

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Amy Coney Barrett

Amy Vivian Coney

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

United States Circuit Judge for the Seventh Circuit

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.

Notre Dame Law School
3165 Eck Hall of Law
Notre Dame, Indiana 46556

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

1972; 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.

1994 – 1997, Notre Dame Law School; J.D., 1997

1990 – 1994, Rhodes College; B.A., 1994

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.

2002 – present
Notre Dame Law School
3165 Eck Hall of Law

Notre Dame, Indiana 46556
Professor of Law

October 16 – November 1, 2007
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903
Visiting Associate Professor of Law

2001 – 2002
George Washington University Law School
2000 H Street N.W.
Washington, District of Columbia 20052
John M. Olin Fellow in Law

Spring 2001
George Washington University Law School
2000 H Street N.W.
Washington, District of Columbia 20052
Adjunct Faculty Member

2001
Baker Botts L.L.P.
1299 Pennsylvania Avenue N.W.
Washington, District of Columbia 20004
Associate

1999 – 2000
Miller, Cassidy, Larroca & Lewin L.L.P.
(Miller, Cassidy merged with Baker Botts L.L.P. in 2001)
2555 M Street N.W.
Washington, District of Columbia 20037
Associate

1998 – 1999
Hon. Antonin Scalia
Supreme Court of the United States
1 First Street N.E.
Washington, District of Columbia 20543
Law Clerk

1997 – 1998
Hon. Laurence H. Silberman
United States Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue N.W.
Washington, District of Columbia 20001

Law Clerk

Summer 1997
Covington & Burling LLP
One CityCenter
850 10th Street N.W.
Washington, District of Columbia 20001
Summer Associate

Summer 1996
Liskow & Lewis
One Shell Square
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139
Summer Associate

Summer 1996
Stone Pigman Walther Wittmann LLC
546 Carondelet Street
New Orleans, Louisiana 70130
Summer Associate

1995 – 1996
Notre Dame Law School
Eck Hall of Law
Notre Dame, Indiana 46556
Research Assistant, Professor William K. Kelley

Summer 1995
Liskow & Lewis
One Shell Square
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139
Summer Associate

Summer 1995
Phelps Dunbar LLP
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130
Summer Associate

Summer 1994
Phelps Dunbar LLP
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130
Administrative Assistant

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.

Diane & M.O. Miller, II Research Chair in Law (2014 – present).

Notre Dame Law School Distinguished Professor of the Year (2006 and 2016).

Provost Featured Faculty at the University of Notre Dame (2016).

Notre Dame Law School, graduate *summa cum laude* (1997).

Hoynes Prize (awarded to the Notre Dame Law School graduate with the best record in scholarship, deportment, and achievement) (1997).

Dean's Award (best exam): Administrative Law, Civil Procedure I, Civil Procedure II, Constitutional Law, Contracts, Criminal Procedure, Evidence, First Amendment, Torts II, Legal Research, and Legal Writing (1994 – 1997).

Kiley Fellow (full-tuition fellowship to Notre Dame Law School) (1994 – 1997).

Rhodes College, graduate *magna cum laude* (1994).

Most Outstanding English Major (1994).

Most Outstanding Senior Thesis (1994).

Phi Beta Kappa (1994).

Mortar Board (1994).

Omicron Delta Kappa (1994).

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 Association of Law Schools

Civil Procedure Section (2008 – present).

Constitutional Law Section (2008 – present).

Executive Board (2009 – 2011).

Evidence Section (2008 – present).

Federal Courts Section (2008 – present).

Chair-Elect (2017 – 2018).

Law & Religion (2008 – present).

Legislation & Law of the Political Process (2008 – present).

Women in Legal Education (2008 – present).

Advisory Committee on Federal Rules of Appellate Procedure (2010 – 2016).

Solicitor General's Resolution Committee to Honor Antonin Scalia (2016).

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.

Virginia, 2000

District of Columbia, 2001

There have been no lapses in my membership in the bar of the District of Columbia. I have maintained "associate member" status in Virginia since I began teaching in 2002.

- 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.

I do not have records of the courts in which I was admitted to practice while at Miller, Cassidy, Larocca & Lewin L.L.P. and Baker Botts L.L.P.

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.

To my recollection:

Notre Dame Law School

Notre Dame Law Review, Faculty Advisor (2015 – present).
Women’s Legal Forum, Faculty Advisor (2006 – present).
Social Justice Forum, Faculty Advisor (2004 – 2006).
Curriculum Committee (2007 – 2008; 2011; 2013 – 2014; 2016 – present).
Chair (2013 – 2014; 2016 – present).
Faculty Colloquium Committee (2005 – 2007, 2013 – 2014, 2016 – present).
Promotions Committee (2014 – 2016).
Chair (2014 – 2015).
Appointments Committee (2008 – 2013).
Chair (2008 – 2010).
Lardy Fellowship Committee (2007 – 2012).
American Bar Association Self-Study Committee (2008 – 2009).
Clerkship Committee, Notre Dame Law School (2007 – 2008).
Chair (2007 – 2008)
Faculty Development Committee (2006 – 2007).
Advanced Legal Writing Committee (2005 – 2006).
Admissions Committee (2003 – 2006).

University of Notre Dame

Committee on Women Faculty and Students, (2006 – 2010; 2016 – present).
Parking Committee (2016 – present).
Dean Review Committee (2013).
University Faculty for Life (circa 2010 – 2016).
Early Childhood Development Center Advisory Group (2009 – 2010).

Federalist Society for Law & Public Policy Studies (2005 – 2006, 2014 – present).

Board of Trustees of Trinity School (2015 – 2017).

Morris Park Country Club (circa 2010 – 2012).

- 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 my knowledge, none of the organizations listed above 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.

Congressional Originalism, 19 U. PENN. J. OF CONST. L. 1 (2017) (with John Copeland Nagle). Copy supplied.

Countering the Majoritarian Difficulty, 32 CONST. COMM. 61 (2017). Copy supplied.

The Suspension Clause (with Neal K. Katyal), National Constitution Center's Interactive Constitution, available at <http://constitutioncenter.org/interactive-constitution/articles/article-i/the-suspension-clause-by-amy-barrett/clause/48>. Copy supplied.

Statutory Interpretation in 5 AMERICAN GOVERNANCE (2016). Copy supplied.

Federal Court Jurisdiction in 2 AMERICAN GOVERNANCE (2016). Copy supplied.

Reflection, University of Notre Dame Alumni Association, Dec. 22, 2015. Copy supplied.

Suspension and Delegation, 99 CORNELL L. REV. 251 (2014). Copy supplied.

Precedent and Jurisprudential Disagreement, 91 TEX. L. REV. 1711 (2013). Copy supplied.

Introduction: The Interpretation/Construction Distinction in Constitutional Law, 27 CONST. COMM. 1 (2010). Copy supplied.

Substantive Canons and Faithful Agency, 90 B.U. L. REV. 109 (2010). Copy supplied.

Comment to Administrators, *Hiring Chairs for 2009-10: Announce Yourselfs Here Please*, PrawfsBlawg, Aug. 26, 2009, <http://prawfsblawg.blogs.com/prawfsblawg/2009/08/hiring-chairs-for-200910-announce-yourselfs-here-please.html>. Copy supplied.

Federal Jurisdiction in 2 THE ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008). Copy supplied.

Reflection, Notre Dame Lawyer, Fall 2008. Copy supplied.

Procedural Common Law, 94 VIRGINIA L. REV. 813 (2008). Copy supplied.

Introduction: Stare Decisis and Nonjudicial Actors, 83 NOTRE DAME L. REV. 1147 (2008). Copy supplied.

Statutory Stare Decisis, PrawfsBlawg, Apr. 02, 2008,
<http://prawfsblawg.blogs.com/prawfsblawg/2008/04/statutory-stare.html>. Copy supplied.

Noogiegate, PrawfsBlawg, Mar. 25, 2008,
<http://prawfsblawg.blogs.com/prawfsblawg/2008/03/noogiegate.html>. Copy supplied.

EZ-Pass or EZ-Ticket?, PrawfsBlawg, Mar. 14, 2008,
<http://prawfsblawg.blogs.com/prawfsblawg/2008/03/ez-pass-or-ez-t.html>. Copy supplied.

Grape Vodka, Anyone?, PrawfsBlawg, Mar. 10, 2008,
<http://prawfsblawg.blogs.com/prawfsblawg/2008/03/temperance-laws.html>. Copy supplied.

Comment to James Grimmelman, *Student Note Title Hall of Shame: YouTube Edition*, PrawfsBlawg, Mar. 06, 2008,
<http://prawfsblawg.blogs.com/prawfsblawg/2008/03/student-note-ti.html>. Copy supplied.

Bobby Jindal and Ethics Reform in LA, PrawfsBlawg, Mar. 06, 2008,
<http://prawfsblawg.blogs.com/prawfsblawg/2008/03/bobby-jindal-an.html>. Copy supplied.

Sentencing Guidelines and Retroactivity, PrawfsBlawg, Mar. 03, 2008,
<http://prawfsblawg.blogs.com/prawfsblawg/2008/03/03/index.html>. Copy supplied.

An Unlikely Blogger, PrawfsBlawg, Mar. 02, 2008,
<http://prawfsblawg.blogs.com/prawfsblawg/2008/03/02/index.html>. Copy supplied.

The Supervisory Power of the Supreme Court, 106 COLUM. L. REV. 101 (2006). Copy supplied.

Statutory Stare Decisis in the Courts of Appeals, 73 GEO. WASH. L. REV. 317 (2005). Copy supplied.

Stare Decisis and Due Process, 74 U. COLO. L. REV. 1011 (2003). Copy supplied.

Catholic Judges in Capital Cases, 81 MARQUETTE L. REV. 303 (1998) (with John H. Garvey). 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.

Resolution of the Bar of the Supreme Court of the United States in Gratitude and Appreciation for the Life, Work, and Service of Justice Antonin Scalia (Nov. 4, 2016). Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 18, 2016. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 15, 2014. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 8, 2014. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 16, 2013. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 8, 2013. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 5, 2012. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 7, 2011. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 2, 2011. Copy 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.

Draft Minutes of Spring 2016 Meeting of Advisory Committee on Appellate Rules (Apr. 5–6, 2016) (statements made as member of Committee). Copy supplied.

Draft Minutes of Fall 2015 Meeting of Advisory Committee on Appellate Rules (Oct. 29–30, 2015) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2015 Meeting of Advisory Committee on Appellate Rules (Apr. 23–24, 2015) (statements made as member of Committee). Copy supplied.

Minutes of Fall 2014 Meeting of Advisory Committee on Appellate Rules (Oct. 20, 2014) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2014 Meeting of Advisory Committee on Appellate Rules (Apr. 28–29, 2014) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2013 Meeting of Advisory Committee on Appellate Rules (Apr. 22–23, 2013) (statements made as member of Committee). Copy supplied.

Minutes of Fall 2012 Meeting of Advisory Committee on Appellate Rules (Sept. 27, 2012) (statements made as member of Committee). Copy supplied.

Letter, *Unacceptable*, The Becket Fund, (Feb. 27, 2012) (signed letter as faculty member of religious institution). Copy supplied.

Minutes of Fall 2011 Meeting of Advisory Committee on Appellate Rules (Oct. 13–14, 2011) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2011 Meeting of Advisory Committee on Appellate Rules (Apr. 6–7, 2011) (statements made as member of Committee). Copy supplied.

Letter re Judicial Nomination of John G. Roberts, Jr., to the United States Court of Appeals for the District of Columbia Circuit, 151 Cong. Rec. S 8525 (Dec. 18, 2002) (signed letter as member of the bar of the District of Columbia). 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.

To my recollection:

March 22, 2017: Presenter, "Justice Scalia & The Future of the Court," Indiana University Robert H. McKinney School of Law Federalist Society, Indianapolis, Indiana. I spoke about Justice Scalia's jurisprudence and its effect on the Court going forward. I have no notes, transcript, or recording. The address of Indiana University Robert H. McKinney School of Law is 530 West New York Street, Indianapolis, Indiana 46202.

February 17, 2017: Commentator, Continuity and Change in Public Law, Notre Dame Law School Program on Constitutional Structure and Design, London, United Kingdom. In this roundtable discussion, which included a small group of scholars from both the United States and United Kingdom, I commented on a paper written by a scholar from the United Kingdom about British constitutional law. I have no notes, transcript, or recording. The address of the Notre Dame Law School Program on Constitutional Structure and Design is Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana, 46556. Press coverage supplied.

February 3, 2017: Panelist, "Originalism and Stare Decisis," Symposium on the Jurisprudence of Antonin Scalia, Notre Dame Law Review, Notre Dame, Indiana. Recording supplied.

January 13, 2017: Moderator, Young Legal Scholars Paper Presentations, American Association of Law Schools Annual Meeting, San Francisco, California. Recording supplied.

November 7, 2016: Presenter, "Modern Originalism," Harvard Law School Federalist Society, Cambridge, Massachusetts. I spoke about the intellectual history of originalism. I have no notes, transcript, or recording. The address of the Harvard Law School Federalist Society is 103 Pound Hall, 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 3, 2016: Presenter, "Justice Scalia and the Future of the Court," Hesburgh Lecture, co-sponsored by the Jacksonville Notre Dame Club and Jacksonville University Public Policy Institute, Jacksonville, Florida. Recording and press coverage supplied.

October 25, 2016: Presenter, "Recent Developments in Evidence," Federal Judicial Center Seventh Circuit Workshop, Notre Dame, Indiana. I spoke about Federal Rule of Evidence 404(b), which generally prohibits the admission of character evidence. Notes supplied.

October 7, 2016, "Clerking for Justice Scalia," Notre Dame Law School, Notre Dame, Indiana. At this event, hosted during the Law School's Fall Reunion, a panel of three faculty members discussed the experience of clerking for Justice Scalia. I have no notes, transcript, or recording. The address of the Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556. Press coverage supplied.

August 30, 2016: Presenter, "The Jurisprudence of Justice Scalia," University of Michigan Law School Federalist Society, Ann Arbor, Michigan. I spoke about Justice Scalia's jurisprudence and its effect on the Court going forward. I have no notes, transcript, or recording. The address of the University of Michigan Law School Federalist Society is 625 South State Street, Ann Arbor, Michigan 48109.

August 23, 2016: Presenter, "Introduction to Originalism and Textualism," Notre Dame Law School Federalist Society, Notre Dame, Indiana. I gave a general overview of these two theories. I have no notes, transcript, or recording. The address of the Notre Dame Law School Federalist Society is Eck Hall of Law, Notre Dame, Indiana 46556.

June 8, 2016: Presenter, "Construction and/or Interpretation," Blackstone Legal Fellowship Program, Alexandria, Virginia. Slides and handout supplied.

May 14, 2016: Diploma Ceremony Address, Notre Dame Law School, Notre Dame, Indiana. Copy supplied.

May 3, 2016: Presenter, "From John Jay to John Roberts: The Evolution of the Supreme Court," University of Notre Dame Alumni Association Hesburgh Lecture Series, Wilmington, Delaware. I spoke about the role of various chief justices in shaping the Supreme Court into the institution it is today. Slides and notes supplied.

April 11, 2016: Presenter, Women's Legal Forum, Notre Dame Law School, Notre Dame, Indiana. I talked to students about challenges that women face in the workplace. I have no notes, transcript, or recording. The address of the Women's Legal Forum is Eck Hall of Law, Notre Dame, Indiana 46556.

March 17–18, 2016: Participant, "Countering the Majoritarian Difficulty, Symposium on Randy Barnett's OUR REPUBLICAN CONSTITUTION, University of Illinois College of Law, Champaign, Illinois. Comments published as *Countering the Majoritarian Difficulty*, 32 CONST. COMMENT. 61 (2017), and supplied in response to Question 12(a) above.

March 2, 2016: Presenter, "Textualism and Its Discontents: A Discussion on Statutory Interpretation," Duke University School of Law Federalist Society, Durham, North Carolina. I described textualism and the primary criticisms of it. I have no notes, transcript, or recording. The address of the Duke University School of Law Federalist Society is 210 Science Drive, Box 90362, Durham, North Carolina 27708.

February 5, 2016: Presenter, "Congressional Originalism," Notre Dame Law School Program on Constitutional Structure and Design, London, United Kingdom. Paper published as *Congressional Originalism*, 19 U. PENN. J. OF CONST. L. 1

(2017) (with John Copeland Nagle), and supplied in response to Question 12(a) above.

November 3, 2015: Debater, "A Constitutional Interpretation Debate," Washington & Lee Law School Federalist Society, Lexington, Virginia. I debated Ian Milhiser about constitutional interpretation before a student audience. I have no notes, transcript, or recording. The address of the Washington & Lee Law School Federalist Society is 204 West Washington Street, Lexington, Virginia 24450.

October 20, 2015: Presenter, "Is the Filibuster Constitutional?" Indiana Law School Federalist Society, Bloomington, Indiana. Slides supplied.

June 10, 2015: Presenter, "Construction and/or Interpretation," Blackstone Legal Fellowship Program, Phoenix, Arizona. Slides and handout supplied as slides and handout from June 08, 2016 event.

May 4, 2015: Panelist, *Statutory Interpretation Theory and Method*, Seventh Circuit Conference, Milwaukee, Wisconsin. I served on a panel discussing competing approaches to matters of statutory interpretation. I have no notes, transcript, or recording. The address of the Seventh Circuit Bar Association is 53 West Jackson Blvd, # 1050, Chicago, Illinois 60604.

April 2, 2015: Presenter, "Congressional Constitutional Interpretation," Duke University School of Law, Statutory Interpretation Colloquium, Durham, North Carolina. I was a guest lecturer in a seminar on Statutory Interpretation Colloquium taught by Professors Guy-Uriel Charles and Margaret Lemos. I discussed circumstances in which Congress engages in constitutional interpretation. I have no notes, transcript, or recording. The address of the Duke University School of Law is 210 Science Drive, Durham, North Carolina 27708.

March 17, 2015: Presenter, "*King v. Burwell*," Tulane University Law School Federalist Society, New Orleans, Louisiana. I described a case then pending before the Supreme Court. I have no notes, transcript, or recording. The address of the Tulane University Law School Federalist Society is Weinmann Hall, 6329 Freret Street, New Orleans, Louisiana 70118.

February 6, 2015: Commentator, "Common Law in an Age of Regulation: U.S. and Commonwealth Perspectives," Notre Dame Law School Program on Constitutional Structure and Design, London, United Kingdom. In this roundtable discussion, which included a small group of scholars from both the United States and United Kingdom, I commented on a paper about tort law written by a scholar from the United Kingdom. I have no notes, transcript or recording. The address of the Notre Dame Law School Program on Constitutional Structure and Design is Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana, 46556. Press coverage supplied.

August 14, 2014: Panelist, “Statutory Interpretation,” Federal Judicial Center Workshop for Bankruptcy Judges, Boston, Massachusetts. Slides supplied.

June 11, 2014: Presenter, “Construction and/or Interpretation,” Blackstone Legal Fellowship Program, Phoenix, Arizona. Slides and handout supplied as slides and handout from June 08, 2016 event.

March 3, 2014: Commentator, “University of Notre Dame’s Strategic Plan 2014,” Notre Dame University, Notre Dame, Indiana. Recording available at <https://www.youtube.com/watch?v=VzOzU6kNmDs>.

February 24, 2014: Presenter, “A History of Originalism,” Indiana University School of Law Federalist Society, Bloomington, Indiana. I spoke about the intellectual history of originalism. I have no notes, transcript, or recording. The address of the Indiana University School of Law Federalist Society is Baier Hall, 211 South Indiana Avenue, Bloomington, Indiana 47405.

December 9–10, 2013: Presenter, Center for Constitutional Studies of the Constitutional Court of Ecuador, Quito, Ecuador. As I recall, I gave two talks at the event. The first discussed some themes of United States constitutional law, and the second discussed precedent. Notes and press coverage supplied.

November 14, 2013: Presenter, “Suspension and Delegation,” Brigham Young University, J. Reuben Clark Law School, Provo, Utah. Paper published as *Suspension and Delegation*, 99 CORNELL L. REV. 251 (2014), and supplied in response to Question 12(a) above.

November 1, 2013: Commenter, “The Conservative Revival of the Rehnquist and Roberts Courts,” University of Notre Dame Law Review Constitutional Theory Symposium, Notre Dame, Indiana. I commented on papers presented by three other scholars. I have no notes, transcript, or recording. The address of the Notre Dame Law Review is Notre Dame Law Review, Notre Dame Law School, Notre Dame, Indiana 46556. Press coverage supplied.

September 23, 2013: Presenter, “Suspension and Delegation,” University of Illinois College of Law, Champaign, Illinois. Paper published as *Suspension and Delegation*, 99 CORNELL L. REV. 251 (2014), and supplied in response to Question 12(a) above.

June 12, 2013: Presenter, “Construction and/or Interpretation,” Blackstone Legal Fellowship Program, Phoenix, Arizona. Slides and handout supplied as slides and handout from June 08, 2016 event.

February 14–15, 2013: Presenter, “Stare Decisis and Jurisprudential Disagreement,” University of Texas Law Review Constitutional Foundations Symposium, Austin, Texas. Paper published as *Precedent and Jurisprudential*

Disagreement, 91 TEX. L. REV. 1711 (2013), and supplied in response to Question 12(a) above.

January 18, 2013: Presenter, "Roe at 40: The Supreme Court, Abortion and the Culture War that Followed," Tocqueville Lecture, sponsored by the Minor in Constitutional Studies program within Notre Dame's Department of Political Science, University of Notre Dame, Notre Dame, Indiana. Notes and press coverage supplied.

November 16, 2012: Moderator, "Legislative Inaction and Gridlock," Notre Dame Journal on Legislation Symposium, Notre Dame, Indiana. I moderated a panel of other scholars discussing papers related to the symposium's topic. I have no notes, transcript, or recording. The address of the Notre Dame Journal on Legislation is Eck Hall of Law, Notre Dame, Indiana 46556.

November 8 or 9, 2012: Moderator, "Constitutional Structure as a Mechanism of Justice," Notre Dame Center for Ethics & Culture, Notre Dame, Indiana. I moderated a panel of other scholars discussing papers related to the panel's topic. I have no notes, transcript, or recording. The address of the Center is Notre Dame Center for Ethics & Culture, Notre Dame, Indiana 46556.

March 23, 2012: Commentator, "The Reconstruction Amendments," University of Notre Dame Law School Program on Constitutional Structure and Design, Notre Dame, Indiana. I commented on a paper written by another participant in this small, roundtable gathering of scholars. I have no notes, transcript, or recording. The address of the Notre Dame Law School Program on Constitutional Structure and Design is Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana, 46556. Press coverage supplied.

February 21, 2012: Presenter, "Suspension and Delegation," Notre Dame Law School, Notre Dame, Indiana. Paper published as *Suspension and Delegation*, 99 CORNELL L. REV. 251 (2014), and supplied in response to Question 12(a) above.

June 8, 2011: Presenter, "Construction and/or Interpretation," Blackstone Legal Fellowship Program, Phoenix, Arizona. Slides and handout supplied as slides and handout from June 08, 2016 event.

June 11, 2011: Commencement Address, Trinity School, South Bend, Indiana. Copy supplied.

March 25, 2011: Participant, "Separation of Powers: Theory, Development, and Applications Conference," Notre Dame Program in Constitutional Structure and Design, Notre Dame, Indiana. As I recall, I participated in discussing the papers presented in this small, roundtable gathering of scholars, but I don't believe that I presented a paper or served as the commentator on someone else's paper. I have no notes, transcript, or recording. The address of the Notre Dame Law School

Program on Constitutional Structure and Design is Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana, 46556. Press coverage supplied.

January 9, 2010: Moderator, "Interpretation and Construction," American Association of Law Schools Annual Meeting, New Orleans, Louisiana. I have no notes, transcript, or recording from this occasion, on which I moderated a panel of other scholars discussing papers they had written about this topic before an audience of law faculty. I did, however, write an introduction to the collection papers once they were published, and this brief essay, *Introduction: The Interpretation/Construction Distinction in Constitutional Law*, 27 CONST. COMM. 1 (2010), is supplied in response to Question 12(a) above.

October 16, 2009: Presenter, "Substantive Canons and Faithful Agency," American University, Washington College of Law, Washington, District of Columbia. Paper published as *Substantive Canons and Faithful Agency*, 90 B.U. L. REV. 109 (2010), and supplied in response to Question 12(a) above.

February 2009: Presenter, "Substantive Canons and Faithful Agency," St. Louis University School of Law, St. Louis, Missouri. I have not been able to identify the specific date of this presentation. Paper published as *Substantive Canons and Faithful Agency*, 90 B.U. L. REV. 109 (2010), and supplied in response to Question 12(a) above.

February 2009: Presenter, "Substantive Canons and Faithful Agency," University of Notre Dame Law School, Notre Dame, Indiana. I have not been able to identify the specific date of this presentation. Paper published as *Substantive Canons and Faithful Agency*, 90 B.U. L. REV. 109 (2010), and supplied in response to Question 12(a) above.

October 3, 2008: Presenter, "Stare Decisis in Constitutional Law," University of Minnesota Law School Conservative & Libertarian Legal Colloquium, Minneapolis, Minnesota. I have only a vague recollection of this event, but I believe I served on a panel of scholars discussing the role of precedent in constitutional interpretation. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is Walter F. Mondale Hall, 229 19th Avenue South, Minneapolis, Minnesota 55455. Press coverage supplied.

May 2008: Presenter, "Statutory Interpretation," Seventh Circuit Conference, Chicago, Illinois. I discussed recurrent issues in statutory interpretation. I have not been able to identify the specific date of this presentation, and I have no notes, transcript, or recording. The address of the Seventh Circuit Bar Association is 53 West Jackson Blvd, # 1050, Chicago, Illinois 60604.

November 2007: Presenter, "Procedural Common Law," University of Virginia School of Law, Charlottesville, Virginia. I have not been able to identify the

specific date of this presentation. Paper published as *Procedural Common Law*, 94 VIRGINIA L. REV. 813 (2008), and supplied in response to Question 12(a) above.

November 2007: Presenter, "Stare Decisis and Nonjudicial Actors," University of Notre Dame Law School, Notre Dame, Indiana. I have not been able to identify the specific date of this presentation. Paper published as *Introduction: Stare Decisis and Nonjudicial Actors*, 83 NOTRE DAME L. REV. 1147 (2008), and supplied in response to Question 12(a) above.

March 2007: Moderator, "Stare Decisis and Nonjudicial Actors," Notre Dame Law Review Symposium, Notre Dame, Indiana. I have not been able to identify the specific date of this event, and I have no notes, transcript, or recording. The address of the Notre Dame Law Review is Notre Dame Law Review, Notre Dame Law School, Notre Dame, Indiana 46556. The introduction I later wrote for this Symposium was published as *Introduction: Stare Decisis and Nonjudicial Actors*, 83 NOTRE DAME L. REV. 1147 (2008), and supplied in response to Question 12(a) above.

March 2007: Panelist, "The Jurisprudence of Antonin Scalia," Notre Dame Department of Political Science, Notre Dame, Indiana. I have only a vague recollection of this event, but I believe that I discussed Justice Scalia's approach to interpreting statutes. I have not been able to identify the specific date of this panel, and I have no notes, transcript, or recording. The address of the Department is Notre Dame Department of Political Science, Notre Dame, Indiana 46556.

December 2006: Presenter, "Procedural Common Law," Notre Dame Law School, Notre Dame, Indiana. I have not been able to identify the specific date of this presentation. Paper published as *Procedural Common Law*, 94 VIRGINIA L. REV. 813 (2008), and supplied in response to Question 12(a) above.

November 10, 2006: Panelist, "Catholicism and the Court: The Relevance of Faith Traditions to Jurisprudence," University of St. Thomas Law Journal, Minneapolis, Minnesota. I commented upon a paper written by Professor Edward A. Hartnett. I have no notes, transcript, or recording. The address of the University of St. Thomas Law Journal is University of St. Thomas School of Law, MSL # 225, 1000 LaSalle Avenue, Minneapolis, Minnesota 55403.

September 29, 2006: Panelist, "Roundtable on Religion in the Public Square of the Legal Academy," Catholic University Columbus School of Law, Washington, District of Columbia. I have only a vague recollection of this event, but I believe participants discussed whether religiously affiliated law schools can contribute something unique to the legal academy. I have no notes, transcript, or recording. The address of Catholic University Columbus School of Law is 36000 John McCormack Road, N.E., Washington, District of Columbia 20064.

May 21, 2006: Diploma Ceremony Address, Notre Dame Law School, Notre Dame, Indiana. Copy supplied.

April 2006: Commentator, "Race and Political Influence in America," Notre Dame Law School, Interdisciplinary Colloquium Series, Notre Dame, Indiana. I have no recollection of this event and thus cannot provide a summary. I have not been able to identify the specific date of this presentation, and I have no notes, transcript, or recording. The address of the law school is Notre Dame Law School, Notre Dame, Indiana 46556.

January 7, 2006: Moderator, "A Christian and Legal Response to Katrina: Race, Environment, and the Role of Government," The Law Professors' Christian Fellowship and Lumen Christi Institute Law and Culture Colloquium, Washington, District of Columbia. I moderated a panel discussion and briefly shared my own experience of New Orleans, my hometown. I have no notes, transcript, or recording. The address of the Lumen Christi Institute is 1220 East 58th Street, Chicago, Illinois, 60637.

October 27, 2005: Moderator, "Rebuilding New Orleans: An Interdisciplinary Discussion," Notre Dame Law School, Notre Dame, Indiana. I moderated a panel discussion and briefly shared my own experience of New Orleans, my hometown. I have no notes, transcript, or recording. The address of the law school is Eck Hall of Law, Notre Dame, Indiana 46556. Press coverage supplied.

September 20, 2005: Panelist, "Women, Families, and the Christian University," Notre Dame Center for Ethics and Culture Conference, Notre Dame, Indiana. I have only a vague recollection of this event, but I believe that panelists discussed the experience of being working mothers at Christian universities. I have no notes, transcript, or recording. The address of the Notre Dame Center for Ethics and Culture is 424 Geddes Hall, Notre Dame, Indiana 46556.

July 2005: Presenter, "The Supervisory Power of the Supreme Court," Notre Dame Law School, Notre Dame, Indiana. I have not been able to identify the specific date of this presentation. Paper published as *The Supervisory Power of the Supreme Court*, 106 COLUM. L. REV. 101 (2006), and supplied in response to Question 12(a) above.

April 2005: Presenter, "The Supervisory Power of the Supreme Court," University of Illinois College of Law, Champaign, Illinois. I have not been able to identify the specific date of this presentation. Paper published as *The Supervisory Power of the Supreme Court*, 106 COLUM. L. REV. 101 (2006), and supplied in response to Question 12(a) above.

Spring 2004: Presenter, "Recent Developments in Evidence," St. Joseph County Bar Association, South Bend, Indiana. This was a continuing legal education seminar for the local bar. I have not been able to identify the specific date of this

presentation, and I have no notes, transcript, or recording. The address of the St. Joseph County Bar Association is 101 South Main Street, South Bend, Indiana 46601.

October 14, 2003: Presenter, "Evidence Update," Workshop for Judges of the Seventh Circuit, Lake Geneva, Wisconsin. I discussed recent developments in the law of evidence before an audience of judges from the Seventh Circuit. I have no notes, transcript, or recording. The address of the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Washington, District of Columbia 20002

- 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.

To my recollection:

Amy Coney Barrett, Provost's Featured Faculty Page, fall 2016. Copy supplied.

Professor Amy Coney Barrett Recognized at Notre Dame Football Game, Notre Dame Law School, Sept. 30, 2016. Copy supplied.

Professor Amy Coney Barrett to Deliver Notre Dame Law School Commencement Address, Notre Dame Law School, May 11, 2016. Copy supplied.

Tricia Sloma, *Notre Dame Day*, Univ. of Notre Dame, Apr. 25, 2016. Recording supplied.

Fight Over Vacant SCOTUS Scalia Seat Gets Ugly, CBS News, Feb. 15, 2016. Recording supplied.

Shannon Roddel, *Notre Dame Faculty Mourn the Loss of U.S. Supreme Court Justice Antonin Scalia*, Univ. of Notre Dame, Feb. 15, 2016. Copy supplied.

SCOTUS Upholds State Health Care Subsidies, NPR ON POINT, WBUR, June 25, 2015. Recording supplied.

Madeline Buckley, *Court Clears Way for Gay Marriage*, SOUTH BEND TRIB., Oct. 7, 2014. Copy supplied.

Tim Vandenack, *Decision Halts Opposition for 'Foreseeable Future'; High Court's Decision Paves Way for Future, Some Say*, ELKHART TRUTH, at A1, Oct. 7, 2014. Copy supplied.

Vaden v. Discover Bank, SCOTUScast, Federalist Society, Oct. 17, 2008. Recording supplied.

Ken Fowler, *Law Students Show Discontent*, THE OBSERVER, Apr. 17, 2007. Copy supplied.

Justice Harriet Miers? NPR On Point, WBUR (October 3, 2005). Recording supplied.

Eva Barkoff, *A Career in Law: Graduate Pulls Stints in D.C. As Law Clerk*, TIMES-PICAYUNE, at 1D1, June 8, 1997. 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 held judicial office.

- 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 held judicial office.

- 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.

I have not held public office.

- 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 1997 to 1998, I served as a law clerk to the Honorable Laurence H. Silberman, Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit. From 1998 to 1999, I served as a law clerk to the Honorable Antonin Scalia, Associate Justice of the Supreme Court of the United States.

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

I have not practiced law 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.

Summer 1997
Covington & Burling LLP
One CityCenter
850 10th Street N.W.
Washington, District of Columbia 20001
Summer Associate

1999 – 2000
Miller, Cassidy, Larroca & Lewin L.L.P.
(*Miller, Cassidy merged with Baker Botts L.L.P. on January 1, 2001*)
2555 M Street, N.W.
Washington, District of Columbia 20037
Associate

2001

Baker Botts L.L.P.
1299 Pennsylvania Avenue, N.W. #120
Washington, District of Columbia 20004
Associate

Spring 2001
George Washington University Law School
2000 H Street N.W.
Washington, District of Columbia 20052
Adjunct Faculty Member

2001 – 2002
George Washington University Law School
2000 H Street N.W.
Washington, District of Columbia 20052
John M. Olin Fellow in Law

2002 – present
Notre Dame Law School
3165 Eck Hall of Law
Notre Dame, Indiana 46556
Professor of Law

October 16 – November 1, 2007
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903
Visiting Associate Professor of Law

- 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 never 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.

As a law clerk from 1997 to 1999, I helped prepare my judges for oral argument and assisted them in drafting opinions. At the Supreme Court, I also reviewed petitions for certiorari and provided written advice to the full Court about whether petitions should be granted.

Upon the conclusion of my clerkships, I was a litigator for approximately

two years. My practice was general. I worked on cases in both trial and appellate courts, and while the bulk of my practice was civil, I did work on one criminal appeal. I wrote briefs, motions, and research memoranda. I conducted depositions and second-chaired a jury trial.

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

Miller Cassidy (subsequently part of Baker Botts) had a mix of individual and corporate clients, and the cases on which I worked had that same mix.

- 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.

My practice consisted almost entirely of litigation. I prepared motions and briefs, and I appeared in court occasionally in support of them.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 90%
- 2. state courts of record: 10%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 90%
- 2. criminal proceedings: 10%

- 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.

To my recollection, I was associate counsel in one case tried to final verdict.

- i. What percentage of these trials were:

- 1. jury: 100%
- 2. non-jury: 0%

- 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 never appeared before the Supreme Court of the United States.

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.

Although I worked on many litigation matters during my time as an associate at Miller Cassidy and then Baker Botts, I no longer have records of the matters upon which I worked. I recall only three significant litigated matters that I personally handled:

(1) *United States v. Berger*, 224 F. 3d 107 (2d. Cir. 2000)

From 1999 to 2000, I represented two criminal defendants convicted of crimes arising from a conspiracy to defraud several federal agencies. The defendants appealed their convictions and sentences on numerous grounds, including the sufficiency of the jury instructions, the sufficiency of the evidence, whether a peremptory strike violated *Batson*, and the legality of a sentencing enhancement. Nathan Lewin was counsel of record, and I assisted him with the briefs. Second Circuit Judges Cardamone, Miner, and Walker affirmed the convictions.

Co-counsel for Defendant-Appellants:

Nathan Lewin
[Then at Miller, Cassidy, Larroca & Lewin, L.L.P.; last known contact information below]
Lewin & Lewin L.L.P.
888 17th Street N.W., 4th Floor
Washington, District of Columbia 20006
(202) 828-1000

Counsel for the United States:

Deborah E. Landis
[Formerly Assistant United States Attorney; last known contact information below]
United States Attorney's Office
1 St. Andrew's Plaza
New York City, New York 10007
(212) 637-2200

(2) *National Council of Resistance of Iran v. Department of State*, 251 F.3d 192 (D.C. Cir. 2001)

From 2000 to 2001, I represented the National Council of Resistance of Iran and National Council of Resistance of Iran, U.S. Representative Office, in a petition for review of their designation as “foreign terrorist organization[s]” under the Anti-Terrorism and Effective Death Penalty Act of 1996. The Council contended that the designation violated due process and that the Secretary of State lacked statutory authority to make it. In a panel opinion written by Judge Sentelle and joined by Judges Henderson and Edwards, the D.C. Circuit agreed with the due process claim and remanded to the Secretary for further proceedings consistent with its opinion. Martin D. Minsker was counsel of record for my clients, and I assisted with legal research and briefing.

Co-counsel for National Council of Resistance of Iran:

Martin D. Minsker

[Then at Miller, Cassidy, Larroca & Lewin, L.L.P; last known contact information below]
Baker Botts, L.L.P.
1299 Pennsylvania Avenue N.W.
Washington, District of Columbia 20004
(202) 639-7700

Scott L. Nelson

[Then at Miller, Cassidy, Larroca & Lewin, L.L.P.]
Public Citizen
1600 20th Street N.W.
Washington, District of Columbia 20009
(202) 588-1000

Ellen Fels Berkman

[Then at Miller, Cassidy, Larroca & Lewin, L.L.P.]
Office of the General Counsel
Harvard University
Smith Campus Center, Suite 980
1350 Massachusetts Avenue
Cambridge, Massachusetts 02138
(617) 496-1280

Jody Manier Kris

[Then at Miller, Cassidy, Larroca & Lewin, L.L.P.; last known contact information below]
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue N.W.
Washington, District of Columbia 20006
(202) 663-6000

Counsel for co-petitioner People's Mojahedin Organization of Iran:

Jacob A. Stein
Stein Mitchell Cipollone Beato & Missner LLP
1100 Connecticut Avenue, N.W.
Suite 110
Washington, District of Columbia 20036
(202) 737-7777

Counsel for the United States:

Douglas N. Letter
Room 7241
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530
(202) 514-3427

(3) *Tassi Drywall Construction Co., Inc. v. Turner Jones & Associates, P.C., et al.*, No. L190384 (Va. Cir. Ct.)

I second-chaired a civil trial in the Circuit Court of Fairfax County, Virginia, involving an accounting malpractice claim. My client, Tassi Drywall Construction Co., Inc., obtained a jury verdict of the entire amount it sought, and Judge Marcus D. Williams entered the judgment in its favor. The case did not generate any opinions.

Co-counsel for Tassi Drywall Construction Co:

Michael J. Barta
[Then at Miller, Cassidy, Larroca & Lewin L.L.P.]
Dechert LLP
1900 K Street, N.W.
Washington, District of Columbia 20006
(202) 261-3354

Counsel for Turner Jones & Associates, P.C.:

Ralph Boccarosse, Jr.
Siciliano, Ellis, Dyer & Boccarosse PLC
10521 Judicial Drive
Suite 120
Fairfax, Virginia 22030
(703) 385-6692

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.)

The bulk of my work as an associate involved drafting briefs, drafting motions, and providing research for partners on a broad range of cases handled by the firm. I also took depositions and conducted other pretrial discovery.

One significant case on which I provided research and briefing assistance was *Bush v. Gore*. Baker Botts, L.L.P. represented George W. Bush, and I worked on the case on location in Florida for about a week at the outset of the litigation. I worked with Stuart Levey, a partner at the firm, while the case was in Florida courts. I did not continue working on the case after my return to Washington.

Since becoming a law professor, my primary legal activities have been teaching law students and researching and writing about the law. My scholarship has focused primarily on constitutional interpretation, statutory interpretation, and the power conferred upon federal courts by Article III.

I also have continued to be involved in the larger legal community through my service on the Advisory Committee for the Federal Rules of Appellate Procedure from 2010 to 2016. This committee, comprised of federal judges, prominent appellate advocates, a state supreme court justice, and a law professor expert in the field, considered proposals to amend the Federal Rules of Appellate Procedure. When the committee determined that an amendment was needed, it was responsible for drafting the language and the accompanying note after soliciting comments from the bar.

As described above in my answer to 12(d), I have also regularly participated as an instructor in programs sponsored by the Federal Judicial Center and by bar associations.

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.

Civil Procedure, Notre Dame Law School, fall 2016, fall 2013, spring 2013, spring 2011, fall 2009, spring 2007, spring 2006, spring 2005, fall 2003, and spring 2003. This course covered the constitutional provisions, statutes, and federal rules that govern procedure in a civil suit. Major topics included personal jurisdiction, subject matter jurisdiction, pleading, discovery, joinder, and preclusion. Syllabus provided.

Constitutional Law, Notre Dame Law School, spring 2016, spring 2015, and spring 2014. This course covered the powers the Constitution confers on the federal executive, legislative, and judicial branches. Major topics included judicial review, the commerce

power, the spending power, the president's power over domestic affairs, and § 5 of the 14th Amendment. Syllabus provided.

Constitutional Law and the Supreme Court, George Washington University Law School, spring 2001. John Elwood and I co-taught this seminar as adjunct faculty members while we were both in practice at Baker Botts L.L.P. As I recall, the course focused on recently decided cases in the Supreme Court. I have been unable to locate the syllabus for this course.

Evidence, Notre Dame Law School, fall 2015, fall 2014, fall 2012, fall 2011, fall 2008, spring 2008, spring 2006, spring 2005, and fall 2002. This course covered the body of law determining whether evidence is admissible in a federal trial. Topics included relevance, prejudice, the character rules, hearsay, experts, authentication, and privilege. Syllabus provided.

Federal Courts, Notre Dame Law School, spring 2017, spring 2010, fall 2008, and spring 2008. This course covered the role of federal courts in the constitutional system of the United States. Topics included the justiciability doctrines, congressional regulation of federal jurisdiction, federal common law, sovereign immunity, and habeas corpus. Syllabus provided.

Modern Constitutional Theory Seminar, spring 2013. This course covered several recurrent themes in debates about constitutional law. Topics included originalism, evolutionary theories, justifications for judicial review, judicial supremacy, judicial minimalism, and precedent. Syllabus provided.

Statutory Interpretation Seminar, Notre Dame Law School, spring 2017, fall 2015, fall 2014, fall 2013, spring 2011, spring 2010, fall 2007, spring 2007, fall 2005, and fall 2004. This course covered several recurrent themes in debates about statutory interpretation. Topics included purposivism, textualism, legislative supremacy, legislative history, the canons, and *Chevron* deference. Syllabus provided.

Statutory Interpretation Compressed Seminar, University of Virginia School of Law, October 16 to November 1, 2007. This course was a shortened version of my standard statutory interpretation seminar, which is described above. Syllabus provided.

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.

If confirmed, I hope that I will be able to continue to teach a law school seminar once a year. I have no commitments or agreements to do so, and no other plans for outside activities.

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 attached Financial Disclosure 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 in any case where Jesse Barrett, my husband and a practicing attorney, participated at any stage of the proceedings. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

- 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.

As I recall, I participated in pro bono work handled by Miller, Cassidy, Larocca & Lewin L.L.P. and Baker Botts L.L.P., but I ceased all practice of law once I began teaching. I have, however, engaged in work to improve the legal system, service recognized as important by the American Bar Association's Model Rule 6.1(b)(3). Most notably, I have donated my time to service on the Advisory Committee for the Federal Rules of Appellate Procedure and to teaching in programs for judges sponsored by the Federal Judicial Center.

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 20, 2017, John Connell, Senator Todd Young's chief of staff, contacted me to say that my name had been mentioned for the Indiana opening on the Seventh Circuit. I confirmed my interest in the position and received a formal application to complete.

Since February 24, 2017, I have been in contact with officials from the White House Counsel's Office. On March 1, 2017, I interviewed with White House Counsel Don McGahn, Counsel to the Vice President Mark Paoletta, and attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, District of Columbia. I submitted my formal application to Senator Young on March 12, 2017, and I interviewed with the Senator in Washington, District of Columbia on March 27, 2017.

- 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.