

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Rachel Lee Brand

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

Associate Attorney General

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.

Office address: 3301 Fairfax Drive, Arlington, VA 22201

Residence: McLean, VA

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

May 1, 1973; Muskegon, MI

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.

Law School: Harvard Law School, JD 1998 (attended 1995 - 1998)

Undergraduate: University of Minnesota-Morris, BA in Political Science (minor in Spanish) 1995 (attended 1991 - 1995). (I studied at Universidad de Las Andes, Merida, Venezuela on a study abroad program for one term in 1993.)

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.

George Mason University Antonin Scalia Law School. Associate Professor of Law (2017 – present). 3301 Fairfax Drive, Arlington, VA 22201. I also served as a consultant in 2016.

Privacy and Civil Liberties Oversight Board. Board Member (2012 – present). MS-2 S-C104, Washington, DC 20511.

Doorways for Women and Families. Member of the Board of Directors (2013-present). P.O. Box 100185, Arlington, VA 22210.

Little Falls Presbyterian Church Foundation. Member of the Board of Directors (2011-present). 6025 Little Falls Road, Arlington, VA 22207.

Brand Consulting LLC. Principal (2015-2016). McLean, VA.

U.S. Chamber Litigation Center (formerly the National Chamber Litigation Center). Vice President and Chief Counsel for Regulatory Litigation (2013-2014); Chief Counsel for Regulatory Litigation (2011-2013). 1615 H Street, NW, Washington, DC 20062. I also served as a Senior Advisor (consultant) from 2014-2016.

George Washington University Law School. Adjunct Professor (2010-2011). 2000 H Street, NW, Washington, DC 20052.

Wilmer Cutler Pickering Hale & Dorr. Counsel (2008-2011). 1875 Pennsylvania Ave., NW, Washington, DC 20006.

U.S. Department of Justice. Assistant Attorney General for Legal Policy (2005-2007); Principal Deputy Assistant Attorney General for Legal Policy (2003-2005). 950 Pennsylvania Ave., NW, Washington, DC 20530.

Supreme Court of the United States, Associate Justice Anthony Kennedy. Law clerk (2002-2003). One First Street, NE, Washington, DC 20543.

White House. Associate Counsel to the President (2001-2002); Assistant Counsel to the President (2001). 1600 Pennsylvania Ave., NW, Washington, DC 20500.

Bush-Cheney Transition. Associate Counsel (2001). 1800 G Street, NW, Washington, DC 20270.

Cooper, Carvin & Rosenthal. Associate (1999-2001). 1500 K Street, NW, Washington, DC 20005.

Elizabeth Dole for President Exploratory Committee. General Counsel (1999). Arlington, VA.

Supreme Judicial Court of Massachusetts, Associate Justice Charles Fried. Law clerk (1998-1999). New Courthouse, One Pemberton Square, Boston, MA 02108.

Simpson, Thacher & Bartlett. Summer Associate (1998). 425 Lexington Avenue. New York, NY 10017.

Cooper & Carvin. Summer Associate (1997). Washington, DC.

Covington & Burling. Summer Associate (1997). 1201 Pennsylvania Ave., NW, Washington, DC.

Harvard Law School. Research Assistant (1997). 1563 Massachusetts Ave., Cambridge, MA 02138.

Federal Bureau of Investigation. Honors Intern (1996). 935 Pennsylvania Ave., NW, Washington, DC 20535.

Mervenne Beverage, Inc. Receptionist (1995). 4209 Lincoln Rd., Holland, MI 49423.

Brann's Steakhouse. Waitress (1995). 12234 James St., Holland, MI 49424.

Bos Landen Country Club. Waitress (1995). 2411 Bos Landen Drive, Pella, IA 50219.

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.

N/A

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.

In 2007, I received the Department of Justice Edmund J. Randolph Award.

In 2004, I received the Attorney General's Award for Excellence in Furthering the Interests of U.S. National Security.

I graduated cum laude from Harvard Law School. I received a full tuition scholarship from the University of Minnesota-Morris. I graduated from UMM with High Distinction and Honors.

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 Bar Association, 1999-2000; 2015 - present. Co-chair, Administrative Law Section Government Information & Privacy Committee, 2015 - present.

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.

I am a member of the bars of New York (1999-present) and the District of Columbia (2000-present).

- 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 am a member of the bars of the following federal courts:

Supreme Court of the United States (2003-present)

U.S. Court of Appeals for the Ninth Circuit (2013- present)

U.S. Court of Appeals for the Fourth Circuit (2007-present)

U.S. Court of Appeals for the District of Columbia Circuit (2011-present)

U.S. Court of Appeals for the Federal Circuit (1999-present)

U.S. District Court for the District of Columbia (2000-2003; 2007-2010; 2011-2014). (Admission to the bar of this court is for a three-year period. I renewed the membership when necessary for my practice.)

U.S. Court of Federal Claims (2000-present)

I have also been admitted *pro hac vice* to various courts for the purpose of specific cases.

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.

Doorways for Women & Families, Member of the Board of Directors (2013-present)

Little Falls Presbyterian Church Foundation, Member of the Board of Directors, (2011-present)

Little Falls Presbyterian Church

-Member 2007-present

-Elder 2016-present

-Member of the Board of Trustees 2010-2013

National Presbyterian Church, member 2001 - 2007

Federalist Society, member intermittently 1995 - present

-Chairman, Litigation Practice Group, approximately 2013 - present

-Member, Executive Committee of the Practice Group on International Law and National Security Law, approximately 2008 - 2011

-Member, Executive Committee of the Practice Group on Administrative Law, 2011- approximately 2013

Association of Corporate Counsel, 2013-2014

Alexander Hamilton Society, member intermittently since 2011

-Member of informal advisory board, approximately 2011-2012

Republican National Lawyers Committee, member approximately 2008-2011

-Member, Board of Governors, 2010-2011

University of Minnesota Institute for Law and Politics, member of advisory board, approximately 2009-2010

Harvard Federalist Society Alumni Chapter, member of informal steering committee, approximately 2008

- b. 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.

No.

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.

“What does Effective Intelligence Oversight Look Like?,” published on Lawfare blog, May 3, 2016. A copy is attached.

“Balance intelligence gathering and privacy,” published in The Hill, December 15, 2015. A copy is attached.

“Transparency in the Intelligence Community,” published on the Federalist Society blog and on Lawfare blog, October 29, 2015. A copy is attached.

“What Congress Gets Wrong About NSA Surveillance Practices,” published in the Christian Science Monitor, May 20, 2015. A copy is attached.

“Measuring Privacy and Security,” published in InFocus, Winter 2015 edition. A copy is attached.

“U.S. Chamber Provides Information to Employers in Wake of Historic Ruling Invalidating NLRB Recess Appointments,” published on FreeEnterprise.com with co-author Lily Fu Claffee, February 1, 2013. A copy is attached.

Article based on my presentation at the 2009 Federalist Society Student Symposium at Yale Law School, entitled, “Judicial Appointments: Checks and Balances in Practice,” published in the Harvard Journal of Law and Public Policy, Winter 2010 edition. A copy of the article is attached.

Article entitled, “A Practical Look at Federal Judicial Selection,” published in The Advocate (the journal of the Litigation Section of the Texas State Bar Association), Winter 2010 edition. A copy is attached.

Article entitled, “Reauthorization of the USA PATRIOT Act,” published on the Federalist Society’s website; first published in September 2009 and updated in January 2010. A copy is attached.

Article entitled, “Making It a Federal Case: An Inside View of the Pressures to Federalize Crime,” published on the Heritage Foundation’s website on Aug. 29, 2008. A copy is attached.

Web Q and A published on “Ask the White House” (on the White House website) on December 16, 2005. A copy is attached.

Letter to the editor (with co-author Brian Roehrka) entitled, “Alito’s Opinions Mischaracterized,” published in the Boston Globe on Nov. 12, 2005. A copy is attached.

Op-Ed (with co-author John Pistole) concerning national security letters, published in USA Today on Nov. 9, 2005. A copy is attached.

Letter to the Editor published in the National Law Journal on October 31, 2005, concerning federal sentencing policy. A copy is attached.

Letter to the Editor entitled, “DNA databases will not invade people’s privacy,” published in the Roanoke Times, October 12, 2005. A copy is attached.

“Case Comment, Civil Forfeiture as Jeopardy: United States v. Ursery,” 20 Harv. J.L. & Pub. Pol’y 292 (1996). A copy is attached.

Editorial on behalf of Bob Dole for President, published in the Harvard Law Record in 1996. I do not have a copy.

I served in various editorial capacities, including Deputy Editor-in-Chief, with the Harvard Journal of Law and Public Policy while in law school. I edited numerous articles in that publication during that time.

I served in various editorial capacities at the University Record (student newspaper at the University of Minnesota-Morris) and edited and wrote articles in those capacities between 1991 and 1995. I have no record of specific columns or dates.

- 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.

Congressional testimony:

Testimony before the U.S. Senate Judiciary Committee, May 10, 2016, at a hearing entitled, Oversight and Reauthorization of the FISA Amendments Act: The Balance Between National Security, Privacy and Civil Liberties. Hearing video found at: <https://www.judiciary.senate.gov/meetings/oversight-and-reauthorization-of-the-fisa-amendments-act-the-balance-between-national-security-privacy-and-civil-liberties>. Copies of my prepared statement and responses to Questions for the Record are attached.

Testimony before the U.S. Senate Judiciary Committee at a hearing entitled, "The Report of the Privacy and Civil Liberties Oversight Board on Reforms to the Section 215 Telephone Records Program and the Foreign Intelligence Surveillance Court." February 12, 2014. I did not submit a written statement. Hearing video found at: <https://www.judiciary.senate.gov/meetings/the-report-of-the-privacy-and-civil-liberties-oversight-board-on-reforms-to-the-section-215-telephone-records-program-and-the-foreign-intelligence-surveillance-court>. Responses to Questions for the Record are attached.

Testimony before the U.S. Senate at my confirmation hearing to be a Member of the Privacy and Civil Liberties Oversight Board. April 18, 2012. A video of the hearing is found at: <https://www.judiciary.senate.gov/meetings/nominations-to-the-privacy-and-civil-liberties-oversight-board>. A copy of my responses to Questions for the Record is attached.

Testimony delivered before a Nov. 3, 2009, meeting of the Republican members of the House Judiciary Committee concerning an extension of USA PATRIOT Act provisions. A copy of my opening statement is attached. The meeting was aired on C-SPAN. A video can be found at: <http://www.c-spanvideo.org/program/TRIO>.

Testimony before the U.S. House of Representatives Committee on the Judiciary concerning H.R. 2102, the Free Flow of Information Act of 2007. June 14, 2007. A copy of my written statement is attached.

Testimony before the U.S. House of Representatives Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, at a hearing entitled, "Lethal Loopholes: Deficiencies in State and Federal Gun Purchase Laws." May 10, 2007. A copy of my written statement and responses to Questions for the Record are attached.

Testimony Before the U.S. Senate Judiciary Committee at a hearing entitled, "Examining the Proposal to Restructure the Ninth Circuit," September 20, 2006. A copy of my written statement is attached.

Testimony before the U.S. Senate Judiciary Committee Subcommittee on Immigration, Border Security, and Citizenship, for an oversight hearing entitled, "U.S. Refugee Admissions and Policy," September 27, 2006. I submitted written testimony only. A copy of my statement is attached.

Testimony before the U.S. House of Representatives Committee on International Relations, Subcommittee on Africa, Global Human Rights, and International Operations, at a hearing entitled, "Current Issues in U.S. Refugee Protection and Resettlement." May 10, 2006. A copy of my written statement and responses to Questions for the Record are attached.

Testimony at my confirmation hearing to be Assistant Attorney General for Legal Policy. May 12, 2005. I did not submit a written statement. A webcast of the hearing can be found at: <http://www.judiciary.senate.gov/hearings/hearing.cfm?id=e655f9e2809e5476862f735da105d724>. A copy of my responses to Questions for the Record is attached.

Testimony before the U.S. Senate Judiciary Committee, Subcommittee on Terrorism, Technology and Homeland Security, at a hearing entitled, "Tools to

Fight Terrorism: Subpoena Authority and Pretrial Detention of Terrorists.” June 22, 2004. A copy of my written statement is attached.

Public statements in my capacity as a Member of the Privacy and Civil Liberties Oversight Board

Separate Statement to the PCLOB “Report on the Telephone Records Program Conducted Under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court,” January 23, 2014. A copy is attached.

Joint Separate Statement with Elisebeth Collins Cook to the PCLOB’s “Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act,” July 2, 2014. A copy is attached.

Separate Statement concerning the PCLOB’s consideration of a proposed examination of intelligence activities governed by Executive Order 12333, April 8, 2015. A copy is attached.

- 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.

Panel discussion on terrorism co-hosted by the Oklahoma City University chapters of the National Women’s Law Student Association and of the Federalist Society. Oklahoma City, OK, March 2004. A copy of my speech notes is attached.

Informal discussion with a group of Harvard Law School students as part of the Harvard Law School Traphagen Distinguished Speakers Series, sponsored by the Dean of the law school. Cambridge, MA, March 2004. I have no notes from this event.

Keynote address to the Computers, Freedom, and Privacy Conference on the subject of counter-terrorism policy. Berkeley, CA, April 2004. A copy of my prepared remarks is attached.

Participant in the 2004 Holmes Debates at the Library of Congress, on the subject of the USA PATRIOT Act. Washington, DC, June 2004. A copy of my notes is attached.

Panel discussion on the USA PATRIOT Act hosted by the Wyoming Bar Association. Gillette, WY, September 2004. I have no notes from this event.

Panel discussion on the USA PATRIOT Act hosted by the Long Island chapter of the Federalist Society. Mineola, NY, September 2004. A copy of my speech notes is attached.

Debate on the USA PATRIOT Act hosted by the Western Michigan chapter of the Federalist Society. Grand Rapids, MI, October 2004. A copy of my speech notes is attached.

Panelist in two panel discussions at the U.S. Attorneys' National Conference on April 22, 2005 (the audience consisted entirely of Justice Department personnel). One panel was on the subject of terrorism; the other was on the subject of crime victims' rights. My notes from the victims' rights panel are attached. I have no notes from the other panel.

Presentation about Justice Department policy priorities to the Department of Justice's PIO Conference. Washington, D.C., September 20, 2005. A copy of my notes is attached.

Panel discussion about the USA PATRIOT Act sponsored by George Washington University. Washington, D.C., February 2, 2006. A copy of my notes is attached.

Informal remarks at a Recent Graduates Reception of the Harvard Law School Association of the District of Columbia. Washington, D.C., February 9, 2006. A copy of my notes is attached.

Panel discussion about the Department of Justice before the U.S. Senate Youth Program delegates. Washington, D.C., March 7, 2006. I have no notes from this event.

Speech to the Federalist Society Houston chapter on the subject of Supreme Court confirmations. Houston, TX, March 23, 2006. A copy of my notes is attached.

Panel discussion on the subject of Supreme Court confirmations, hosted by Harvard University's Shorenstein Center on the Press, Politics and Public Policy. March 24, 2006. Video can be found at: <https://www.c-span.org/video/?191766-4/nominations-harriet-myers-samuel-alito>.

Speech to the Harvard Law School Republicans about Supreme Court confirmations. Cambridge, MA, April 6, 2006. A copy of my notes is attached.

Speech to the Notre Dame Law School Federalist Society chapter about terrorism policy. South Bend, IN, April 20, 2006. A copy of my notes is attached.

Remarks about Department of Justice priorities to the delegates at the American Bar Association's "ABA Day." Washington, D.C., May 4, 2006. I have no notes from this event.

Speech to the Federalist Society New Orleans chapter about Supreme Court confirmations. New Orleans, LA, May 11, 2006. A copy of my notes is attached.

Speech to the Federalist Society Pittsburgh chapter about Supreme Court confirmations. Pittsburgh, PA, May 25, 2006. A copy of my notes is attached.

Press conference at the U.S. Department of Justice on June 1, 2006, concerning the Department's release of its Synthetic Drug Control Strategy. A video of the press conference can be found at: <http://www.c-spanvideo.org/program/Synt>.

Keynote address at the dedication of the Tucson, AZ law enforcement memorial. Tucson, AZ, August 1, 2006. A copy of my prepared remarks is attached.

Speech to the Cleveland, OH, Federalist Society chapter on the subject of Supreme Court confirmations. Cleveland, OH, August 10, 2006. A copy of my speech notes is attached.

Speech about methamphetamine and drug enforcement at the National Conference of State Legislatures annual meeting. Nashville, TN, August 17, 2006. A copy of my notes is attached.

Speech about methamphetamine and drug enforcement at the Law Enforcement and Youth Partnerships for Crime Prevention Conference. Washington, D.C., October 3, 2006. A copy of my notes is attached.

Remarks to the West/Southwest Methamphetamine Conference. Salt Lake City, UT, October 5, 2006. A copy of my speech notes is attached.

Remarks about judicial selection at the White House's "Women's Leadership Briefing." Washington, D.C., October 11, 2006. A copy of my notes is attached.

Speech about Justice Department priorities to the Business Software Alliance Forum. La Jolla, CA, October 17, 2006. A copy of my speech is attached.

Panel discussion entitled "Amnesty v. Enforcement -- The House and Senate Proposals," hosted by the George Mason School of Law Civil Rights Law Journal. Arlington, VA, October 18, 2006. A transcript of the panel is attached.

Speech to the Heritage Foundation's Legal Strategy Forum on the subject of Supreme Court confirmations. Washington, D.C., Oct. 19, 2006. A copy of my speech is attached.

Speech to the Georgetown Law School Federalist Society chapter about Supreme Court confirmations. Washington, D.C., October 31, 2006. A copy of my speech notes is attached.

Speech about crime victims' rights at the NOVA Crisis Response Conference. Little Rock, AR, November 13, 2006. A copy of my speech is attached.

Panel discussion about attorney-client privilege waivers in criminal investigations hosted by the Kansas City Metropolitan Bar Association. Kansas City, MO, November 15, 2006. A copy of my notes is attached.

Presentation about Department of Justice priorities to the Women in Government Relations Homeland Security Task Force. Washington, D.C., November 27, 2006. A copy of my notes is attached.

Press conference along with the U.S. Attorney for the Southern District of Iowa and the Iowa Drug Policy Coordinator, concerning National Methamphetamine Awareness Day. Des Moines, IA, Nov. 30, 2006. A copy of my notes is attached.

Speech to the Iowa Drug Task Force Conference in connection with National Methamphetamine Awareness Day. Altoona, IA, Nov. 30, 2006. A copy of my speech is attached.

Remarks about the Adam Walsh Child Protection and Safety Act of 2006 at the Project Safe Childhood National Conference. Washington, D.C., December 5, 2006. A copy of my speech is attached.

Panel discussion at the Harvard Law School Women's Law Association conference. Cambridge, MA, February 16, 2007. A copy of my notes is attached.

Speech to the Thomas Cooley School of Law Federalist Society chapter on the subject of border security and immigration reform. Lansing, MI, March 22, 2007. A copy of my speech is attached.

Guest speaker at the monthly luncheon of the Federalist Society Washington, DC chapter. Washington, D.C., April 27, 2007. A copy of my speech is attached.

Speech to the Federalist Society's Student Leadership Conference. Arlington, VA, July 14, 2007. A copy of my speech notes is attached.

Panel discussion entitled, "The Future of the Supreme Court" at The New Yorker Festival, hosted by The New Yorker magazine. New York, NY, October 7, 2007. I have no notes from this event.

Speech entitled, "An Insider Look at the U.S. Supreme Court Confirmation Process," hosted by the Thomas Cooley School of Law Federalist Society chapter. Grand Rapids, MI, October 24, 2007. A copy of my speech notes is attached.

Speech on the subject of judicial appointments sponsored by the University of Minnesota Institute for Law and Politics. Minneapolis, MN, January 24, 2008. A copy of my speech notes is attached.

Panel discussion on Supreme Court confirmations at the annual meeting of the Headmasters Association. Lafayette Hill, Pennsylvania, on February 7, 2008. I have no notes from this event.

Speech entitled, "Judicial Confirmations: The Fourth Circuit and Beyond," hosted by the Federalist Society of Greater Charlotte. Charlotte, NC, February 8, 2008. A copy of my speech notes is attached.

Panel discussion on the subject of judicial appointments hosted by the George Washington University Law School chapters of the American Constitution Society and the Federalist Society. Washington, D.C., February 2008. A copy of my notes is attached.

Panel discussion entitled, "Public Interest Success Stories," part of a conference at Harvard Law School entitled "A Celebration of Public Interest at Harvard Law School." Cambridge, MA, March 14, 2008. I have no notes from this event.

Panel discussion entitled, "2008 Election Outlook," part of WilmerHale's Financial Institutions Group conference. New York, NY on April 1, 2008. A copy of my notes is attached.

Moderator of a panel discussion on the subject of reporter's shield legislation, hosted by the Federalist Society. Washington, D.C., April 29, 2008. Video of the event can be found at: <http://www.fed-soc.org/multimedia/detail/reporters-shield-event-audiovideo>.

Panel discussion on the subject of judicial nominations at Street Law's Supreme Court Summer Institute for Teachers. Washington, D.C., June 2008. I have no notes from this event.

Speech to the National Youth Leadership Forum on the subject of legal careers. Virginia, June 24, 2008. A copy of the speech is attached.

Panel discussion concerning the 2007-2008 Supreme Court Term, hosted by the Federalist Society at the National Press Club. Washington, D.C., July 1, 2008. A video can be found at: <http://www.c-spanvideo.org/program/TRIO>.

Speech at the University of Minnesota Law School on the subject of Supreme Court appointments. Minneapolis, MN, September 2, 2008. A copy of my speech notes is attached.

Panel discussion entitled, "The 2008 election: What is at stake for the federal judiciary?" sponsored by the American Constitution Society and the Federalist Society. Philadelphia, PA, September 24, 2008. A copy of my speech notes is attached.

Panel discussion at the University of Minnesota Law School's Minnesota Conservative and Libertarian Legal Colloquium, on the subject of stare decisis. Minneapolis, MN, 2008. I have no notes from this event.

Speech at the University of Minnesota-Morris entitled, "Viewing the Judiciary from All Angles." Morris, MN, October 2, 2008. A copy of my speech notes is attached.

Panel discussion sponsored by the Women's Bar Association on the subject of presidential appointments. Washington, D.C., October 14, 2008. I have no notes from this event.

Panel discussion on the 2008 presidential race before the Association of General Counsels conference. Washington, D.C., October 16, 2008. A copy of my notes is attached.

Speech to the Birmingham, Alabama Federalist Society chapter on the subject of Supreme Court appointments. Birmingham, AL, Nov. 10, 2008. A copy of my speech notes is attached.

Panel discussion on judicial appointments hosted by the Edward Coke Appellate Inn of Court. Washington, D.C., Nov. 18, 2008. I have no notes from this event.

Panel discussion entitled, "Confirmation Battles and Presidential Nominations," part of the 2009 Federalist Society Student Symposium (entitled "Separation of Powers in American Constitutionalism") at Yale Law School. New Haven, CT, February 28, 2009. Audio can be found at: <http://www.fed-soc.org/multimedia/detail/confirmation-battles-and-presidential-nominations-event-audio>.

Speech about judicial appointments sponsored by the University of Michigan Law School Federalist Society chapter. Ann Arbor, MI, April 6, 2009. A copy of my speech notes is attached.

Editor's Roundtable entitled, "The New Administration: A First Look," hosted by the Legal Times. Washington, D.C., April 14, 2009. A copy of my notes is attached.

Moderator of a panel discussion entitled, "Filling the Courts: How the GOP Should Treat President Obama's Judicial Nominees," at the Republican National Lawyers Association conference. Washington, D.C., April 17, 2009. A copy of my notes is attached.

Speech about judicial appointments sponsored by the University of Virginia Law School Federalist Society chapter. Charlottesville, VA, April 22, 2009. A copy of my speech notes is attached.

Panelist in a "Supreme Court roundup," hosted by the University of Chicago Law School Federalist Society chapter. Chicago, IL, October 1, 2009. A copy of my notes is attached.

Participating speaker in a "Briefing call" hosted by the Federalist Society (open to the public) on the subject of USA PATRIOT Act authorization on November 5, 2009. A copy of my notes is attached.

Panel discussion about the Tenth Amendment hosted by the Texas Conservative Coalition. Plano, Texas, February 15, 2010. I have no notes from this event.

Panel discussion on the Supreme Court confirmation process hosted by American University Washington College of Law. Washington, D.C., April 7, 2010. A video can be found at: <http://www.c-spanvideo.org/program/CourtConfirmat>.

Panel discussion entitled, "The Supreme Court and Judicial Confirmations," at the Republican National Lawyers Association conference. Washington, D.C., April 16, 2010. My notes for the event are attached.

Moderator of a podcast entitled, "United States Supreme Court: Nomination and Confirmation Process," hosted by the Federalist Society on May 7, 2010. I have no notes from this event.

Speech to the Iowa Federalist Society Chapter on the subject of Supreme Court appointments in Des Moines, IA, May 2010. A copy of the speech is attached.

Panel discussion entitled, "A Discussion on the Nomination of Elena Kagan to the Supreme Court," hosted by the American Constitution Society. Washington, D.C., June 8, 2010. A copy of my speech notes is attached.

Roundtable discussion about Supreme Court confirmations hosted by the Aspen Institute. Washington, D.C., June 15, 2010. I have no notes from this event.

Speech to the Milwaukee Federalist Society chapter entitled, "What to expect during the Kagan hearings." Milwaukee, WI, June 21, 2010. A copy of my speech notes is attached.

Debate participant in an event entitled, "Debating our Judiciary," sponsored by the Center for American Progress, the American Action Forum, and Politico at George Washington University. Washington, D.C., June 22, 2010. I have no notes from this event.

Moderator of a panel discussion entitled, "Supreme Court Preview: What Is in Store for October Term 2010?" hosted by the Federalist Society at the National Press Club. Washington, D.C., September 29, 2010. A video of the event can be found at: http://www.fed-soc.org/publications/pubID.1971/pub_detail.asp

Panel discussion entitled, "The Path to the Bench: A Conversation on Federal Judicial Selection," sponsored by the American Constitution Society. Washington, D.C., November 18, 2010. A copy of my notes is attached.

Informal introductory remarks at a meeting of the Federalist Society's Washington, DC Young Lawyers Chapter. Washington, D.C., January 8, 2011. I have no notes from this event.

Panel discussion about Supreme Court appointments at the Peter Jennings Project for Journalists and the Constitution. Philadelphia, PA, March 6, 2011. I have no notes from this event.

Panel discussion entitled "Federal Courts, Inc.?" hosted by the American Constitution Society at New York University Law School. New York, NY, March 8, 2011. I have no notes from this event.

Panel discussion at the Close-Up Foundation's Reagan Youth Conference. Washington, D.C., June 20, 2011. A video can be found at: <http://www.c-spanvideo.org/program/ReaganYo>.

Panel discussion entitled, "Hyper-partisanship and the Law's Guardians," sponsored by the Georgetown Journal of Law & Public Policy. Washington, D.C., March 20, 2012. I have no notes from this event.

Panel discussion entitled, "Federal Judicial Selection: Perspectives from the White House, the Senate, and the Department of Justice," at the American Bar Association conference. Chicago, IL, August 3, 2012. I have no notes from this event.

Participant in a CLE webinar hosted by Jones Day about the D.C. Circuit decision in *Noel Canning v. NLRB*, February 7, 2013. A copy of my notes is attached.

Moderator of a teleforum entitled, "The Limits of Recess Appointment Authority," sponsored by the Federalist Society, February 20, 2013. This was posted as a podcast on the Federalist Society's website on April 12, 2013; audio can be found at: <http://www.fed-soc.org/multimedia/detail/the-limits-of-recess-appointment-authority-podcast>.

Moderator of panel discussion entitled, "The Importance of Cost-Benefit Analysis in Financial Regulation," hosted by the U.S. Chamber of Commerce Center for Capital Markets Competitiveness, Washington, D.C., March 12, 2013. A copy of my introduction is attached.

Panel discussion on careers, Alexander Hamilton Society annual student conference, Washington, DC, June 15, 2013. I have no notes from this event.

Moderator of panel discussion on careers hosted by the DC Young Lawyers' chapter of the Federalist Society, Washington, DC, September 11, 2013. I have no notes from this event.

Speech about overregulation to the Houston chapter of the Federalist Society, Houston, TX, October 21, 2013. A copy of my remarks is attached.

Panel discussion entitled, "Supreme Regulation," NLJ Regulatory Summit, Washington, DC, November 13, 2013. A copy of my notes is attached.

Introducer of a panel discussion about litigation financing, Federalist Society National Lawyers' Convention. Washington, D.C., November 20, 2013. Video is available at: <http://www.fed-soc.org/multimedia/detail/the-new-age-of-litigation-financing-event-audiovideo>.

Speech on over-regulation to Austin, Texas lawyers chapter of the Federalist Society. Austin, TX, January 28, 2014. A copy of my remarks is attached.

Panel discussion entitled "Meet the PCLOB," RSA Conference. San Francisco, CA, February 26, 2014. I have no notes from this event.

Panel discussion about the PCLOB report on the Section 215 program, Berkeley School of Information. Berkeley, CA, February 26, 2014. I have no notes from this event.

Panel discussion on national security and privacy at the Federalist Society national student symposium, Gainesville, FL, March 7, 2014. Video is available at: <https://www.youtube.com/watch?v=b0EgEu-pcqI&t=68m45s>.

Moderator of a panel entitled, "Judicial Review of Agency Rules: Recent Developments," American Bar Association Administrative Law & Regulatory

Practice Institute, Washington, D.C., April 3, 2014. A copy of my notes is attached.

Panel discussion on government lawyering at the WilmerHale Government & Regulatory Litigation Practice Group, Washington, D.C., May 15, 2014. I have no notes from this event.

Panel discussion on judicial appointments, Street Law Conference, Washington, D.C., June 27, 2014. I have no notes from this event.

Panel discussion on careers at the Alexander Hamilton Society annual student conference, Washington, D.C., June 28, 2014. I have no notes from this event.

Remarks to student interns in the American Enterprise Institute Summer Institute class, Washington, D.C., July 2014. I have no notes from this event.

Panel discussion entitled, "From Guantanamo to Boston: The War on Terror and the Rule of Law," American Bar Association annual meeting, Boston, MA, August 9, 2014. I have no notes from this event.

Teleforum discussion about the PCLOB report on the FAA Section 702 program, sponsored by the Federalist Society, August 14, 2014. Audio is available at: <http://www.fed-soc.org/multimedia/detail/surveillance-national-security-and-privacy-the-pclob-report-on-section-702-surveillance-podcast>.

Panel discussion entitled, "If You Have Nothing to Hide, You Have No Problem... Really?," Missouri Bar Association Annual Meeting, Kansas City, MO, September 11, 2014. A copy of my notes is attached.

Remarks about U.S. surveillance law at the Interparliamentary forum hosted by the U.S House of Representatives Counterterrorism Task Force, Library of Congress, Washington, D.C., September 18, 2014. A copy of my remarks is attached.

Panel discussion entitled, "A Discussion on Privacy, National Security, and Surveillance," hosted by the Federalist Society, Washington, D.C. September 25, 2014. A copy of my notes is attached.

Remarks to the Internet Security Alliance, Washington, D.C., October 2014. A copy of my notes is attached.

Moderator of a panel discussion entitled, "Is It Legal? Legal Authority for the Campaign Against the Islamic State," hosted jointly by the Alexander Hamilton Society and the Federalist Society, Washington, DC, October 22, 2014. I have no notes from this event.

Speech on balancing national security and privacy, University of Iowa Law School, Iowa City, IA, November 2014. A copy of my remarks is attached.

Panel discussion entitled, "Is the Future of the American Dream Bright?" Federalist Society National Lawyers' Convention, Washington, D.C., November 15, 2014. Video can be found at: <http://www.fed-soc.org/multimedia/detail/showcase-panel-iv-roundtable-is-the-future-of-the-american-dream-bright-event-video>.

Introducer of a panel entitled, "Time to Revisit Chevron Deference?" at the Federalist Society's National Lawyers' Convention, Washington, D.C., November 17, 2014. Video is available at: <http://www.fed-soc.org/multimedia/detail/time-to-revisit-chevron-deference-event-video>.

Speech on balancing national security and privacy, Harvard Law School, Cambridge, MA, February 19, 2015. A copy of my remarks is attached.

Panel discussion on "Separation of Powers in the Modern Age" at the Federalist Society Florida Chapters Conference, Orlando, FL, February 28, 2015. A copy of my remarks is attached.

Panel discussion entitled, "Balancing Privacy and Security," Federalist Society annual student symposium, March 25, 2014. Video available at: <http://www.fed-soc.org/multimedia/detail/balancing-privacy-and-security-event-audiovideo>.

Speech on balancing national security and privacy, University of Michigan Law School, Ann Arbor, MI, April 7, 2015. A copy of my remarks is attached.

Speech on U.S. surveillance law, Vienna Parliamentary Forum (hosted by the Austrian Parliament), Vienna, Austria, May 2015. A copy of my remarks is attached.

Panel discussion on judicial appointments, Street Law conference, Washington, D.C., June 26, 2015. I have no notes from this event.

Panel discussion on work-life balance, Network of Enlightened Women annual student conference, Washington, D.C., June 26, 2015. I have no notes from this event.

Speech about the Fourth Amendment's application in the foreign intelligence context, Florida Appellate Court Education Conference (official conference of the Florida state judiciary), Ponte Vedra Beach, FL, September 9, 2015. A copy of my remarks is attached.

Panel discussion entitled, "The Judiciary," Federalist Society Texas Chapters Conference, George W. Bush presidential library, Dallas, TX, September 19, 2015. I have no notes from this event.

Speech on U.S. intelligence oversight at the Parliamentary Intelligence-Security Forum, Library of Congress, Washington, D.C., October 27, 2015. A copy of my remarks is attached.

Introducer of a panel entitled, "Ten Years of the Roberts Court," Federalist Society National Lawyers' Convention, Washington, D.C., November 16, 2015. I have no notes from this event. Video can be found at: <http://www.fed-soc.org/multimedia/detail/ten-years-of-the-roberts-court-event-audiovideo>.

Moderator of a panel about privacy and surveillance at the Conference on Computers, Privacy, and Data Protection (CPDP), Brussels, Belgium, January 29, 2016 (panel sponsored by the U.S. Mission to the EU). A copy of my remarks is attached.

Speech at University of Chicago Law School, hosted by the student chapter of the Federalist Society, Feb. 25, 2016, Chicago, IL. A copy of my remarks is attached.

Panel discussion entitled, "Safeguarding Civil Liberties and Countering Terrorism," part of a conference entitled "Intelligence in American Society," hosted by the University of Texas Intelligence Studies Project, Austin, TX, March 30, 2016. Video can be found here: <https://www.intelligencestudies.utexas.edu/events/item/509-conference-on-intelligence-in-american-society-with-homeland-security-advisor-lisa-monaco>.

Panel discussion entitled "Reconciling Liberty and Security in 2016," at conference entitled "Hindsight: Reflections on 15 Years of the War on Terror," Fordham Law School, New York, NY, April 26, 2016. Video can be found here: <http://www.centeronnationalsecurity.org/events/hindsight>.

Speech entitled "Privacy and National Security: Balancing the Discussion," hosted by the Charlotte, NC chapter of the Federalist Society, Charlotte, NC, May 4, 2016. A copy of my remarks is attached.

Moderator of a panel entitled, "Preemptive Rule-Making vs. Common Law Redress," at the Federalist Society's Fourth Annual Executive Branch Review conference, Washington, DC, May 17, 2016. A video is available at: <http://www.fed-soc.org/multimedia/detail/regulatory-theory-preemptive-rule-making-vs-common-law-redress-event-audiovideo>.

Moderator of a teleforum panel entitled, "Achieving More Transparency About Secret Intelligence Programs," sponsored by the American Bar Association Section of Administrative Law and Regulatory Practice Government Information

& Right to Privacy Committee, May 25, 2016. Audio can be found here: <https://www.lawfareblog.com/lawfare-podcast-role-transparency-intelligence-programs>.

Panel discussion on the PCLOB and U.S. surveillance law at the Vienna Parliamentary Forum (hosted by the Austrian Parliament). Vienna, Austria, June 20, 2016. I have no notes from this event.

Panel discussion at a conference entitled "The National Security Division at 10," sponsored by CSIS, Washington, D.C., Sept. 14, 2016. A transcript is available at: https://csis-prod.s3.amazonaws.com/s3fs-public/event/160914_National_Security_Division_at_10_Panel_III.pdf.

Panel entitled, "Surveillance Law in the US and EU," at the Privacy+Security Forum, Washington, DC, October 25, 2016. A copy of my remarks is attached.

Introducer of a panel about how Justice Scalia's writing style affected American jurisprudence, Federalist Society National Lawyers' Convention, Washington, D.C., November 23, 2016. Video is available at: <http://www.fedsoc.org/multimedia/detail/how-justice-scalias-writing-style-affected-american-jurisprudence-audiovideo>.

- 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.

I do not have a record of every interview I have given to a news reporter. Listed below are print articles in which I have been quoted and radio and TV interviews of which I have a record. I have done my best to locate such items, but this may not be an exhaustive list.

Interview with the Legal Times for a February 21, 2000, article about Cooper, Carvin & Rosenthal. A copy of the article is attached.

Interview with New Jersey Lawyer for an article about vacancies on the U.S. District Court for the District of New Jersey. Date unknown. A copy of the article is attached.

Interview with Tony Mauro for a July 2, 2001, article about Bush v. Gore litigation. A copy of the article is attached.

Interview with the Legal Times for a May 20, 2002, article about appointments to the Court of Federal Claims. A copy of the article is attached.

Radio interview regarding the USA PATRIOT Act on KQED - Forum with Michael Krasny. Feb. 12, 2004. I do not have a transcript or recording.

Interview with the Eagle's Cry (the student newspaper of Pella Christian High School, Pella, IA) about my job at the Department of Justice. February 14, 2005. A copy of the article is attached.

Interview with National Journal for a June 18, 2005, article profiling various Justice Department staff. A copy of the article is attached.

Interview with the Des Moines Register for a September 16, 2005, article about Chief Justice Roberts's confirmation process. A copy of the article is attached.

Interview with the Washington Post for a Nov. 3, 2005, article concerning Justice Alito's confirmation. A copy of the article is attached.

Press background briefing on the subject of Justice Alito's nomination, Nov. 3, 2005. A transcript is attached.

Interview with the Wall Street Journal for a Nov. 16, 2005, article concerning Justice Alito's confirmation. A copy of the article is attached.

Interview with the San Francisco Chronicle for a Nov. 20, 2005, article concerning Justice Alito's confirmation. A copy of the article is attached.

Interview with the Wall Street Journal for a Nov. 21, 2005, article concerning Justice Alito's confirmation. A copy of the article is attached.

Press briefing concerning Justice Alito's confirmation, circa Dec. 1, 2005. Attached is a December 1, 2015, Associated Press article containing a quote from that briefing.

Interview with C-SPAN on Dec. 6, 2005, concerning Justice Alito's confirmation. Video can be found at: <http://www.c-spanvideo.org/program/SupremeCourtWatch55>.

Interview with CNN for a December 13, 2005, article concerning national security letters. A rough transcript is attached.

Interview with WIBA, Madison, WI, December 13, 2005. I do not have a transcript or recording.

Interview with WDAY, Fargo, ND, concerning the USA PATRIOT Act, December 15, 2005. I do not have a transcript or recording.

Radio interview with a Sacramento station concerning the USA PATRIOT Act, December 15, 2005. I do not have a transcript or recording.

Radio interview with WLOB, Portland, ME, concerning the USA PATRIOT Act, December 16, 2005. I do not have a transcript or recording.

Interview with the Wall Street Journal for a Jan. 5, 2006, article concerning Justice Alito's confirmation. A copy of the article is attached.

Interview with CNN for a January 10, 2006, segment concerning Justice Alito's confirmation hearing. Transcript attached.

Interview with C-SPAN on Jan. 12, 2006, concerning Justice Alito's confirmation. Video can be found at: <http://www.c-spanvideo.org/program/AlitoConfirmationHearin>.

Interview with FOX news concerning Justice Alito's confirmation, January 13, 2006. I do not have a transcript or recording.

Interview with Susanna Dokupil for an article posted on American Enterprise Online on Feb. 7, 2006. A copy of the article is attached.

TV interviews on March 8, 2006, concerning the USA PATRIOT Act: Hearst-Argyle television; BELO television; Cox Broadcasting TV. I do not have transcripts or recordings of these interviews.

Interview with the Associated Press for a June 2, 2006, article concerning ISP retention of customer records. A copy of the article, published in the New York Times, is attached.

Interview with NPR on August 9, 2006, concerning internet child pornography. A copy of the article is attached.

I am quoted in a press release by the Governor of Iowa issued on November 30, 2006, concerning National Methamphetamine Awareness Day. A copy of the press release is attached.

Radio interviews on November 30, 2006, in connection with National Methamphetamine Awareness Day: WLW/Cincinnati; ABC News Morning; KEX/Portland, OR; KCMO/Kansas City; KTRS/St. Louis; WJR/Detroit. I do not have a recording of any of these brief interviews.

Interview with the Los Angeles Times for a December 22, 2006, article concerning the intersection of refugee and terrorism policy. A copy of the article is attached.

Interview for an article in the May-June 2007 edition of Judicature, entitled, "Picking Judges in a time of turmoil: W. Bush's judiciary during the 109th Congress." A copy of the article is attached.

Interview with PBS for an October 4, 2007, segment about reporter shield legislation. A transcript is attached.

Interview with the Legal Times for a March 17, 2008, article about joining WilmerHale. A copy of the article is attached.

Interview with Above the Law for a March 18, 2008, article about joining WilmerHale. A copy is attached.

Interview with the Legal Times for an April 7, 2008, article about Bush Administration lawyers joining the private sector. A copy of the article is attached.

Interview with Bloomberg News for a July 15, 2008, article about Supreme Court appointments. A copy of the article is attached.

Interview with NPR for a January 14, 2009, article concerning Attorney General Holder's confirmation hearing. A copy of the article is attached.

Interview with NPR for a January 15, 2009, article concerning Attorney General Holder's confirmation hearing. A copy of the article is attached.

Interview with ABC News for a January 17, 2009, segment about the Supreme Court's decision in *Ledbetter v. Goodyear*. A transcript is attached.

Interview with WAMU's Kojo Namdi show on the subject of judicial appointments, January 29, 2009. The recording can be found at: <http://thekojonnamdishow.org/shows/2009-01-29/breaking-judicial-logjam>.

Interview with the Legal Times for an April 6, 2009, article about Supreme Court appointments. A copy is attached.

Interview with CNN for a May 3, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the National Law Journal for a May 4, 2009, article about Supreme Court appointments. A copy of the article is attached.

Interview with Roll Call TV on the subject of judicial appointments, May 29, 2009. I do not have a recording or transcript.

Interview with the National Law Journal for a June 1, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with National Journal for a June 3, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with National Journal for a June 15, 2009, article concerning Supreme Court confirmations. A copy of the article is attached.

Interview with the Associated Press for a July 10, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the Washington Post for a July 13, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the Wall Street Journal for a July 13, 2009 article about Supreme Court confirmations. A copy of the article is attached.

Interview with the New York Times for a July 15, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with National Journal for a July 31, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the Harvard Law Bulletin for an article entitled, "Executive Counsel" in the Summer 2009 edition. A copy of the article is attached.

Interview with ABC News for an April 9, 2010, story concerning Supreme Court appointments. Video is available at:
<http://www.msnbc.msn.com/id/21134540/vp/36338749#36338749>.

Interview with MSNBC about the Supreme Court vacancy, April 12, 2010.
Audio is available at:
https://archive.org/details/MSNBC_20100412_130000_The_Daily_Rundown/start/3060/end/3120.

Interview with National Journal for an April 16, 2010, article about Supreme Court appointments. A copy of the article is attached.

Interview with CQ Weekly for an April 2010 article about Supreme Court nominations. A copy of the article is attached.

Interview with NBC News on April 9, 2010, about Supreme Court appointments. A video is available at:
<http://www.nbcnews.com/id/21134540/vp/36338749#36338749>.

Interview with MSNBC on April 12, 2010, about Supreme Court confirmations. I do not have a transcript or recording.

Interview with Congressional Quarterly for April 16, 2010, article concerning Supreme Court confirmation hearings. A copy of the article is attached.

Interview with Congressional Quarterly for an April 19, 2010, article about Supreme Court confirmation hearings. A copy of the article is attached.

Interview with CNN concerning the Supreme Court vacancy, April 21, 2010. A transcript is attached.

Interview with the Lars Larson radio show for a May 10, 2010, story about Supreme Court appointments. I do not have a transcript or recording.

Interview with Politico for a May 12, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with National Journal for a May 12, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with NPR for a May 25, 2010, segment about Supreme Court confirmation hearings. A copy of the article is attached.

Interview with Politico for a May 27, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the Los Angeles Times for a May 29, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with Business Week for a June 21, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the Associated Press for a June 22, 2010, article concerning Supreme Court confirmation hearings. A copy of the article is attached.

Interview with Voice of America News for a June 22, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the LeHigh Valley Morning Call for a June 25, 2010, article about Senator Specter's role in Supreme Court confirmations. A copy of the article is attached.

Interview with the New York Times for a June 27, 2010, article concerning Supreme Court confirmations. A copy of the article is attached.

Interview with CBS News for a June 29, 2010, story about Justice Kagan's confirmation hearing. A copy of the article is attached.

Participant in a roundtable discussion on CBS's "Washington Unplugged" webcast, June 30, 2010. The video can be found at:
<http://www.cbsnews.com/news/cornyn-can-kagan-can-set-ideology-aside/>.

Interview with NPR for a July 20, 2010, story about judicial confirmations. A copy of the article is attached.

Interview with NPR for a Nov. 1, 2011, article about Sackett v. EPA. A copy of the article is attached.

Quote for Law360 for an article concerning Noel Canning v. NLRB, approximately Jan. 31, 2013. A copy of the article is attached.

Interview with the Wall Street Journal for a May 23, 2013, article about Noel Canning v. NLRB. A copy of the article is attached.

Interview with the Harvard Law Bulletin for an a profile article published in the Summer 2013 edition. A copy of the article is attached.

Interview with Reuters for a June 17, 2013, article about litigation challenging the NLRB notice poster rule. A copy of the article is attached.

Interview with Law 360 for a June 14, 2013, article about litigation challenging the NLRB notice poster rule. A copy of the article is attached.

Interview with the Associated Press for a July 17, 2013, article about litigation challenging recess appointments. A copy of the article is attached.

Interview with National Journal for a July 2013, article entitled, "Supreme Court to Review Obama's Recess Appointments to Labor Relations Board." A copy of the article is attached.

Interview with Reuters for a September 23, 2013, article about the National Chamber Litigation Center. A copy of the article is attached.

Interview with InsideCounsel for a September 24, 2013, article about the National Chamber Litigation Center. A copy of the article is attached.

Interview on CNN, January 23, 2014, concerning the PCLOB report on the Section 215 telephony metadata program. The program can be viewed at:
<http://outfront.blogs.cnn.com/2014/01/23/privacy-review-board-nsa-phone-records-program-illegal/>.

Interview with E&E News concerning the Supreme Court's decision in the EPA's greenhouse gas litigation, June 25, 2014. A copy of the article is attached.

f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

N/A

13. 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.

Board Member, Privacy and Civil Liberties Oversight Board; 2012-present.
Appointed by President Barack H. Obama upon confirmation by the Senate.

Assistant Attorney General for Legal Policy, U.S. Department of Justice; 2005-2007. Appointed by President George W. Bush upon confirmation by the Senate.

Principal Deputy Assistant Attorney General, Office of Legal Policy, U.S. Department of Justice; 2003-2005. Appointed by Attorney General John Ashcroft.

Law clerk to Justice Anthony Kennedy, Supreme Court of the United States; 2002-2003. Appointed by Justice Kennedy.

Associate Counsel to the President, the White House; 2001-2002. Appointed by President George W. Bush.

Assistant Counsel to the President, the White House; 2001. Appointed by President George W. Bush.

Associate Counsel, Bush-Cheney Transition; 2001. Appointed by President-Elect George W. Bush.

Law clerk to Justice Charles Fried, Supreme Judicial Court of Massachusetts; 1998-1999. Appointed by Justice Fried.

- 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.

Member of the Board of Governors of the Republican National Lawyers Association, 2010-2011 term. Member of the association from approximately 2008-2011.

Assisted Fred Thompson's presidential campaign by providing volunteer policy advice, 2007.

Was listed on lawyers' committees supporting candidates for President during the 2008 presidential race: Fred Thompson, then Mitt Romney, then John McCain.

Volunteered for the Bush campaign during the 2000 presidential race: as a grassroots volunteer in Virginia and Iowa; and in Tallahassee, Florida during the recount (writing briefs and pleadings).

Member of the Arlington County, VA, Republican Central Committee from 2000-2002.

Was employed as the General Counsel of the Elizabeth Dole for President Exploratory Committee for a brief period in 1999.

Was Vice-President of the Harvard Law Republicans while in law school.

During college at the University of Minnesota-Morris, did grassroots volunteering for various Republican campaigns for local office; was a member of the Stevens County, MN central committee; was a delegate to the Stevens County, MN nominating convention and the Minnesota Republican state convention; was Secretary of the campus College Republicans.

Have served on the host committees for various fundraisers for candidates for state and federal office.

14. **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;

Law clerk to Associate Justice Anthony Kennedy, Supreme Court of the United States, 2002-2003.

Law clerk to Associate Justice Charles Fried, Supreme Judicial Court of Massachusetts, 1998-1999.

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

No.

- 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.

George Mason University Antonin Scalia Law School. Associate Professor of Law (2017 – present); Consultant (2016). 3301 Fairfax Drive, Arlington, VA 22201.

Privacy and Civil Liberties Oversight Board. Board Member (2012 – present). MS-2 S-C104, Washington, DC 20511

National Chamber Litigation Center. Vice President and Chief Counsel for Regulatory Litigation (2013-2014); Chief Counsel for Regulatory Litigation (2011-2013). 1615 H Street, NW, Washington, DC 20062.

George Washington University Law School. Adjunct Professor (2010-2011). 2000 H Street, NW, Washington, DC 20052.

Wilmer Cutler Pickering Hale & Dorr. Counsel (2008-2011). 1875 Pennsylvania Ave., NW, Washington, DC 20006.

U.S. Department of Justice. Assistant Attorney General for Legal Policy (2005-2007); Principal Deputy Assistant Attorney General (2003-2005). 950 Pennsylvania Ave., NW, Washington, DC 20530.

Supreme Court of the United States, Associate Justice Anthony Kennedy. Law clerk (2002-2003). One First Street, NE, Washington, DC 20543.

White House. Associate Counsel to the President (2001-2002); Assistant Counsel to the President (2001). 1600 Pennsylvania Ave., NW, Washington, DC 20500.

Bush-Cheney Transition. Associate Counsel (2001). 1800 G Street, NW, Washington, DC 20270.

Cooper, Carvin & Rosenthal. Associate (1999-2001). 1500 K Street, NW, Washington, DC 20005.

Elizabeth Dole for President Exploratory Committee. General

Counsel (1999). Arlington, VA.

Supreme Judicial Court of Massachusetts, Associate Justice Charles Fried. Law clerk (1998-1999). New Courthouse, One Pemberton Square, Boston, MA 02108.

Simpson, Thacher & Bartlett. Summer Associate (1998). 425 Lexington Avenue. New York, NY 10017.

- 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.

No.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

No.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.
- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Immediately after graduating from Harvard Law School and taking the bar examination, I was a law clerk to Associate Justice Charles Fried of the Supreme Judicial Court of Massachusetts.

After completing the clerkship, I volunteered for Elizabeth Dole's presidential campaign headquarters in Arlington, VA. Most of my volunteer work for the campaign consisted of ballot access organization. I was later hired as the campaign's general counsel. I served in that role very briefly until Mrs. Dole ended her campaign.

I then became an associate at the Washington, D.C., law firm Cooper, Carvin & Rosenthal (now Cooper & Kirk), where I handled a wide variety of litigation matters, ranging from Winstar-type cases on behalf of large financial institutions, to a constitutional challenge to the FCC's must-carry

regulations, to representing a severely disabled girl seeking compensation for injuries sustained as the result of a childhood vaccine, to defending a small company against a Title VII claim. In 2000, I traveled with other lawyers from the firm to Tallahassee, Florida, to write briefs and other pleadings on behalf of the Bush campaign during the recount.

In January, 2001, I went to work for the Bush-Cheney transition and, on Inauguration Day, joined the White House Counsel's Office as an Assistant Counsel. I was promoted to Associate Counsel (and Special Assistant to the President) in June 2001. In that capacity, I provided legal and policy advice to White House officers on a wide range of issues and participated in judicial selection. Some of my particular areas of focus included legal issues relating to presidential appointments and the Twenty-Fifth Amendment to the U.S. Constitution. I coordinated the development of Executive Orders, including the order creating the Office of Homeland Security (the predecessor to the Department of Homeland Security). I also was responsible for liaising with certain agencies, including the Department of Health and Human Services and the Department of Energy, on any legal issues requiring the White House's attention.

I left the White House to spend a year as a law clerk to Associate Justice Anthony Kennedy at the Supreme Court of the United States.

In 2003, I joined the U.S. Department of Justice as Principal Deputy Assistant Attorney General in the Office of Legal Policy. During the Bush Administration, the Office of Legal Policy was the Department's focal point for myriad policy issues ranging from terrorism to tort reform to drug policy and managed development of most of the Attorney General's policy priorities. The Office also handled the Justice Department's functions relating to judicial appointments. As Principal Deputy Assistant Attorney General, I served as the chief deputy to the Assistant Attorney General, helping him to manage the office's substantive work as well as personnel and budget. My greatest area of policy focus during that period was counter-terrorism and national security issues, including efforts to reauthorize the expiring provisions of the USA PATRIOT Act, working with Congress on the Intelligence Reauthorization Act of 2004, and revision of a variety of Attorney General guidelines. Among many other things, I also spearheaded the overhaul of the Attorney General's Guidelines for the treatment of crime victims and other efforts to implement the Justice for All Act of 2004.

In March 2005, upon the resignation of the previous Assistant Attorney General, I became Acting Assistant Attorney General. I was nominated by President Bush to be Assistant Attorney General for Legal Policy in April 2005 and was confirmed by the Senate and appointed in July 2005.

As Assistant Attorney General for Legal Policy, I served as the Attorney General's chief policy advisor, oversaw the development of high-priority policy initiatives for the Department of Justice, and coordinated the Department's big-picture policy agenda. This involved formulating policy proposals in the first instance, negotiating issues in the inter-agency process and with the White House, and promoting the Department's policy agenda to Congress and the public. Among the many policy issues within my office's purview were terrorism, immigration reform, tort reform, intellectual property protection, identity theft, drug enforcement, violent crime, firearms and explosives, and on-line child exploitation. Some of my greatest areas of focus included: terrorism and national security issues, particularly relating to the USA PATRIOT Act; policies and legislation to combat the diversion and abuse of prescription drugs and to combat the use of methamphetamine, including spearheading the first National Methamphetamine Awareness Day declared by the President; policies and legislation to enhance the Department's ability to investigate and prosecute those who sexually exploit children on-line; and comprehensive immigration reform legislation. I also served as the Attorney General's chief advisor on judicial selection and oversaw the Department of Justice's role in assisting judicial nominees with Senate confirmation. This included running the Department's efforts to achieve confirmation of Chief Justice Roberts and Justice Alito. I also served as the Department's Regulatory Policy Officer, meaning that all regulations promulgated by the Department of Justice were reviewed by my office before being transmitted to the Office of Management and Budget for inter-agency clearance.

From 2008-2011, I was a Counsel with the law firm Wilmer Cutler Pickering Hale & Dorr (WilmerHale) in Washington, D.C. Most of my work for the firm consisted of crisis management and strategic or pre-litigation counseling on legal and policy issues ranging from homeland security issues to online privacy issues. For the most part, I cannot discuss my representations in detail without breaching the attorney-client privilege.

For two semesters in 2010 and 2011, I was an adjunct law professor at George Washington University Law School, teaching a seminar focusing on comprehensive immigration reform.

From 2011-2014, I served first as Chief Counsel for Regulatory Litigation and then as Vice President and Chief Counsel for Regulatory Litigation in the U.S. Chamber Litigation Center (formerly called the National Chamber Litigation Center). The U.S. Chamber Litigation Center is a public policy law firm affiliated with the U.S. Chamber of Commerce. In that capacity, I oversaw the regulatory litigation of the U.S. Chamber, including lawsuits challenging the legality of regulations issued by the

EPA, NLRB, DOL, SEC, and CFTC. I served as counsel to the Chamber of Commerce, supervising outside counsel and setting litigation strategy. I also oversaw the process for selecting cases in which the Chamber of Commerce would file amicus briefs on issues concerning regulation and other government action, setting litigation strategy and managing outside counsel.

In 2012, I was appointed by President Obama, upon Senate confirmation, to serve as a Member of the Privacy and Civil Liberties Board. The PCLOB oversees and advises other federal agencies' counterterrorism activities to ensure that privacy and civil liberties are balanced with national security interests. I continue to serve on the Board (my term expired on January 29, 2017, and I currently serve in a statutory holdover capacity). During my tenure, the has Board issued significant reports on the NSA's bulk telephony metadata program under Section 215 of the Patriot Act and the foreign intelligence collection program operated under Section 702 of FISA, and conducted numerous other advice and oversight projects.

In January 2017, I became an Associate Professor of Law at George Mason University Antonin Scalia Law School, focusing on national security law and policy.

- 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.

At the U.S. Chamber of Commerce and at Cooper, Carvin, and Rosenthal, I focused entirely on litigation. In other positions, such as the PCLOB, Justice Department, and White House, I was not a litigator. As such, it is not possible to provide one calculation the covers my entire career. The percentages provided below are estimated percentages of the litigation I have handled.

- i. Indicate the percentage of your practice in:
- | | |
|-----------------------------|-----|
| 1. federal courts: | 85% |
| 2. state courts of record: | 10% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

If this question refers solely to litigation, as opposed to policy-related matters, my practice has been primarily civil. A large part of my policy work at the Department of Justice dealt with criminal justice issues.

- ii. Indicate the percentage of your practice in:
- | | |
|--------------------------|-----|
| 1. civil proceedings: | 95% |
| 2. criminal proceedings: | 5% |

- 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.

None.

- i. What percentage of these trials were:

1. jury: _____ %
2. non-jury: _____ %

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

While serving as Vice President and Chief Counsel for Regulatory Litigation at the U.S. Chamber Litigation Center, I was counsel on numerous briefs and petitions filed in the Supreme Court of the United States. Some of these were in cases in which the U.S. Chamber was a party to the litigation; many others were amicus briefs. I also filed briefs in the Supreme Court in one case while practicing at Cooper, Carvin & Rosenthal. I have attached copies of these briefs.

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1) *National Labor Relations Board v. Noel Canning*, 134 S. Ct. 2550; 189 L. Ed. 2d 538 (2014); *Noel Canning v. National Labor Relations Board*, 705 F.3d 490 (D.C. Cir. 2013)

The Noel Canning company appealed an adverse National Labor Relations Board (NLRB) ruling to the U.S. Court of Appeals for the District of Columbia Circuit, arguing that the President's recess appointments to the NLRB were unconstitutional and therefore the Board lacked a quorum to issue its ruling. The U.S. Chamber of Commerce filed a

motion to intervene in the D.C. Circuit. The Chamber of Commerce filed consolidated merits briefs with Noel Canning, and the Chamber of Commerce's outside counsel presented oral argument on behalf of both Noel Canning and the Chamber of Commerce. The D.C. Circuit ruled in Noel Canning's favor, deciding that the recess appointments were unconstitutional and that the NLRB lacked a quorum. The court dismissed the Chamber of Commerce's motion to intervene as moot. The Supreme Court granted certiorari and affirmed the decision of the court of appeals. I served as counsel to the Chamber of Commerce in the D.C. Circuit, supervising outside counsel and developing litigation strategy. In the Supreme Court proceedings, I served as outside counsel to Noel Canning and the Chamber of Commerce, developing litigation strategy.

a. 2012-2014

b. Supreme Court of the United States, before Chief Justice Roberts, Associate Justices Kennedy, Scalia, Ginsburg, Breyer, Thomas, Alito, Sotomayor, and Kagan; U.S. Court of Appeals for the District of Columbia Circuit, before Judges Sentelle, Henderson, and Griffith.

c:

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This does not include counsel to the many amici that filed briefs in the case.

2) *Utility Air Regulatory Group v. Environmental Protection Agency*, 134 S. Ct. 2427; 189 L. Ed. 2d 372 (2014); *Chamber of Commerce of the United State of America, State of Alaska, and American Farm Bureau Federation v. Environmental Protection Agency*, 684 F.3d 102 (D.C. Cir. 2012).

The Chamber of Commerce and dozens of other parties challenged the EPA's greenhouse gas rules in the U.S. Court of Appeals for the District of Columbia Circuit. The court of

appeals upheld the rules and denied a petition for rehearing en banc. Numerous parties petitioned for certiorari. The Supreme Court granted seven of those petitions, including a petition filed jointly by the U.S. Chamber of Commerce, the state of Alaska, and the American Farm Bureau Federation, and consolidated them for oral argument. The Court ruled in petitioners' favor, deciding that the EPA had exceeded its statutory authority, and vacated the rule. I joined the Chamber of Commerce while the D.C. Circuit litigation was ongoing, and participated in supervising outside counsel and overseeing litigation strategy. In the Supreme Court, I hired and supervised the Chamber's counsel, oversaw its litigation strategy, and coordinated with other parties and their counsel.

a. 2012-2014

b. Supreme Court of the United States, before Chief Justice Roberts, Associate Justices Kennedy, Scalia, Ginsburg, Breyer, Thomas, Alito, Sotomayor, and Kagan; U.S. Court of Appeals for the District of Columbia Circuit, before Judges Sentelle, Rogers, and Tatel.

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There were dozens of parties in the proceedings before the D.C. Circuit. The Supreme Court granted seven separate petitions for certiorari, which were consolidated for argument. In addition, numerous amicus briefs were filed at various stages of the litigation. Because of the many parties and counsel involved, I have listed only my co-counsel on the Chamber of Commerce's petition for certiorari and opposing counsel for the U.S. government.

3) *American Petroleum Institute and U.S. Chamber of Commerce v. Securities and Exchange Commission*, 714 F.3d 1329 (D.C. Cir. 2013); *American Petroleum Institute and U.S. Chamber of Commerce v. Securities and Exchange Commission*, 953 F. Supp. 2d 5 (D.D.C. July 2, 2013)

The U.S. Chamber of Commerce, American Petroleum Institute, and other entities challenged the legality of the Securities and Exchange Commission's (SEC) "extractive industries rule." The U.S. District Court for the District of Columbia granted the

Chamber of Commerce's motion for summary judgment, vacated the SEC's rule, and remanded to the Agency for further proceedings. I served as counsel to the Chamber of Commerce, supervising outside counsel and developing litigation strategy.

a. 2013

b. U.S. Court of Appeals for the District of Columbia, Judges Tatel, Brown, and Sentelle; U.S. District Court for the District of Columbia, Judge John Bates.

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4) *U.S. Chamber of Commerce and Coalition for a Democratic Workplace v. National Labor Relations Board*, 2013 U.S. App. LEXIS 25897 (Dec. 9, 2013); *U.S. Chamber of Commerce and Coalition for a Democratic Workplace v. National Labor Relations Board* 879 F. Supp. 2d 18 (D.C. Cir. 2012).

The U.S. Chamber of Commerce and the Coalition for a Democratic Workplace challenged the National Labor Relations Board's (NLRB) "ambush election rule" in the U.S. District Court for the District of Columbia. The court ruled in favor of the Chamber of Commerce and set aside the rule, deciding that the NLRB lacked a quorum to issue the rule because one board member had not participated in the decision. The NLRB appealed to the D.C. Circuit. The court of appeals granted the Chamber of Commerce's request to hold the case in abeyance pending the outcome of the Supreme Court's decision in *NLRB v. Noel Canning*. The appeal was dismissed after the Supreme Court's favorable ruling in *Noel Canning*. I served as counsel to the Chamber of Commerce, supervising outside counsel and developing litigation strategy.

- a. 2012-2013
- b. U.S. Court of Appeals for the District of Columbia Circuit, before Judges Henderson, Brown, and Kavanaugh; U.S. District Court for the District of Columbia, before Judge James Boasberg.
- c.

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5) *National Labor Relations Board v. Chamber of Commerce*, 721 F.3d 152 (4th Cir. 2013); *National Labor Relations Board v. Chamber of Commerce*, 856 F. Supp. 2d 778 (D.S.C. April 13, 2012).

The U.S. Chamber of Commerce and South Carolina Chamber of Commerce challenged the legality of the National Labor Relations Board's (NLRB) "notice posting rule" in the U.S. District Court for the District of South Carolina. The district court ruled in the Chamber of Commerce's favor, striking down the rule. The NLRB appealed to the Fourth Circuit, which upheld the district court's decision. I became involved in the case during the district court litigation and thereafter served as counsel to the U.S. Chamber of Commerce, supervising outside counsel and developing litigation strategy.

- a. 2012-2013
- b. U.S. Court of Appeals for the Fourth Circuit, before Judges Duncan, Floyd, and Thacker; U.S. District Court for the District of South Carolina, before Judge David Norton
- c.

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6) *National Association of Manufacturers, U.S. Chamber of Commerce, and Business Roundtable v. Securities and Exchange Commission* 800 F.3d 518 (D.C. Cir. 2015);
National Association of Manufacturers, U.S. Chamber of Commerce, and Business Roundtable v. Securities and Exchange Commission, 748 F.3d 359 (D.C. Cir. 2014);
National Association of Manufacturers, U.S. Chamber of Commerce, and Business Roundtable v. Securities and Exchange Commission, 956 F. Supp. 2d 43 (D.D.C. July 23, 2013)

The U.S. Chamber of Commerce and other parties challenged the legality of the Securities and Exchange Commission's (SEC) "conflict minerals rule" in the U.S. Court of Appeals for the D.C. Circuit. The court of appeals remanded the case to the U.S. District Court for the District of Columbia. The district court upheld the rule. The plaintiffs appealed, and the court of appeals held that the rule violated the First Amendment. The SEC petitioned for rehearing in light of the D.C. Circuit's intervening decision in *American Meat Institute v. U.S. Department of Agriculture*. On rehearing, the court of appeals affirmed its ruling that the rule violated the First Amendment. I served as counsel to the U.S. Chamber of Commerce, supervising outside counsel and developing litigation strategy.

a. 2013-2015

b. U.S. Court of Appeals for the District of Columbia Circuit, before Judges Randolph, Sentelle, and Srinivasan; U.S. District Court for the District of Columbia, before Judge Robert Wilkins

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7) *Bayou Lawn & Landscape Services and U.S. Chamber of Commerce v. Oates*, 2014 U.S. Dist. LEXIS 180137 (Dec. 18, 2014); *Bayou Lawn & Landscape Services and U.S. Chamber of Commerce v. Oates*, 713 F.3d 1080 (11th Cir. 2013); *Bayou Lawn & Landscape Services and U.S. Chamber of Commerce v. Solis*, 2012 U.S. Dist. LEXIS 69297 (April 26, 2012)

The U.S. Chamber and a small landscaping business, Bayou Lawn & Landscape Services, challenged the U.S. Department of Labor's revised rules for the H-2B visa program in the U.S. District Court for the Northern District of Florida. The district court issued a preliminary injunction enjoining application of the rule. The government appealed, and the U.S. Court of Appeals for the Eleventh Circuit affirmed the preliminary injunction. The district court later granted summary judgment to the plaintiffs. I served as counsel to the U.S. Chamber of Commerce, supervising outside counsel and developing litigation strategy. I left the Chamber of Commerce shortly before the district court issued its order granting summary judgment.

- a. 2012-2014
- b. U.S. Court of Appeals for the Eleventh Circuit, before Judges Wilson, and Hill, and Huck; U.S. District Court for the Northern District of Florida, Pensacola Division, before Judge M. Casey Rodgers.
- c.

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8) *Investment Company Institute and U.S. Chamber of Commerce v. Commodity Futures Trading Commission*, 720 F.3d 370 (D.C. Cir. 2013);
Investment Company Institute and U.S. Chamber of Commerce v. Commodity Futures Trading Commission, 891 F. Supp. 2d 162 (D.D.C. Dec. 12, 2012).

The Investment Company Institute and U.S. Chamber of Commerce challenged the legality of the Commodity Futures Trading Commission's (CFTC) amendments to its "Rule 4.5" governing commodity pool operators. The U.S. District Court for the District of Columbia upheld the CFTC's rule. On appeal, the D.C. Circuit upheld the district court's decision. I served as counsel to the Chamber of Commerce, supervising outside counsel and developing litigation strategy.

- a. 2012-2013
- b. U.S. Court of Appeals for the District of Columbia Circuit, before Judges Garland, Brown, and Sentelle; U.S. District Court for the District of Columbia, before Judge Beryl A. Howell.
- c.

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9) *In re Kellogg Brown & Root*, 756 F.3d 754 (D.C. Cir: 2014)

In this case, the U.S. District Court for the District of Columbia had ordered Kellogg Brown & Root to produce in litigation internal documents that KBR argued were protected by the attorney-client privilege. KBR filed a petition for writ of mandamus with the U.S. Court of Appeals for the District of Columbia, asking the court of appeals to vacate the district court's order. The U.S. Chamber of Commerce and other parties filed an amicus brief urging the court of appeals to grant the writ of mandamus and protect the attorney-client privilege. The court of appeals agreed and granted the writ. I served as counsel to the Chamber of Commerce, supervising outside counsel, developing the Chamber's litigation strategy, and coordinating with the petitioner.

This case is representative of the dozens of cases in which I supervised the filing of amicus briefs in federal and state courts on matters of concern to the business community.

- a. 2014
- b. U.S. Court of Appeals for the District of Columbia Circuit before Judges Griffith, Kavanaugh, and Srinivasan.
- c.

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10) *U.S. v. Nelson*, 484 F.3d 257; 2007 U.S. App. LEXIS 8968 (4th Cir. 2007)

While Assistant Attorney General, I presented oral argument on behalf of the United States in this case in the U.S. Court of Appeals for the Fourth Circuit. This was a criminal appeal involving a matter of first impression in the Fourth Circuit – whether a prior conviction under 18 U.S.C. 924(c)(1) is a “felony drug offense” supporting a sentencing enhancement under 21 U.S.C. 841(b)(1)(B). The United States prevailed. The Fourth Circuit issued its opinion on April 19, 2007.

- a. 2007
- b. U.S. Court of Appeals for the Fourth Circuit, before Judges Williams, Motz, and Hamilton
- c.

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Greenbelt, MD 20770

16. **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.)

See Response to Question 15, above.

I was briefly registered as a lobbyist for the following organizations while employed by WilmerHale: Google; T-Mobile; and PhRMA. In each case, the lobbying activity was incidental to legal work I was performing for the client.

17. **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.

I twice taught a seminar class at George Washington University Law School entitled "Public Law Seminar: Immigration Reform." I taught this class during the spring semester of 2010 and the fall semester of 2011. The class covered the myriad legal and policy issues relating to comprehensive immigration reform. A syllabus is attached.

18. **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.

While employed at the Chamber of Commerce, I had a 401(k) account. While there are no "anticipated receipts" because neither I nor the Chamber of Commerce will make any more contributions to it, the account still exists.

My employment with George Mason University entails mandatory participation in a state-administered retirement plan. If confirmed, I will resign from George Mason University, and there will be no further contributions to this account.

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

No.

20. **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 OGE-278. The OGE-278 is currently under review by the Office of Government Ethics, which will submit it directly to the Committee.

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

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Justice's ethics office. I will continue to consult with them if confirmed and will recuse from any matter in which it is required.

- 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 consult with the Department of Justice's ethics office if confirmed and will recuse from any matter in which it is required.

23. **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 work load, 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I am committed to volunteerism and philanthropy and spend a substantial amount of my time on non-profit work. I currently serve on the boards of directors of two non-profits: Doorways for Women and Families; and the Little Falls Presbyterian Foundation. Doorways for Women and Families is a non-sectarian, non-profit organization in Arlington, VA, whose services includes operating a family homeless shelter and a domestic violence safehouse, operating a sexual assault hotline and counseling service, and providing comprehensive services to enable its clients to achieve independence. I have served on Doorways' board since 2013, spending time on governance, community outreach, and fundraising. The Little Falls Presbyterian Foundation is also based in Arlington, Virginia, and manages funds that provide long-term support to the Little Falls

Presbyterian Church. I have served on the Board since 2011. In addition, I serve as the Elder for Community Missions in the Little Falls Presbyterian Church in Arlington, Virginia. In that capacity, I develop and oversee community service projects for the congregation, focusing on feeding and sheltering the homeless and neediest in the community, including events serving the Arlington Food Assistance Center and other organizations. I have in the past also served on the church's Board of Trustees and volunteered in other capacities.

While employed with WilmerHale, I represented clients on a pro bono basis, including the Institute for Justice and the Alliance for School Choice.