009)

J.D. awarded with highest honors and Order of the Coif (2005)

Grand Chancellor, Chancellors Honor Society (2004)

Texas Law Review (2003 – 2005)
Editorial Board (2004 – 2005)

ABA-BNA Award for Excellence in the Study of Intellectual Property Law (2005)

Legal Research Board (2003 – 2005)

Various endowed law-school scholarships (2002 – 2003, 2004 – 2005)

Bachelor of Science degree awarded *summa cum laude* (2002)

Dean's Honor Roll (1998 – 2002)

Tau Beta Pi Engineering Honor Society (2000 – 2002)

Eta Kappa Nu Electrical Engineering Honor Society (2000 – 2002)

Phi Kappa Phi Honor Society (1999 – 2002)

President's Endowed Scholarship (1998 – 2002)

Engineering Scholars Fellowship (1999 – 2000)

Teagle Foundation Scholarship (1998 – 1999)

Microsoft National Computer Science Scholarship (1998 – 1999)

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.

American Intellectual Property Law Association: Amicus Committee (2012 – present)

Austin Bar Association (2011 – present)

Bar Association of the Fifth Circuit (2017 – present)

Edward Coke Appellate American Inn of Court (2009 – 2011)

The Honorable Lee Yeakel Intellectual Property American Inn of Court (2012 – 2014)

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.

Texas, 2005

There has been no lapse 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, 2009

United States Court of Appeals for the First Circuit, 2007

United States Court of Appeals for the Second Circuit, 2011

United States Court of Appeals for the Fourth Circuit, 2009

United States Court of Appeals for the Fifth Circuit, 2008

United States Court of Appeals for the Sixth Circuit, 2011

United States Court of Appeals for the Seventh Circuit, 2011

United States Court of Appeals for the Eighth Circuit, 2011

United States Court of Appeals for the Ninth Circuit, 2008

United States Court of Appeals for the Tenth Circuit, 2015
United States Court of Appeals for the District of Columbia Circuit, 2016
United States Court of Appeals for the Federal Circuit, 2007
United States District Court for the Eastern District of Texas, 2012
United States District Court for the Northern District of Texas, 2012
United States District Court for the Southern District of Texas, 2012
United States District Court for the Western District of Texas, 2012

My Second Circuit bar membership expired in 2016 and was not renewed due to lack of need. There have otherwise 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.

Boy Scouts of America, Cub Scout Den Leader (2016 – present), Boy Scout Assistant Scoutmaster (January 8, 2018 – present), Capitol Area Council

- 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.

The Boy Scouts of America has limited youth membership in Cub Scouting, Boy Scouting, and Varsity Scouting to boys. In October 2017, the organization announced that it will open the Cub Scouting program to girls and deliver a Scouting program for older girls in 2018.

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.

United States Supreme Court Update, The Appellate Advocate (Spring 2013 – Fall 2017) (contributor to regular feature in journal of the State Bar of Texas Appellate Section). Copies supplied.

Report to American Inns of Court on Pegasus Scholarship (2011). Copy supplied.

Manual on Usage & Style (Texas Law Review Association 2005) (co-editor). Copy supplied.

Note, *Grossly Excessive Penalties in the Battle Against Illegal File-Sharing*, 83 Tex. L. Rev. 525 (2004). Copy supplied.

Wavelet-Based VBR Video Traffic Smoothing, 6 IEEE Transactions on Multimedia 611 (2004). Copy supplied.

Dynamic Programming Based Smoothing of VBR Video Traffic, Proceedings of the Packetvideo Workshop (2002). 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.

None.

- 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.

None.

- 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.

July 19, 2017: Panel Moderator, “Understanding Federalism from the Founding to the Present,” Texas Attorney General Office’s 2017 Constitutional Law

Conference, Austin, Texas. I moderated a panel of three presenters discussing aspects of federalism throughout American history. I have no notes, transcript, or recording. The address of the Texas Attorney General's Office is 209 West 14th Street, Austin, Texas 78701.

May 9, 2017: Co-presenter, "Advocacy by Example: A Video-Based Review," National Appellate Practice Conference, National Attorneys General Training & Research Institute, Washington, D.C. Notes supplied.

February 7, 2017: Co-presenter, "Advocacy by Example: A Video-Based Review," Mobile Appellate Practice Seminar, National Attorneys General Training & Research Institute, Frankfort, Kentucky. Notes supplied.

January 13, 2017: Remarks as Texas Attorney General's Designee to the Texas Supreme Court Advisory Committee, Austin, Texas. Transcript supplied.

November 11, 2016: Presenter, "*Montano v. Frezza*: The Legal Issues & Oral Argument," Texas Alliance for Patient Access Annual Meeting, Austin, Texas. The presentation was on the legal issues and oral argument in a New Mexico Supreme Court case concerning sovereign immunity of state employees sued in foreign courts regarding their state duties. I have no notes, transcript, or recording. The address of Texas Alliance for Patient Access is 2301 South Capitol of Texas Highway, Building J-101, Austin, Texas 78746.

May 10, 2016: Co-presenter, "Advocacy by Example: A Video-Based Review," National Appellate Practice Conference, National Attorneys General Training & Research Institute, Washington, D.C. Notes supplied.

April 19, 2016: Speaker, Brown Bag Lunch, United States Department of Justice Criminal Division, Appellate Section, Washington, D.C. The presentation was on the nature and duties of the Texas Solicitor General's Office. I have no notes, transcript, or recording. The address for the United States Department of Justice is 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

February 17, 2016: Co-presenter, "Advocacy by Example: A Video-Based Review," National Appellate Practice Conference, National Attorneys General Training & Research Institute, Atlanta, Georgia. Notes supplied.

January 13, 2016: Co-presenter, "Advocacy by Example: A Video-Based Review," National Appellate Practice Conference, National Attorneys General Training & Research Institute, Denver, Colorado. Notes supplied.

July 23, 2015: Co-presenter, "U.S. Supreme Court Update," Advanced Government Law Course, TexasBarCLE, Austin, Texas. Course materials supplied.

May 12, 2015: Co-presenter, "Advocacy by Example: A Video-Based Review," National Appellate Practice Conference, National Attorneys General Training & Research Institute, Washington, D.C. Notes supplied.

June 19, 2014: Co-presenter, "*Nautilus, Inc. v. Biosig Instruments, Inc.*: Where Does the Definiteness Requirement Go From Here?," American Intellectual Property Law Association Webinar. PowerPoint slides supplied.

April 19, 2013: Co-presenter, "Advocacy by Example: A Video-Based Review," Mobile Appellate Practice Seminar, National Attorneys General Training & Research Institute, Los Angeles, California. Notes supplied.

April 16, 2013: Co-presenter, "Advocacy by Example: A Video-Based Review," Mobile Appellate Practice Seminar, National Attorneys General Training & Research Institute, San Francisco, California. Notes supplied.

November 15, 2012: Co-presenter, "Economic Espionage: Criminal Prosecutions for Trade Secret Theft," The Honorable Lee Yeakel Intellectual Property American Inn of Court, Austin, Texas. My Inn of Court group gave a presentation addressing the Economic Espionage Act and criminal prosecution of trade-secret theft. The address of the administrator of The Honorable Lee Yeakel Intellectual Property Inn of Court is 900 South Capital of Texas Highway, Las Cimas IV, Fifth Floor, Austin, Texas 78746.

June 6, 2012: Co-presenter, "Attorney-Client Privilege: Overview and Update on Issues Facing In-House Counsel." Continuing Legal Education Presentation, Houston, Texas. PowerPoint slides supplied.

June 6, 2012: Co-presenter, "FCPA, Sanctions, Export, and Antiboycott Compliance." Continuing Legal Education Presentation, Houston, Texas. PowerPoint slides supplied.

May 15, 2012: Panelist, "*Morrison v. National Australia Bank*: The Impact on Transnational Investors and Issuers," D.C. Bar, Washington, D.C. I spoke about the Supreme Court's 2010 decision in *Morrison v. National Australia Bank*. I have no notes, transcript, or recording of the presentation. The address for the D.C. Bar is 1101 K Street NW, Suite 200, Washington, D.C. 20005.

August 2011: Presenter, "Issue Statements and Argument Headings," Criminal Appellate Advocacy Seminar, National Advocacy Center, Columbia, South Carolina. PowerPoint slides attached.

November 9, 2010: Presenter, Federal Criminal Prosecution Seminar, University of Texas School of Law, Austin, Texas. The presentation was on the role in federal criminal prosecutions of the United States Department of Justice Criminal Division's Appellate Section and the Office of the Solicitor General. I have no

notes, transcript, or recording of the presentation. The address for the University of Texas School of Law is 727 East Dean Keeton Street, Austin, Texas 78705.

August 2010: Presenter, “Issue Statements and Argument Headings,” Criminal Appellate Advocacy Seminar, National Advocacy Center, Columbia, South Carolina. PowerPoint slides attached.

November 17, 2009: Presenter, Federal Criminal Prosecution Seminar, University of Texas School of Law, Austin, Texas. The presentation was on the role in federal criminal prosecutions of the United States Department of Justice Criminal Division’s Appellate Section and the Office of the Solicitor General. I have no notes, transcript, or recording of the presentation. The address for the University of Texas School of Law is 727 East Dean Keeton Street, Austin, Texas 78705.

March 31 or April 1, 2005: Co-presenter, “Texas Regulation of Religious Higher Education,” The Legal Rights and Responsibilities of the First Amendment’s Religious Liberty Clauses Seminar, TexasBarCLE, Austin, Texas. Course materials supplied.

February 2005: Presenter, “Grossly Excessive Penalties in the Battle Against Illegal File-Sharing,” Intellectual Property Law Symposium, University of Texas School of Law, Austin, Texas. Paper presented supplied.

April 2002: “Dynamic Programming-Based Smoothing of VBR Video Traffic,” Packetvideo Workshop, Pittsburgh, Pennsylvania. Paper presented supplied.

In 1999 and 2000, I presented a series of “Microsoft Tools and Technologies Workshops” at Texas A&M University about Microsoft tools for computer programmers. I do not know the exact dates, nor do I have any notes, transcripts, or recordings. The address for Texas A&M University is 400 Bizzell Street, College Station, Texas 77843.

Outside of wholly personal speeches or talks I may have given—for example, toasts, eulogies, and religious instruction or commentary—the above represents my best recollection of all speeches or talks I have delivered since high school.

- 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.

Appellate Lawyer of the Week: Pro Bono Political Persecution Protection, TEX. LAWYER, September 2013. Copy supplied.

SEC Use of Extraterritorial Authority Dependent on Circumstances, Official Says, BUREAU OF NAT’L AFFAIRS, May 2012. Copy supplied.

Pegasus Scholarships, American Inns of Court, 2011. Copy supplied.

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

I have not served as a judge.

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

- i. Of these, approximately what percent were:

jury trials: _____ %
bench trials: _____ % [total 100%]

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 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 (3) 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.

None.

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 2005 to 2006, I served as a law clerk to the Honorable John M. Walker, Jr., Chief Judge of the United States Court of Appeals for the Second Circuit.

From 2006 to 2007, I served as a law clerk to the Honorable William C. Bryson, Circuit Judge of the United States Court of Appeals for the Federal Circuit.

- 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.

2005
United States Department of Justice
Antitrust Division
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Summer Law Intern

2007 – 2011
United States Department of Justice
Criminal Division
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Trial Attorney

2009
Office of the United States Attorney
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, Virginia 22314
Special Assistant United States Attorney (on detail)

2011 – 2015
Yetter Coleman LLP
909 Fannin Street, Suite 3600
Houston, Texas 77010
Partner (2014 – 2015)
Associate (2011 – 2013)

2015 – present
Office of the Attorney General of Texas
209 West 14th Street
Austin, Texas 78701
Deputy Solicitor General

- 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.

b. Describe:

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

In 2005, after graduating from law school, I served as a summer law intern in the Antitrust Division of the United States Department of Justice. I conducted legal research for investigations and litigation by the Division.

In 2007, after finishing my clerkships, I joined the Criminal Division of United States Department of Justice. I worked in the Appellate Section, where attorneys handle appeals in federal criminal cases. I presented 12 oral arguments and drafted approximately 90 briefs in appeals involving matters such as terrorism funding, child exploitation, securities fraud, organized crime, economic espionage, and drug dealing. My practice also included preparing recommendations to the Solicitor General on whether the United States should appeal adverse decisions, assisting government attorneys in preparing for oral argument, drafting guidance for trial prosecutors on developments in the law, and consulting with United States Attorneys' Offices on issues arising in their districts.

In 2009, I was detailed to the United States Attorney's Office in Alexandria, Virginia, as a Special Assistant United States Attorney. I handled criminal cases at all stages of their progress, including conducting trial.

In 2011, I joined Yetter Coleman LLP, a Texas litigation boutique, as an associate. I primarily represented corporate clients in complex commercial and intellectual-property litigation. My responsibilities across various cases spanned the course of civil litigation in trial court. My practice also included a significant appellate and pro bono component. I litigated cases in state and federal courts, representing both plaintiffs and defendants. In 2014, the firm promoted me to its partnership.

In 2015, I took a position in the Texas Attorney General's Office as Deputy Solicitor General. My practice focuses on representing the State of Texas and its agencies and officials in appeals and significant trial-court litigation. In this position, I have presented ten appellate oral arguments and drafted numerous briefs in trial and appellate courts. My practice covers both state and federal courts. With two exceptions, all of my cases here have been civil in nature.

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

At the United States Department of Justice, I represented the United States.

In private practice at Yetter Coleman, my typical clients were businesses involved in complex civil litigation. I also handled pro bono matters for a variety of clients, ranging from an individual seeking asylum in an immigration case to law professors in constitutional litigation.

At the Texas Attorney General's Office, I represent the State of Texas and its agencies and officials in civil litigation.

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

- i. Indicate the percentage of your practice in:

- 1. federal courts: 80%
- 2. state courts of record: 20%
- 3. other courts: ___%
- 4. administrative agencies: ___%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 60%
- 2. criminal proceedings: 40%

My practice has been in litigation almost exclusively. I frequently appeared in court while serving in the United States Department of Justice and the Texas

Attorney General's Office. In private practice, my court appearances varied from occasional to frequent.

- 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.

Eight. I served as associate counsel in two civil trials at Yetter Coleman. At the United States Department of Justice, I was chief counsel in five bench trials and associate counsel in one jury trial.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 25% |
| 2. non-jury: | 75% |

- 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.

I have not argued before the Supreme Court. I have been counsel on Supreme Court briefs or petitions in the following cases:

Department of Homeland Security v. Regents of the University of California, No. 17-1003 (pet. pending)
In re United States, 138 S. Ct. 371 (Dec. 8, 2017)
Trump v. Hawaii, 138 S. Ct. 542 (Dec. 4, 2017)
Texas v. Hartfield, 138 S. Ct. 473 (Nov. 27, 2017)
Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, No. 16-111 (cert. granted)
Arlene's Flowers, Inc. v. Washington, No. 17-108 (pet. pending)
Ayestas v. Davis, No. 16-6795 (cert. granted)
Davila v. Davis, 137 S. Ct. 2058 (2017)
Trump v. International Refugee Assistance Project, 137 S. Ct. 2080 (2017)
Sterling v. United States, 137 S. Ct. 2212 (2017)
Brewer v. Arizona Dream Act Coalition, No. 16-1180 (pet. pending)
Walker v. Texas, 137 S. Ct. 1813 (2017)
TC Heartland LLC v. Kraft Foods Group Brands LLC, 137 S. Ct. 1219 (2017)
Buck v. Davis, 137 S. Ct. 759 (2017)
Abbott v. Veasey, 137 S. Ct. 612 (2017)
Herrera v. Texas, 137 S. Ct. 633 (2017)
Ivy v. Morath, 137 S. Ct. 414 (2016)
Whole Woman's Health v. Hellerstedt, 136 S. Ct. 2292 (2016)
United States v. Texas, 136 S. Ct. 2271 (2016)

DeJoria v. Maghreb Petroleum Exploration, S.A., 136 S. Ct. 2486 (2016)
Zubik v. Burwell, 136 S. Ct. 1557 (2016)
Apple, Inc. v. United States, 136 S. Ct. 1376 (2016)
Frew v. Traylor, 136 S. Ct. 1159 (2016)
Sissel v. Department of Health and Human Services, 136 S. Ct. 925 (2016)
King v. Burwell, 135 S. Ct. 2480 (2015)
Horne v. Department of Agriculture, 135 S. Ct. 2419 (2015)
Walker v. Texas Division, Sons of Confederate Veterans, Inc., 135 S. Ct. 2239 (2015)
Peters v. Committee on Grievances for the United States District Court for the Southern District of New York, 135 S. Ct. 448 (2014)
Nautilus, Inc. v. Biosig Instruments, Inc., 134 S. Ct. 2120 (2014)
Horne v. Department of Agriculture, 569 U.S. 513 (2013)
Reynolds v. Thomas, 566 U.S. 917 (2012)
United States v. Valverde, 565 U.S. 1228 (2012)
Cuevas-Perez v. United States, 565 U.S. 1189 (2012)
DiTomasso v. United States, 565 U.S. 1189 (2012)
Fuller v. United States, 565 U.S. 1189 (2012)
Gagnon v. United States, 565 U.S. 1189 (2012)
Reynolds v. United States, 565 U.S. 432 (2012)
United States v. Jones, 565 U.S. 400 (2012)
Armstrong v. United States, 565 U.S. 942 (2011)
Wyatt v. United States, 565 U.S. 839 (2011)
Johnson v. United States, 565 U.S. 834 (2011)
Loniello v. United States, 563 U.S. 929 (2011)
Jimenez-Lopez v. United States, 562 U.S. 1289 (2011)
Waters v. United States, 562 U.S. 1223 (2011)
Bennett v. United States, 562 U.S. 1128 (2011)
Manning v. United States, 562 U.S. 1128 (2011)
Markel v. United States, 562 U.S. 1126 (2010)
Talada v. United States, 562 U.S. 1111 (2010)
Gorham v. United States, 562 U.S. 1066 (2010)
Dean v. United States, 562 U.S. 1066 (2010)
Jackson v. United States, 562 U.S. 1056 (2010)
Williams v. United States, 562 U.S. 1044 (2010)
United States v. Hagen, 562 U.S. 976 (2010)
Dodge v. United States, 562 U.S. 961 (2010)
McDarragh v. United States, 562 U.S. 950 (2010)
Foster v. United States, 562 U.S. 842 (2010)
Beasley v. United States, 562 U.S. 801 (2010)
Alexander v. United States, 560 U.S. 907 (2010)
Brown v. United States, 559 U.S. 1108 (2010)
Robinson v. United States, 559 U.S. 1050 (2010)
Letourneau v. United States, 559 U.S. 993 (2010)
Gould v. United States, 559 U.S. 974 (2010)
Jacquemain v. United States, 558 U.S. 1116 (2010)

Ford v. United States, 558 U.S. 849 (2009)
Kansas v. Ventris, 556 U.S. 586 (2009)
Ball v. United States, 556 U.S. 1205 (2009)
Contreras-Hernandez v. United States, 556 U.S. 1106 (2009)
Bruno v. United States, 555 U.S. 1170 (2009)
Westerfield v. United States, 555 U.S. 1163 (2009)
Toepfer v. United States, 555 U.S. 1136 (2009)
Chambers v. United States, 555 U.S. 122 (2009)
Jennings v. United States, 555 U.S. 1104 (2009)
Toney v. United States, 555 U.S. 1103 (2009)
Rogers v. United States, 555 U.S. 1103 (2009)
Sawyer v. United States, 555 U.S. 1103 (2009)
Duncan v. United States, 555 U.S. 1103 (2009)
Valenciano v. United States, 555 U.S. 993 (2008)
Jones v. United States, 555 U.S. 867 (2008)
Hearing v. United States, 555 U.S. 830 (2008)
Lett v. United States, 555 U.S. 811 (2008)
Mina v. United States, 554 U.S. 905 (2008)
Bishop v. United States, 553 U.S. 1007 (2008)
Ledcke v. United States, 553 U.S. 1006 (2008)
Cooper v. United States, 552 U.S. 1232 (2008)
Aguilar v. United States, 552 U.S. 1232 (2008)
Norris v. United States, 552 U.S. 1105 (2008)
Ashraf v. United States, 552 U.S. 1104 (2008)

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.

I list the cases below in chronological order. Counsel listed correspond to my time litigating each case.

1. *United States v. Gil Bernardez*, No. 1:09-cr-216 (E.D. Va.), *aff'd*, 439 Fed. App'x 209 (4th Cir. 2011), *cert. denied*, 565 U.S. 1160 (2012).

This was a prosecution of three MS-13 gang members for a shooting in suburban Virginia and attempted cover-up. In 2009, as part of the trial team in the United States Attorney's Office, I assisted with pretrial preparation and voir dire, handled motion briefing and jury instructions, and presented the case against one of the three defendants, examining witnesses and presenting trial exhibits. The jury convicted all three defendants. I then defended the convictions and sentences on appeal in the Fourth Circuit, which affirmed in all respects.

District Judge: Liam O'Grady

Circuit Judges: Robert B. King, Allyson K. Duncan, Barbara Milano Keenan

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2. *United States v. Kebodeaux*, 647 F.3d 137 (5th Cir. 2011), *replaced on reh'g en banc* by 687 F.3d 232 (5th Cir. 2012), *rev'd*, 570 U.S. 387 (2013).

I defended the constitutionality of the provision of the Sex Offender Registration and Notification Act that requires federally convicted sex offenders to register their changes of address, whether moving between or within States. I briefed the case and presented oral argument before a Fifth Circuit panel and, later, the Fifth Circuit sitting en banc. The panel held the law constitutional. On rehearing en banc, the Fifth Circuit held the law unconstitutional, but the Supreme Court reversed and upheld the law.

Circuit Judges (merits panel): Carl E. Stewart, James L. Dennis, Catharina Haynes
Circuit Judges (en banc sitting): Carolyn Dineen King, E. Grady Jolly, W. Eugene Davis, Edith H. Jones, Jerry E. Smith, Emilio M. Garza, Fortunato P. Benavides, Carl E. Stewart, James L. Dennis, Edith Brown Clement, Edward C. Prado, Priscilla R. Owen, Jennifer Walker Elrod, Leslie H. Southwick, Catharina Haynes, James E. Graves, Jr.

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3. *Transdata, Inc. v. Oklahoma Gas & Electric Co.*, No. 5:11-cv-1032 (W.D. Okla.), consolidated for multidistrict litigation in No. 5:12-md-2309 (W.D. Okla.).

Along with my colleagues at Yetter Coleman, I represented Oklahoma Gas & Electric Co. in a patent-infringement suit filed against it in 2011 regarding smart electricity meters. We overcame a motion to strike an answer alleging the defense of inequitable conduct, briefed and argued claim construction, engaged in fact and expert discovery, and litigated dispositive motions. Our client prevailed on summary judgment, and the claims against it were dismissed. In my role on the team, I assisted with legal strategy, motion practice, developing and presenting claim-construction and patent-validity positions, and obtaining a stay pending reexamination of the patents in suit.

District Judge: Robin J. Cauthron

Co-counsel:

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4. *Bear Ranch, LLC v. HeartBrand Beef, Inc.*, No. 6:12-cv-14 (S.D. Tex.), *appeal filed*, No. 16-41261 (5th Cir.).

I represented a beef-producing ranch in a contract and tort dispute with another beef producer. The case began in 2012, and I had day-to-day responsibility throughout, working on fact and expert discovery, dispositive motions, and pretrial preparation. We then tried the case in a two-week jury trial in 2014. The jury returned a mixed verdict, advisory in part, and post-trial litigation ensued on valuation and remedy issues. The district court ultimately entered a constructive trust and injunctive relief regarding disputed assets. An appeal is pending in the Fifth Circuit.

District Judges: John D. Rainey, Gregg J. Costa

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5. *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015), *stay pending appeal denied*, 787 F.3d 733 (5th Cir. 2015), *aff'd*, 809 F.3d 134 (5th Cir. 2015), *aff'd by an evenly divided court*, 136 S. Ct. 2271 (2016), *reh'g denied*, 136 S. Ct. 2271 (2016).

I represented Texas and a coalition of States challenging a memorandum from the Secretary of Homeland Security establishing a program known as “Deferred Action for Parents of Americans and Lawful Permanent Residents.” In 2015, after motion briefing and a hearing, the district court entered a preliminary injunction of the memorandum. The

Fifth Circuit held oral argument on defendants' motion to stay the injunction pending appeal, and the motion was denied. After further appellate briefing and a second oral argument, the Fifth Circuit affirmed the injunction. The Supreme Court granted certiorari and, after briefing and oral argument, affirmed the injunction by an evenly divided vote. After the challenged memorandum was rescinded, plaintiffs voluntarily dismissed the suit. Upon joining the Texas Attorney General's Office, I assisted with the final phase of preliminary-injunction briefing in district court and with all subsequent briefing and argument preparation.

District Judge: Andrew S. Hanen

Circuit Judges: Carolyn Dineen King, Jerry E. Smith, Jennifer Walker Elrod, Stephen A. Higginson

Supreme Court Justices: John G. Roberts, Jr., Anthony M. Kennedy, Clarence Thomas, Ruth Bader Ginsburg, Stephen G. Breyer, Samuel A. Alito, Jr., Sonia Sotomayor, Elena Kagan

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6. *Frew v. Smith*, No. 3:93-cv-65 (E.D. Tex.).

I represent state officials in this case involving a consent decree that has governed over \$1 billion in expenditures on the Texas Medicaid program. Upon joining the Texas Attorney General's Office, I argued and briefed several appeals concerning dissolution of the consent decree and related issues. First, in 2015, I argued an appeal concerning the district court's dissolution of prescription-drug-related provisions. The Fifth Circuit affirmed the order finding those provisions satisfied. I then prepared a brief opposing a petition for a writ of certiorari, and that petition was denied. I next argued an appeal seeking reversal of the district court's award to plaintiffs of attorney's fees for their unsuccessful post-judgment litigation over decree compliance. The Fifth Circuit remanded for further proceedings on the issue of the reasonableness of attorney's fees. Most recently, I briefed and argued an appeal over the dissolution of provisions relating to the healthcare-provider pool. The Fifth Circuit affirmed on most provisions and remanded for further proceedings on others.

District Judge: Richard Schell
Circuit Judges: Patrick E. Higginbotham, E. Grady Jolly, Jacques L. Weiner, Jr., James L. Dennis, Edith Brown Clement, Leslie H. Southwick, Gregg J. Costa, Stephen A. Higginson, Kurt D. Engelhardt (sitting by designation)

Opinion in No. 14-40048: 780 F.3d 320 (5th Cir. 2015)
Opinion in No. 14-41232: 688 Fed. App'x 249 (5th Cir. 2017)
Opinion in No. 15-40229: 820 F.3d 715, *as modified by* 845 F.3d 579 (5th Cir. 2016)

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7. *Veasey v. Abbott*, 796 F.3d 487 (5th Cir. 2015), *replaced on reh'g en banc by* 830 F.3d 216 (5th Cir. 2016), *cert. denied*, 137 S. Ct. 612 (2017), *and on remand*, 248 F. Supp. 3d 833 (S.D. Tex. 2017); 249 F. Supp. 3d 868 (S.D. Tex. 2017); 265 F. Supp. 3d 684 (S.D. Tex. 2017), *appeal filed*, No. 17-40884 (5th Cir.), *order stayed pending appeal by* 870 F.3d 387 (5th Cir. 2017).

Plaintiffs challenged Texas's photo-ID voting law as an unconstitutional poll tax, an undue burden on the right to vote, enacted with an unconstitutional racial purpose, and a violation of the results test under Voting Rights Act § 2. The district court ruled in favor of plaintiffs. The State briefed and argued its appeal before a Fifth Circuit panel and the Fifth Circuit sitting en banc. The Fifth Circuit ultimately reversed and rendered judgment for the State on the poll-tax claim, dismissed the substantial-burden claim, vacated and remanded on the discriminatory-purpose claim, and affirmed results-based liability under § 2 of the Voting Rights Act while remanding on the remedy. On remand, the district court found liability on the purpose claim and entered an injunction that covers the State's new voting law, enacted in 2017. The State appealed, and the Fifth Circuit has stayed the district court's injunction pending appellate proceedings, which are ongoing. Since joining the Texas Attorney General's Office in 2015, I have assisted in the State's briefing and preparation for oral argument.

District Judge: Nelva Gonzales Ramos
Circuit Judges: Carl E. Stewart, Patrick E. Higginbotham, E. Grady Jolly, W. Eugene Davis, Edith H. Jones, Jerry E. Smith, James L. Dennis, Edith Brown Clement, Edward C. Prado, Priscilla R. Owen, Jennifer Walker Elrod, Leslie H. Southwick, Catharina

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8. *Hartfield v. Osborne*, 808 F.3d 1066 (5th Cir. 2015), and *Hartfield v. State*, 516 S.W.3d 57 (Tex. App.—Corpus Christi 2017, pet. ref'd), *cert. denied*, 138 S. Ct. 473 (2017).

In this criminal case, a previously convicted murderer avoided a retrial for capital murder by remaining in prison after the Governor of Texas commuted his sentence from death to life imprisonment in 1983. After over two decades without facing retrial for an offense to which he had already confessed, Hartfield initiated litigation resulting in a 2013 ruling that the Governor's commutation was ineffective. Criminal proceedings thus resumed. Hartfield applied in federal court for habeas relief dismissing the state-court prosecution. In the Fifth Circuit, I prepared the State's briefing and presented oral argument opposing habeas relief, and the Fifth Circuit dismissed the appeal. Hartfield was again convicted of murder and appealed. The state court of appeals ordered the indictment dismissed with prejudice under the Speedy Trial Clause. I was then deputized as a Special Assistant District Attorney in the criminal proceedings and prepared briefing asking the Texas Court of Criminal Appeals to review the dismissal. That court refused review, and I prepared briefing asking the Supreme Court to grant review, which was denied.

Fifth Circuit Judges: Carl E. Stewart, Carolyn Dineen King, Stephen A. Higginson

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9. *West Virginia v. EPA*, No. 15-1363 (D.C. Cir.), *agency rule stayed by* 136 S. Ct. 1000 (2016). West Virginia and Texas led a challenge by a group of petitioner States to the Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64,662 (Oct. 23, 2015). Petitioners raised various substantive and procedural challenges to the EPA rule. In 2016, I presented a portion of the oral argument before the en banc D.C. Circuit, addressing the notice-and-comment issue. Proceedings in the D.C. Circuit have since been stayed pending EPA reconsideration of the rule.

Circuit Judges: Karen LeCraft Henderson, Judith W. Rogers, David S. Tatel, Janice Rogers Brown, Thomas B. Griffith, Brett M. Kavanaugh, Sri Srinivasan, Patricia A. Millett, Cornelia T.L. Pillard, Robert L. Wilkins

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10. *In re Xerox Corporation*, No. 16-0671 (Tex.).

In this case, the State accuses defendants of unlawful acts regarding the Texas Medicaid program and seeks civil remedies under the Texas Medicaid Fraud Prevention Act. Invoking Texas's statutory scheme for apportioning damages in actions based on tort, defendants sought to designate other parties as responsible for the harm in suit, as to potentially reduce or eliminate defendants' liability. The trial court held that this fault-apportionment scheme does not apply to enforcement actions under the Texas Medicaid Fraud Prevention Act. The Texas Third Court of Appeals agreed. Defendants petitioned for a writ of mandamus from the Texas Supreme Court on whether the fault-apportionment scheme applies. I assisted in developing and briefing the State's position and presented oral argument in the Texas Supreme Court, which has not yet issued its decision.

Texas Supreme Court Justices: Nathan L. Hecht, Paul W. Green, Phil Johnson, Don R. Willett, Eva Guzman, Debra Lehrmann, Jeffrey S. Boyd, John Phillip Devine, Jeff Brown

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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.)

Both in private practice and while serving in federal and state government, my legal activities have focused almost exclusively on litigation. I have occasionally undertaken legal activities that did not involve litigation or did not progress to trial. For example, in private practice, I assisted in preparing a white paper for a client on the effect of a Supreme Court decision. Similarly, in government service, I have counseled officials on legal issues regarding future action. I have also served as the Texas Attorney General's designee to a meeting of the Texas Supreme Court Advisory Committee and served on the Amicus Committee of the American Intellectual Property Law Association, which assists the Association's board of directors in deciding whether to file amicus briefs.

I have not performed any lobbying activities.

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.

None.

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.

Based on my years of service with the federal government, I expect to receive a deferred-retirement pension, payable monthly from my age of eligibility until death, through the Federal Employees Retirement System.

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.

I have no plans, commitments, or agreements to pursue outside employment in the future.

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).

See Financial Disclosure Report.

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

See Financial Disclosure Report.

24. **Potential Conflicts of Interest:**

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

I will recuse myself in any litigation where I have ever played a role. I will also recuse myself for a period of time from any case in which my current employer, the Texas Attorney General's Office, represents a party. And I will recuse myself from any case where, due to a current or past professional or personal relationship with a party or attorney involved, my impartiality might reasonably be questioned. Should any other conflicts arise, I will adhere to the Code of Conduct for United States Judges and other applicable law.

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

I will handle all matters involving actual or potential conflicts of interest by applying 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any relevant laws, rules, or canons regarding ethics and conflicts of interest. I will likewise use any conflict-screening system provided by the court to review each case assigned to me for potential conflicts.

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.

I devoted a significant portion of my time in private practice to representing clients who were unable to pay for legal representation. Those activities took a variety of forms. For example, I assisted attorneys at Yetter Coleman in pro bono representation of a class of children suing state officials over conditions in the State’s foster-care system. *See Stukenberg ex rel. M.D. v. Abbott*, No. 2:11-cv-84 (S.D. Tex.). I also assisted in the firm’s pro bono representation of a husband and wife challenging a civil action seeking forfeiture of funds. *See United States v. \$35,131 in U.S. Currency*, No. 11-cv-2659 (S.D. Tex.). And I assisted in the firm’s representation without charge of plaintiffs suing the City of Austin for First Amendment violations regarding limits on protesting. *See Sanchez v. City of Austin*, No. 1:11-cv-993 (W.D. Tex.).

My pro bono work also included cases on appeal. Accepting a referral from the Bernardo Kohler Center, I was sole appellate counsel representing an individual challenging the Board of Immigration Appeals’ denial of his application for asylum and withholding of removal. I briefed and argued the appeal in the Fifth Circuit, resulting in a favorable ruling for which Texas Lawyer recognized me as Appellate Attorney of the Week. *See Sharma v. Holder*, 729 F.3d 407 (5th Cir. 2013). I also assisted another attorney, appointed as counsel by the Sixth Circuit, in representing a prisoner in post-conviction appellate litigation. *See Ajan v. United States*, 731 F.3d 629 (6th Cir. 2013). And I assisted the UCLA School of Law First Amendment Clinic in filing amicus briefs on behalf of the Reporters Committee for Freedom of the Press and a group of online publishers.

I do not have records from Yetter Coleman of my total time spent on pro bono matters, but I was awarded membership in the State Bar of Texas’s Pro Bono College in 2014 and 2015. The Pro Bono College “recognizes attorneys who have far exceeded the State Bar’s aspirational pro bono goal in their efforts to address the vast unmet legal needs of the poor by providing a significant number of hours of eligible pro bono service during the previous year.”

While in public service, legal pro bono opportunities have been limited because of a general prohibition on practicing law outside of my government employment.

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 February 3, 2017, I submitted an application to the Federal Judicial Evaluation Committee assembled by Senators Cornyn and Cruz. On March 16, 2017, the Committee interviewed me in Dallas, Texas. On May 10, 2017, I met with Senators Cornyn and Cruz and their counsels in Washington, D.C. On July 14, 2017, Senator Cruz's office informed me that my name would be submitted to the White House for consideration. On July 28, 2017, I interviewed in Washington, D.C., with attorneys from the White House Counsel's Office and the Office of Legal Policy of the United States Department of Justice. Since that time, I have been in contact with officials from the White House Counsel's Office and the United States Department of Justice. On January 23, 2018, the President submitted my nomination to the Senate.

- 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.