

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

David Adam Candeub. I generally go by "Adam."

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

United States Assistant Attorney General for the Antitrust Division, U.S.
Department of Justice.

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

Office: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

Permanent Residence: 1185 Wrightwind Drive, Okemos, Michigan 48864

D.C. residence: 300 12th Street, SW, Washington, DC 20024

4. **Birthplace:**

Philadelphia, Pennsylvania.

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.

- University of Pennsylvania Law School, 1992-1995, J.D. received 1995.
- Yale University, 1986-1990, B.A. received 1990.

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.

1. Feb. 2025 to present. Federal Communications Commission, 45 L Street NE, Washington, DC 20554. General Counsel.

2. 2024 to present. Michigan Advisory Committee to the U.S. Commission on Civil Rights. Member (volunteer position; all meetings held via Zoom; no physical address).
 3. Aug. 2021 to Jan. 2025. Michigan State University College of Law, 648 N. Shaw Lane, East Lansing, MI 48824. Professor of Law.
 4. May 2021 to Jan. 2025. Coriolanus Consulting, 1185 Wrightwind Drive, Okemos, MI 48864
 5. Mar. 2021 to Jan. 2025. Center for Renewing America. Senior Fellow. 300 Independence Ave. SE Washington, District of Columbia 20003.
 6. Dec. 2020 to Jan. 2021. U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530. Deputy Associate Attorney General.
 7. Aug. 2020 to Dec. 2020. National Telecommunications and Information Administration, U.S. Department of Commerce, Herbert C. Hoover Building, 1401 Constitution Avenue NW, Washington, DC 20230. Acting Administrator and Assistant Secretary of Commerce.
 8. Apr. 2020 to Aug. 2020. National Telecommunications and Information Administration, U.S. Department of Commerce, Herbert C. Hoover Building, 1401 Constitution Avenue NW, Washington, DC 20230. Deputy Administrator and Deputy Ass't Sec. of Commerce.
 9. Summer 2019. Benjamin N. Cardozo School of Law, Yeshiva University, 55 Fifth Avenue, New York, NY 10003. Adjunct Professor.
 10. Summer 2018. Seton Hall University School of Law, 1109 Raymond Boulevard, Newark, NJ 07102. Adjunct Professor.
 11. Approx. 2006. Meridian Township Cable Commission, Meridian Township, MI. Board Member (volunteer).
 12. 2004 to 2020. Michigan State University College of Law, 648 N. Shaw Lane, East Lansing, MI 48824. Assistant Professor (Sept. 2004 to Aug. 2010); Associate Professor (Sept. 2010 to Aug. 2012); Professor (Sept. 2012 to 2020).
 13. 2000 to 2004. Federal Communications Commission, 45 L Street NE, Washington, DC 20554. Attorney Advisor.
 14. 1998 to 2000. Jones Day Reavis & Pogue, 51 Louisiana Avenue NW, Washington, DC 20001. Associate.
 15. 1996 to 1998. Cleary Gottlieb Steen & Hamilton LLP, 2112 Pennsylvania Avenue NW, Washington, DC. Associate.
 16. 1995 to 1996. Hon. J. Clifford Wallace, U.S. Court of Appeals for the Ninth Circuit, Edward J. Schwartz United States Courthouse, 221 West Broadway, Room 4192, San Diego, CA 92101. Law Clerk.
 17. Summer 1995. Cleary Gottlieb Steen & Hamilton LLP, 2112 Pennsylvania Avenue NW, Washington, DC. Summer Associate.
 18. Summer 1994. Sive, Paget & Riesel, P.C., 560 Lexington Avenue, New York, NY 10022. Summer Associate.
 19. 1992 to 1993. NOAA Fisheries Auke Bay Laboratories, 17109 Point Lena Loop Road, Juneau, AK 99801. Fish Counter.
 20. 1990 to 1991. New York City Campaign Finance Board, 100 Church Street, 12th Floor, New York, NY 10007. Writer, Communications Staff.
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.

- No U.S. military service. Yes, I am registered for the selective service.

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

1. Fulbright Lecture and Research Fellowship, University of Rijeka Faculty of Law, Croatia, Spring 2011.
2. Tilburg Law and Economics Center Award for Research in Search Engines (with S. Wildman), 2008

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

- None

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.

1. District of Columbia. Admitted October 5, 1998. No lapses in membership.
2. Pennsylvania. Admitted May 15, 1997. Status is inactive. I no longer practice in Pennsylvania courts.

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.

1. Supreme Court of the United States. Admitted November 14, 2022.
2. U.S. Court of Appeals for the Second Circuit. Admitted October 21, 2024.
3. U.S. Court of Appeals for the Third Circuit. Admitted June 26, 2024.
4. U.S. Court of Appeals for the Eleventh Circuit. Admitted November 2, 2021.
5. U.S. Court of Appeals for the D.C. Circuit. Admitted July 31, 2024.

- No lapses in membership.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to

which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

1. The Federalist Society. Member and contributor (approximately 20 years)
 2. Society of Utility and Regulatory Financial Analysts. Faculty Associate (inactive)
 3. Research Fellow, Institute of Public Utilities, Michigan State University (2004-present)
 4. Center for Renewing America. Senior Fellow (Mar. 2021 to Jan. 2025)
- b. Indicate whether any of these organizations listed in response to 11(a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.
- To my knowledge, none of the organizations listed in response to Question 11(a) currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin through formal membership requirements or the practical implementation of membership policies.

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

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.
 - I have conducted a diligent search and believe I have provided all responsive material. I have also conducted a diligent search for links or copies to all of these items, but a small number of links or copies were not available.

i. Books and Book Chapters

1. "Federal Trade Commission," in *Mandate for Leadership: The Conservative Promise* (The Heritage Foundation, 2023), beginning at page 869.
https://static.heritage.org/project2025/2025_MandateForLeadership_FULL.pdf
2. *Transnational Culture in the Internet Age* (co-edited with Sean Pager) (Edward Elgar Publishing, 2012), including the co-authored Introduction, "Navigating in the Dark When Bits Have No Borders." <https://www.e-elgar.com/shop/usd/transnational-culture-in-the-internet-age-9780857931337.html>
3. "Access Remedies After Trinko" (with Jonathan Rubin and Norman Hawker), in *Network Access, Regulation and Antitrust* (American Antitrust Institute, 2005).

<https://www.taylorfrancis.com/chapters/edit/10.4324/9780203021118-8/access-remedies-trinko-jonathan-rubin-norman-hawker-adam-candeub>

ii. Scholarly Articles and Working Papers

1. "Restoring Obscenity Regulation in an Internet Age," First Principles Report, The Heritage Foundation, Jul. 6, 2026. <https://www.heritage.org/government-regulation/report/restoring-obscenity-regulation-internet-age>; printable report at <https://www.heritage.org/sites/default/files/2026-07/FPA01.pdf>
2. "The Digital Services Act, the First Amendment, and Deputised Surveillance," Journal of Media Law (2024). <https://www.tandfonline.com/doi/epdf/10.1080/17577632.2024.2362479>
3. "The NIH's Genomic Data Sharing Policy and the First Amendment," Journal of Free Speech Law (2024). <https://www.journaloffreespeechlaw.org/candeub3.pdf>
4. "Response to 'Regulatory Implications of Turning Internet Platforms into Common Carriers,'" 76 Fed. Comm. L.J., issue 3 (2024). http://www.fclj.org/wp-content/uploads/2024/05/76.3.10_Spiwak-Rebuttal.pdf
5. White Paper, "Algorithmic Rental Pricing Programs Further Market Efficiency and Cannot Restrain Trade in Violation of the Antitrust Laws" (2024).
6. "Common Carrier Law in the 21st Century," 90 Tenn. L. Rev. 813 (2023). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4644936
7. "Editorial Decision-Making and the First Amendment," Journal of Free Speech Law (2022). <https://www.journaloffreespeechlaw.org/candeub2.pdf>
8. "Reading Section 230 as Written," Journal of Free Speech Law (2021). <https://www.journaloffreespeechlaw.org/candeub.pdf>
9. "Interpreting 47 U.S.C. § 230(c)(2)" (with Eugene Volokh), Journal of Free Speech Law (2021). <https://www.journaloffreespeechlaw.org/candeubvolokh.pdf>
10. "Private Control over Public Discourse," 34 Regent U. L. Rev. (2021). <https://access.heinonline.com/HOL/P?h=hein.journals/regulr34&i=559>
11. "Bargaining for Free Speech: Common Carriage, Network Neutrality, and Section 230," 22 Yale J.L. & Tech. 391 (2020). https://yjolt.org/sites/default/files/bargaining_for_free_speech_22_yale_j.l._tech._391_2020.pdf
12. "Preference and Administrative Law," 72 Admin. L. Rev. (2020). <https://access.heinonline.com/HOL/P?h=hein.journals/admin72&i=662>
13. White Paper, "The American Board of Medical Specialties: Certification and the Need

- for Antitrust Enforcement," American Board of Physician Specialties (2020; revised Apr. 2024). <https://www.abpsus.org/wp-content/uploads/2025/10/Adam-Candeub-White-Paper-April-2024.pdf>
14. "March to the Middle? Herd Behavior, Video Economics, and Social Media," CPI Antitrust Chronicle (Jan. 2019). <https://www.competitionpolicyinternational.com/wp-content/uploads/2019/01/CPI-Candeub.pdf>
 15. "Nakedness and Publicity," 104 Iowa L. Rev. (2019). <https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2023-02/Candeub.pdf>
 16. "Elite Theory, Media Regulation, and Fake News," SSRN working paper (2019). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3449503
 17. "The Common Carrier Privacy Model," 51 U.C. Davis L. Rev. (2018). <https://lawreview.law.ucdavis.edu/archives/51/3/common-carrier-privacy-model>
 18. "Whispering Into Princes' Ears: An Empirical Descriptive Analysis of Comments and Ex Parte Meetings at the Federal Communications Commission," TPRC (2018). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3138588
 19. "Tyranny and Administrative Law," Arizona Law Review (2017). <https://journals.librarypublishing.arizona.edu/arizlrev/article/id/6950/>
 20. "Networks, Neutrality and Discrimination," Administrative Law Review (2017). <https://www.jstor.org/stable/44648609>
 21. "Privacy and Common Law Names: Sand in the Gears of Identification," 68 Fla. L. Rev. (2016). <https://www.floridalawreview.com/article/80834-privacy-and-common-law-names-sand-in-the-gears-of-identification>
 22. "Digital Medicine, the FDA, and the First Amendment," 49 Ga. L. Rev., issue 4 (2015). <https://digitalcommons.law.uga.edu/glr/vol49/iss4/2/>
 23. "Is There Anything New to Be Said About Network Neutrality?," 2015 Mich. St. L. Rev. <http://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1114&context=lr>
 24. "Privacy, Identification, and Common Law Names," SSRN working paper (2015). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2634592
 25. "Understanding the Federal Communication Commission's Policy-Making Using Big Data," TPRC (2015). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2588092
 26. "Behavioral Economics, Internet Search, and Antitrust" (2014). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414179
 27. "Transparency in the Administrative State," Houston Law Review (2013). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414411

28. "Akratic Corporations and Dysfunctional Markets," Virginia Journal of Criminal Law (2013). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414410
29. "Political Drivers and Signaling in Independent Agency Voting: Evidence from the Federal Communications Commission," working paper (2012). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2031323
30. "The 'Freedom To Connect' and International Internet Transparency," Elon Law Review (2012). https://eloncdn.blob.core.windows.net/eu3/sites/996/2019/07/Elon_Law_Review_V3_No2_Candeub.pdf
31. "Search Engines, Essential Facilities, and the New Economy" (2012). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2031074
32. "Law and the Open Internet," Federal Communications Law Journal (2012). <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1624&context=fclj>
33. "Legal N-Grams? A Simple Approach to Track the 'Evolution' of Legal Language," Proceedings of JURIX (Dec. 16, 2011). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1971953
34. "Modernizing Marriage," University of Michigan Journal of Law Reform (2011). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1491704
35. "An End to End-to-End? A Review Essay of Barbara van Schewick's Internet Architecture and Innovation," Federal Communications Law Journal (2011). <https://works.hcommons.org/records/ddxwp-8y772/files/facpubs458fulltext.pdf?download=1&preview=1>
36. "Contract, Warranty, and the Patient Protection and Affordable Care Act," Wake Forest Law Review (2011). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1414401
37. "Political Control of Independent Agencies: Evidence from the FCC," working paper (2010). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1640285
38. "Network Transparency: Seeing the Neutral Network," 8 Nw. J. Tech. & Intell. Prop. (2010). <https://access.heinonline.com/HOL/P?h=hein.journals/nwteintp8&i=232>
39. "Partisans and Partisan Commissions" (with Keith Brown, Ph.D.), 17 Geo. Mason L. Rev. 789 (2010). https://www.researchgate.net/publication/254628856_Partisans_Partisan_Commissions
40. "Network Growth: Theory and Evidence from the Mobile Telephone Industry," Information Economics and Policy (2010); earlier version presented at TPRC (2007). <https://www.sciencedirect.com/science/article/pii/S0167624509000717>

41. "Shall Those Who Live by FCC Indecency Complaints Die by FCC Indecency Complaints?," Symposium Issue, 22 Regent U. L. Rev. 307 (2010).
https://regentparents.regent.edu/acad/schlaw/student_life/studentorgs/lawreview/docs/issues/v22n2/03Candeubvol.22.2.pdf
42. "An Economic Theory of Criminal Excuse," Boston College Law Review (2009).
<https://bclawreview.bc.edu/articles/904>
43. "What Do Bureaucrats Want: Estimating Regulator Preferences at the FCC," working paper (2008). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1008313
44. "Rule of Law, Regulation and Growth of Mobile Telecommunications," MSU Legal Studies Research Paper (2008).
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1312022
45. "Media Ownership Regulation, the First Amendment, and Democracy's Future," UC Davis Law Review (2007). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=985113
46. "The Corporatization of Communication," 30 Seattle U. L. Rev. (2007).
<https://access.heinonline.com/HOL/P?h=hein.journals/sealr30&i=967>
47. "An Economic Theory of Criminal Excuse: A Commentary," MSU Legal Studies Research Paper (2007). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=975790
48. "Ideology versus Partisanship: Regulatory Behavior and Cyclical Political Influence," TPRC (2006). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2117608
49. "The First Amendment and Measuring Media Diversity: Constitutional Principles and Regulatory Challenges," Spring Symposium Issue, 33 N. Ky. L. Rev. 373 (2006).
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=922761
50. "Creating a More Child-Friendly Broadcast Media," 2005 Mich. St. L. Rev. 911.
https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/mslr2005§ion=38
51. "Can the FCC Regulate Media Ownership?," American Bar Association, Focus on Law Studies (Jan. 2005).
52. "Trinko and Re-grounding the Refusal to Deal Doctrine," 66 U. Pitt. L. Rev. 821 (2005). <https://lawreview.law.pitt.edu/ojs/lawreview/article/view/28>
53. "The Law and Economics of Wardrobe Malfunction," BYU Law Review (2005).
<https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=2258&context=lawreview>
54. "Network Interconnection and Takings," 54 Syracuse L. Rev. 369 (2004).
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=578564

55. "Consciousness and Culpability," 54 Ala. L. Rev. 113 (2002).
https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/bamalr54§ion=9
56. "Courtside," Communications Lawyer (Winter 1999).
57. "Courtside," Communications Lawyer (Fall 1998).
58. "Motive Crimes and Other Minds," Comment, 142 U. Pa. L. Rev. 2071 (1994).
https://scholarship.law.upenn.edu/penn_law_review
59. "Independent Agencies and the Unitary Executive Debate: An Empirical Critique," MSU Legal Studies Research Paper.

iii. Opinion Pieces, Blog Posts, and Other Short-Form Commentary (reverse chronological)

1. "Restoring Obscenity Regulation: Lessons From America's Founding Era," The Daily Signal, Jul. 7, 2026. <https://www.dailysignal.com/2026/07/07/obscenity-regulation-founding-era/>
2. "How the Supreme Court Can Protect Digital Childhood," Law & Liberty, Jan. 9, 2025. <https://lawliberty.org/how-the-supreme-court-can-protect-digital-childhood/>
3. "Free Speech Coalition v. Paxton: Age Verification for Porn Sites Is Commonsense Policy and Constitutionally Sound," FedSoc Blog, Nov. 6, 2024. <https://fedsoc.org/commentary/fedsoc-blog/free-speech-coalition-v-paxton-age-verification-for-porn-sites-is-commonsense-policy-and-constitutionally-sound>
4. "The Kids Online Safety Act Was a Good Start, but App Stores Need Accountability Too," Institute for Family Studies blog, Oct. 24, 2024. <https://ifstudies.org/blog/the-kids-online-safety-act-was-a-good-start-but-app-stores-need-accountability-too>
5. "The Kids Online Safety Act was a good start, but app stores need accountability too," The Hill, Sep. 29, 2024. <https://thehill.com/opinion/4904617-app-store-accountability-act/>
6. "Courts Are Letting Social-Media Platforms Get Away with Manipulating Children," National Review, Sep. 2024. <https://www.nationalreview.com/2024/09/courts-are-letting-social-media-platforms-get-away-with-manipulating-children/>
7. "[Age Verification for Porn Sites Is Constitutional and Necessary](#)," National Review, 2024.
8. "From Prof. Adam Candeub on the Texas Social Media Law," The Volokh Conspiracy (Reason.com), Apr. 10, 2024. <https://reason.com/volokh/2024/04/10/from-prof-adam->

[candeub-on-the-texas-social-media-law/](#)

9. "Age Verification for Porn Sites Is Constitutional, and Necessary," Institute for Family Studies blog, Apr. 5, 2024. <https://ifstudies.org/blog/age-verification-for-porn-sites-is-constitutional-and-necessary>
10. "Vindication for Age Verification by the Fifth Circuit Court of Appeals," Institute for Family Studies blog, Mar. 15, 2024. <https://ifstudies.org/blog/vindication-for-age-verification-by-the-fifth-circuit-court-of-appeals>
11. "Vullo and Trevino: The Supreme Court's Current Term and the NRA's Fight Against Retaliatory Regulatory Enforcement," Yale Journal on Regulation, Notice & Comment blog, Mar. 12, 2024. <https://www.yalejreg.com/nc/vullo-and-trevino-the-supreme-courts-current-term-and-the-nras-fight-against-retaliatory-regulatory-enforcement-by-adam-candeub/>
12. "Utah has led the nation in standing up for kids with Big Tech and social media. Don't back down now," Deseret News, Feb. 22, 2024. <https://www.deseret.com/opinion/2024/2/22/24079641/opinion-utah-has-led-the-nation-in-standing-up-for-kids-with-big-tech-social-media/>
13. "When Protecting Kids Online, Don't Let Apple, Google Off the Hook," Newsweek, Dec. 12, 2023. <https://www.newsweek.com/when-protecting-kids-online-dont-let-apple-google-off-hook-opinion-1850897>
14. "The Left Wants Your Kids Online," The American Conservative, Nov. 7, 2023. <https://www.theamericanconservative.com/the-left-wants-your-kids-online/>
15. "Two Conservative Visions of the First Amendment: Social Media Anti-Discrimination Law at the Supreme Court," FedSoc Blog, Oct. 20, 2023. <https://fedsoc.org/commentary/fedsoc-blog/two-conservative-visions-of-the-first-amendment-social-media-anti-discrimination-law-at-the-supreme-court>
16. "Protecting Kids Online: Model Legislation," Ethics and Public Policy Center, Oct. 17, 2023. <https://eppc.org/publication/protecting-kids-online-model-legislation/>
17. "The First Amendment Protects Kids from Big Tech," Institute for Family Studies blog, Oct. 9, 2023. <https://ifstudies.org/blog/the-first-amendment-protects-kids-from-big-tech>
18. "Big Tech Knows That Age Verification Is Necessary," The Hill, Sep. 7, 2023. <https://thehill.com/opinion/congress-blog/4192462-big-tech-knows-that-age-verification-is-necessary/>
19. "Streaming Anti-Conservative Bias: Google and Disney Up to Same Old Tricks?," Forbes, Sep. 6, 2023. <https://www.forbes.com/sites/washingtonbytes/2023/09/06/streaming-anti-conservative-bias-google-and-disney-up-to-same-old-tricks/>

20. "Age Verification for Social Media: A Constitutional and Reasonable Regulation," FedSoc Blog, Aug. 7, 2023. <https://fedsoc.org/commentary/fedsoc-blog/age-verification-for-social-media-a-constitutional-and-reasonable-regulation>
21. "New State Law Pushes Back Against Big Tech to Protect Children from Social Media," Daily Caller, Apr. 26, 2023. <https://dailycaller.com/2023/04/26/candeub-new-state-law-pushes-back-against-big-tech-to-protect-children-from-social-media/>
22. "Climate Litigation Chills Speech and Debate," The American Conservative, Mar. 6, 2023. <https://www.theamericanconservative.com/climate-litigation-chills-speech-and-debate/>
23. "Cultural Baggage," Claremont Review of Books, Spring 2023. <https://claremontreviewofbooks.com/cultural-baggage/>
24. "Should SCOTUS Dismiss the Consequential Section 230 Case, Gonzalez v. Google?," The Federalist, Feb. 21, 2023. <https://thefederalist.com/2023/02/21/should-scotus-dismiss-the-consequential-section-230-case-gonzales-v-google/>
25. "Gonzalez, Google, and Section 230: All on the Same Side," FedSoc Blog, Feb. 2, 2023. <https://fedsoc.org/commentary/fedsoc-blog/gonzalez-google-and-section-230-all-on-the-same-side>
26. "Section 230, Gonzalez, and the Ghost of FCC Regulation," Yale Journal on Regulation, Notice & Comment blog, Jan. 30, 2023. <https://www.yalejreg.com/nc/section-230-gonzalez-and-the-ghost-of-fcc-regulation-by-adam-candeub/>
27. "No, Elon Musk's Twitter Policies Are Not at Odds with the First Amendment," The Federalist, Dec. 21, 2022. <https://thefederalist.com/2022/12/21/no-elon-musks-twitter-policies-are-not-at-odds-with-the-first-amendment/>
28. "The Fifth Circuit Strikes Critical Blow Against Big Tech Censorship," Newsweek, Sep. 28, 2022. <https://www.newsweek.com/fifth-circuit-strikes-critical-blow-against-big-tech-censorship-opinion-1746429>
29. " Profs. Adam Candeub & Philip Hamburger on "The Common Carrier Cure for First Amendment Uncertainty," The Volokh Conspiracy (Reason.com), Jun. 20, 2022. <https://reason.com/volokh/2022/06/20/profs-adam-candeub-philip-hamburger-on-the-common-carrier-cure-for-first-amendment-uncertainty/>
30. "Yes, Big Tech Are Common Carriers," Newsweek, May 31, 2022. <https://www.newsweek.com/yes-big-tech-are-common-carriers-opinion-1711049>
31. "A Chink in Big Tech's Armor," RealClearPolicy, May 19, 2022. https://www.realclearpolicy.com/articles/2022/05/19/a_chink_in_big_techs_armor_833161.html

32. "Big Tech Is Making a Desperate Bid to Avoid Judicial Scrutiny," Newsweek, May 18, 2022. <https://www.newsweek.com/big-tech-making-desperate-bid-avoid-judicial-scrutiny-opinion-1707363>
33. "Will Congress Seize an Opportunity to Protect Children?," National Review, Jan. 2022, cross-published by the Ethics and Public Policy Center, Jan. 25, 2022. <https://www.nationalreview.com/2022/01/will-congress-seize-an-opportunity-to-protect-children/>
34. "The PRO-SPEECH Act: A Creative Solution to Censorship," Newsweek, Jun. 16, 2021. <https://www.newsweek.com/pro-speech-act-creative-solution-censorship-opinion-1600978>
35. "Florida Is Moving the Ball Forward Against Big Tech Censorship," Newsweek, Jun. 4, 2021. <https://www.newsweek.com/florida-moving-ball-forward-against-big-tech-censorship-opinion-1597316>
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- 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.
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<https://www.youtube.com/watch?v=1CTMsQ28Eyw>
26. Dominant Platforms Panel 3, "Switching Costs, Competition, and the Quality of Search Results," The Capitol Forum, 2017. <https://www.youtube.com/watch?v=sD7skd3kTew>
27. "MSU Law Prof explores cost of campus political correctness," WKAR, Dec. 17, 2015. <https://www.wkar.org/education/2015-12-17/msu-law-prof-explores-cost-of-campus-political-correctness>

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.

- Not applicable.

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.
 1. Feb. 2025 to present. General Counsel, Federal Communications Commission.
 2. Dec. 2020 to Jan. 2021. Deputy Associate Attorney General, U.S. Department of Justice.
 3. Aug. 2020 to Dec. 2020. Acting Assistant Secretary of Commerce for Communications and Information and Acting Administrator, National Telecommunications and Information Administration.
 4. Apr. 2020 to Aug. 2020. Deputy Assistant Secretary of Commerce, National Telecommunications and Information Administration.
 5. Approx. 2006. Member, Meridian Township Cable Commission (volunteer).
- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

- None.

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 Hon. J. Clifford Wallace, U.S. Court of Appeals for the Ninth Circuit, 1995 to 1996.
 - ii. whether you practiced alone, and if so, the addresses and dates;
 - My solo practice began around 2015. Prior to that, I was primarily an academic.
 - 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.
 1. Cleary Gottlieb Steen & Hamilton LLP, Washington, DC (1996 to 1998), associate.
 2. Jones Day Reavis & Pogue, Washington, DC (1998 to 2000), associate.
 3. Federal Communications Commission (2000 to 2004), attorney advisor; (2025 to present), General Counsel.
 4. National Telecommunications and Information Administration, U.S. Department of Commerce (2020), Deputy Administrator, then Acting Administrator and Assistant Secretary of Commerce.
 5. U.S. Department of Justice (2020 to 2021), Deputy Associate Attorney General.
 - iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.
 - Not applicable.
 - 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.
 - Not applicable.

b. Describe:

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

- My legal practice has been diverse, spanning government work and diverse clients and issues.

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

- I have appeared infrequently in court during my career.

i. Indicate the percentage of your practice in:

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

ii. Indicate the percentage of your practice in:

1. civil proceedings: 100%
2. criminal proceedings: 0%

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.

I believe approximately 5 – 10.

i. What percentage of these trials were:

- 1) jury: N/A
- 2) non-jury: N/A

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.

1. Fed. Commc'ns Comm'n v. AT&T, Inc., and Verizon Commc'ns Inc. v. Fed. Commc'ns Comm'n, brief filed Mar. 20, 2026. https://www.supremecourt.gov/DocketPDF/25/25-406/401499/20260320171418501_25-406GovtBr.pdf
2. Verizon Commc'ns Inc. v. Fed. Commc'ns Comm'n, brief filed Dec. 9, 2025. https://www.supremecourt.gov/DocketPDF/25/25-567/386889/20251209163434388_25-567%20Verizon%20Communications%20v.%20FCC.pdf
3. Free Speech Coal., Inc. v. Paxton, No. 23-1122, amicus curiae brief of scholars in support of respondent (counsel of record), filed Nov. 22, 2024. https://www.supremecourt.gov/DocketPDF/23/23-1122/332519/20241122091920993_23-1122%20Amicus%20Brief%20of%20Scholars.pdf
4. Norris v. Stanley, amicus curiae brief of Dr. Jay Bhattacharya and Dr. Martin Kulldorff in support of petitioners, Apr. 9, 2024 https://www.supremecourt.gov/DocketPDF/23/23-996/307186/20240409183022999_23-996%20Amicus%20Brief.pdf
5. Murthy v. Missouri, amicus curiae brief of the Twitter Files journalists (Matt Taibbi, Michael Shellenberger, Lee Fang, David Zweig, Leighton Woodhouse, Alex Gutentag) in support of respondents, Feb. 8, 2024. https://www.supremecourt.gov/DocketPDF/23/23-411/300197/20240208220913623_44722%20pdf%20Candeub.pdf
6. Moody v. NetChoice, LLC and NetChoice, LLC v. Paxton, brief of legal scholars Adam Candeub and Adam MacLeod as amici curiae in support of petitioners in No. 22-277 and respondent in No. 22-555, Jan. 19, 2024 https://www.supremecourt.gov/DocketPDF/22/22-277/298221/20240119194156897_44532%20pdf%20Candeub%20I.pdf
7. Murthy v. Missouri, amicus curiae brief of Michael Benz, Executive Director, Foundation for Freedom Online, in support of respondents and in opposition to stay application, Sep. 20, 2023.
8. https://www.supremecourt.gov/DocketPDF/23/23-411/279946/20230920125416211_Benz_Amicus_Final.pdf
9. Gonzalez v. Google LLC, brief of amici curiae Institute for Free Speech and Professor Adam Candeub in support of neither party, Dec. 7, 2022. https://www.supremecourt.gov/DocketPDF/21/21-1333/249341/20221207125054445_43118%20pdf%20Kolde.pdf
10. Carpenter v. United States, No. 16-402, appellate brief, 2017 WL 3614233, Aug. 14, 2017. (see attached)

11. *Minority Television Project, Inc. v. Fed. Commc'ns Comm'n*, brief of former FCC officials as amici curiae in support of petitioner, Apr. 18, 2014. (see attached)
 12. *Am. Broad. Cos. v. Aereo, Inc.*, joint appendix, 2014 WL 815245 (2014). (see attached)
 13. *Cortez Byrd Chips, Inc. v. Bill Harbert Constr. Co.*, brief filed Aug. 23, 1999 (see attached)
- I have not presented oral argument before the Supreme Court; accordingly, no oral argument transcripts are applicable.

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.
 (i) the dates of representation, (ii) the court and the judges before whom the case was litigated, and (iii) the names, addresses, and telephone numbers of co-counsel and principal opposing counsel.

- **Broadband Commc'ns Ass'n of Pa. v. FCC, No. 26-1062 (D.C. Cir. filed Mar. 20, 2026) (consolidated with Free Press v. FCC, No. 26-1065 (D.C. Cir. filed Mar. 23, 2026)).**
 - March 20, 2026 (No. 26-1062)
 - Judges Robert L. Wilkins, Gregory G. Katsas, and Neomi Rao.
 - Opposing: Wiley Rein LLP, 2050 M Street NW, Washington DC 20036, (202) 719-7000.

State broadband associations, Newsmax, DIRECTV, Free Press, and other public interest and labor appellants challenged the Media Bureau's March 19, 2026 order consenting to the transfer of control of TEGNA Inc.'s broadcast licenses to Nexstar Media Inc. pursuant to a planned merger, alleging violations of the national audience cap and local ownership rules. As General Counsel, I supervise the Commission's defense, which successfully opposed emergency stay relief in April 2026 and has moved to dismiss the appeals because the court lacks jurisdiction over a staff-level order while an application for full Commission review remains pending before the agency. The matter is pending and no final disposition has been reached.

- **Pub. Safety Spectrum All. v. Fed. Commc'ns Comm'n, 2025 WL 2779918.**
 - Filed November 26, 2024, Stay denied March 19, 2025, Oral argument held November 24, 2025.
 - Judges Karen LeCraft Henderson, Patricia A. Millett, and Justin R. Walker.
 - Andrew J. Pincus, Mayer Brown LLP, 1999 K Street NW, Washington DC 20006, (202) 263-3000 (for Public Safety Spectrum Alliance and Public Safety Broadband Technology Association).

- **Jessica Ring Amunson, Jenner & Block LLP, 1099 New York Ave NW Suite 900, Washington DC 20001, (202) 639-6000 (for the Coalition for Emergency Response and Critical Infrastructure).**
- **James Smith (for National Sheriffs' Association / California State Sheriffs' Association, No. 25-1028).**

These consolidated petitions challenge the Commission's October 2024 order restructuring the 4.9 GHz public safety band, under which a nationwide band manager would be licensed and permitted to share unassigned spectrum with the First Responder Network Authority. The Public Safety Spectrum Alliance argued the order did not move spectrum to FirstNet quickly enough, while the CERC coalition argued the Commission lacked authority to give a federal entity access to the band at all, and as General Counsel I supervised the Commission's defense of the order, in which the Department of Justice joined. The D.C. Circuit denied a stay in March 2025 and I argued the case in November 2025. The matter remained pending as of this filing.

- **Fed. Comm'n's Comm'n v. AT&T, Inc., 146 S. Ct. 1418 (2026).**
 - **March 27, 2026, Certiorari granted January 9, 2026. Argued April 21, 2026. Decided June 4, 2026.**
 - **Opinion by Chief Justice John G. Roberts, Jr., joined by Justices Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, Barrett, and Jackson. Justice Thomas filed a dissent.**
 - **Fifth Circuit below, No. 24-60223, 149 F.4th 491 (amended Aug. 22, 2025): opinion authored by Judge Stuart Kyle Duncan, joined by Judge Cory T. Wilson; Judge Catharina Haynes concurred in the judgment only.**
 - **Second Circuit below, No. 24-1733, 156 F.4th 86: panel of Judges Gerard E. Lynch, Eunice C. Lee, and Alison J. Nathan; opinion by Judge Nathan.**
 - **AT&T counsel of record: Pratik A. Shah, Akin Gump Strauss Hauer & Feld LLP, 2001 K Street NW, Washington DC 20006, (202) 887-4210, with Z.W. Julius Chen and Margaret O. Rusconi.**
 - **Verizon counsel of record: Jeffrey B. Wall, Sullivan & Cromwell LLP, 1700 New York Ave NW Suite 700, Washington DC 20006, (202) 956-7660, with Morgan L. Ratner. Wall argued for both carriers at the Supreme Court.**

This consolidated case presented the question whether the FCC's issuance of monetary forfeiture orders without a jury violates the Seventh Amendment, arising from roughly \$57 million and \$47 million penalties against AT&T and Verizon for failing to protect customer location data. As General Counsel, I supervised and directed the Commission's defense of its enforcement procedures, working with the Solicitor General, after the Fifth Circuit vacated the AT&T forfeiture and the Second Circuit upheld the Verizon forfeiture. On June 4, 2026, the Supreme Court held 8 to 1, in an opinion by Chief Justice Roberts, that the forfeiture orders do not violate the Seventh Amendment because they are not self-executing and any collection action proceeds as a trial de novo, reversing the Fifth Circuit and affirming the Second Circuit.

- **Consumers' Research v. Fed. Comm'n's Comm'n, 2026 WL 820143.**

- **Supreme Court: FCC cert petition filed September 30, 2024; certiorari granted November 22, 2024; argued March 26, 2025; decided June 27, 2025.**
- **Fifth Circuit No. 22-60008 July 17, 2025.**
- **Justice Kagan, joined by Chief Justice Roberts and Justices Sotomayor, Kavanaugh, Barrett, and Jackson. Justices Kavanaugh and Jackson filed concurrences. Justice Gorsuch dissented, joined by Justices Thomas and Alito.**
- **Judge Andrew S. Oldham for a 9-7 en banc majority (joined by Judges Jones, Smith, Elrod, Willett, Ho, Duncan, Engelhardt, and Wilson). Judge Stewart dissented (joined by Chief Judge Richman and Judges Southwick, Haynes, Graves, Higginson, and Douglas).**
- **Opposing: R. Trent McCotter, Boyden Gray PLLC, 800 Connecticut Ave NW Suite 900, Washington DC 20006, (202) 706-5488.**

Consumers' Research and others petitioned the Fifth Circuit to review a quarterly Universal Service Fund contribution factor, arguing that Section 254 of the Communications Act and the FCC's reliance on the Universal Service Administrative Company violated the nondelegation doctrine. The en banc Fifth Circuit had accepted a combined-delegation theory, but the Supreme Court reversed on June 27, 2025 in *FCC v. Consumers' Research*, 606 U.S. 89 (2025), upholding the contribution mechanism, and the case returned to the Fifth Circuit on remand. As General Counsel, I supervised the Commission's position on remand that the only remaining step was denial of the petition for review.

- **Hikvision USA, Inc. v. Fed. Commc'ns Comm'n, 2026 WL 1134594.**
 - **December 3, 2025, Case pending as of July 2026.**
 - **Hikvision USA, Inc. v. FCC, No. 23-1032, 97 F.4th 938 (D.C. Cir. 2024), panel of Judges Patricia A. Millett and Florence Y. Pan and Senior Judge A. Raymond Randolph; opinion by Judge Pan.**
 - **Hikvision counsel: HWG LLP (formerly Harris, Wiltshire & Grannis LLP), 1919 M Street NW, 8th Floor, Washington DC 20036, (202) 730-1300. In the prior case (No. 23-1032), the HWG team included John T. Nakahata, Christopher J. Wright, Timothy J. Simeone, and John R. Grimm.**

Hikvision petitioned the D.C. Circuit in December 2025 for review of Commission actions implementing the Secure Equipment Act, contending that the FCC lacks statutory authority to withdraw or restrict existing equipment authorizations for products placed on the Covered List of communications equipment deemed a national security risk. As General Counsel, I supervise the Commission's defense, which contests Hikvision's standing and maintains that the Communications Act and the Secure Equipment Act authorize the challenged actions. Briefing was ongoing as of June 2026 and the matter is pending, so there is no final disposition to report.

- **Verizon Commc'ns Inc. v. Fed. Commc'ns Comm'n, 2025 WL 3557284.**
 - **April 29, 2024, decided June 4, 2026.**
 - **U.S. Court of Appeals for the Second Circuit, No. 24-1733, 156 F.4th 86: panel of Judges Gerard E. Lynch, Eunice C. Lee, and Alison J. Nathan; opinion by Judge Nathan.**

- **Verizon (Second Circuit): Kellogg, Hansen, Todd, Figel & Frederick PLLC, 1615 M Street NW Suite 400, Washington DC 20036, (202) 326-7900.**
- **Verizon (Supreme Court): Jeffrey B. Wall, Sullivan & Cromwell LLP, 1700 New York Ave NW Suite 700, Washington DC 20006, (202) 956-7660, with Morgan L. Ratner.**

Verizon petitioned the Second Circuit for review of a roughly \$47 million forfeiture order arising from its handling of customer location data, arguing that the FCC's forfeiture procedures violate the Seventh Amendment. The Second Circuit denied the petition, 156 F.4th 86 (2d Cir. 2025), holding that a forfeiture order does not itself compel payment, which created a circuit conflict with the Fifth Circuit's contrary decision in AT&T's case. The Supreme Court granted certiorari, consolidated the case with FCC v. AT&T, and on June 4, 2026 resolved the conflict in the Commission's favor, affirming the Second Circuit's judgment.

- **Boehringer Ingelheim Pharms., Inc. v. U.S. Dep't of Health & Human Servs., 2024 WL 7019018.**
 - **Decided August 7, 2025**
 - **U.S. Court of Appeals for the Second Circuit, No. 24-2092: panel of Judges Pierre N. Leval, Joseph F. Bianco, and William J. Nardini; opinion by Judge Nardini; affirming.**
 - **Boehringer counsel: Kevin F. King, Covington & Burling LLP, One CityCenter, 850 Tenth Street NW, Washington DC 20001, (202) 662-6000, with Robert A. Long, Jr., Thomas R. Brugato, Bradley E. Ervin, Michael M. Maya, Daniel G. Randolph, and MaKade C. Claypool; and Ashley C. Parrish, King & Spalding LLP, 1700 Pennsylvania Ave NW, Washington DC 20006, (202) 737-0500.**

Boehringer challenged the Inflation Reduction Act's Medicare Drug Price Negotiation Program, raising due process, takings, compelled speech, excessive fines, and unconstitutional conditions claims after its drug Jardiance was selected for negotiation. I filed an amicus curiae brief in the Second Circuit on behalf of Independent Women's Forum, addressing takings issues. On August 7, 2025, the Second Circuit affirmed the judgment for the government, holding that participation in the program is voluntary, 2025 WL 2248727.

- **Norris v. Stanley, 2024 WL 1600734.**
 - **Filed April 9, 2024.**
 - **U.S. Court of Appeals for the Sixth Circuit, No. 22-1200, 73 F.4th 431 (decided July 13, 2023): opinion by Judge John K. Bush, joined by Judge Raymond M. Kethledge and Senior Judge Helene N. White.**
 - **New Civil Liberties Alliance (for petitioners Jeanna Norris, Kraig Ehm, and D'Ann Rohrer), including John J. Vecchione (Senior Litigation Counsel). New Civil Liberties Alliance, 1225 19th Street NW Suite 450, Washington DC 20036, (202) 869-5210.**
 - **Michigan State University officials (President Samuel L. Stanley, Jr., and Board of Trustees members).**

MSU employees with naturally acquired COVID-19 immunity challenged the university's employee vaccine mandate, and the Sixth Circuit affirmed dismissal under rational basis review, 73 F.4th 431 (6th Cir. 2023). At the certiorari stage, I filed an amicus curiae brief on behalf of Dr. Jay Bhattacharya and Dr. Martin Kulldorff in support of the petitioners on April

9, 2024, addressing the scientific and constitutional case for heightened scrutiny of vaccination mandates as applied to naturally immune individuals. The Supreme Court denied certiorari, ending the litigation.

- **Free Speech Coalition, Inc. v. Paxton, 606 U.S. 461 (2025)**
 - Filed November 22, 2024.
 - U.S. Supreme Court, No. 23-1122: argued January 15, 2025; decided June 27, 2025; 6-3. Opinion by Justice Thomas, joined by Chief Justice Roberts and Justices Alito, Gorsuch, Kavanaugh, and Barrett. Justice Kagan dissented, joined by Justices Sotomayor and Jackson. Fifth Circuit judgment affirmed.
 - Fifth Circuit below, No. 23-50627, 95 F.4th 263: panel of Judges Patrick E. Higginbotham, Jerry E. Smith, and Jennifer Walker Elrod; majority opinion by Judge Smith. Judge Higginbotham dissented in part and concurred in part (95 F.4th at 287)
 - Petitioners' counsel of record: Derek L. Shaffer, Quinn Emanuel Urquhart & Sullivan LLP, 1300 I Street NW Suite 900, Washington DC 20005, (202) 538-8000.
 - Respondent's counsel of record: Aaron L. Nielson, Solicitor General of Texas, Office of the Texas Attorney General, P.O. Box 12548 MC-059, Austin TX 78711-2548, (512) 936-1700.

Adult website operators brought a facial First Amendment challenge to Texas H.B. 1181, which requires commercial websites publishing content obscene to minors to verify the age of their users. I served as counsel of record for amici curiae scholars, writing on the historical regulation of obscenity and the internet in support of the constitutionality of the Texas statute. On June 27, 2025, the Supreme Court held 6 to 3, in an opinion by Justice Thomas, that the age verification requirement is subject only to intermediate scrutiny and survives it, affirming the Fifth Circuit.

- **Murphy v. Twitter, Inc., 2020 WL 292002.**
 - Filed February 11, 2019.
 - California Court of Appeal, First Appellate District, Division One, No. A158214, 60 Cal. App. 5th 12 (Jan. 22, 2021): opinion by Associate Justice Sandra L. Margulies.
 - Harmeet K. Dhillon, Dhillon Law Group Inc., 177 Post Street Suite 700, San Francisco CA 94108, (415) 433-1700.
 - Patrick J. Carome, Ari Holtzblatt, and Thomas G. Sprankling, Wilmer Cutler Pickering Hale and Dorr LLP. WilmerHale, 2100 Pennsylvania Ave NW, Washington DC 20037, (202) 663-6000.

Meghan Murphy, a journalist permanently banned from Twitter, sued the platform for breach of contract, promissory estoppel, and unfair competition, alleging Twitter retroactively applied a changed content policy to suspend her account. I served as counsel for Ms. Murphy on appeal to the California Court of Appeal, First Appellate District, after the trial court sustained Twitter's demurrer on the ground that 47 U.S.C. § 230 barred her claims. The Court of Appeal affirmed, holding Section 230 immunized Twitter's content moderation decisions, *Murphy v. Twitter, Inc.*, 60 Cal. App. 5th 12 (2021), and the California Supreme Court denied review.

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.)

- In my capacity as Senior Fellow, Center for Renewing America, I drafted legislation and lobbied numerous state legislatures concerning age verification laws for social media and pornography internet sites. My other significant legal work is detailed in questions 14 and 15.

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 am a law professor and have taught probably over 100 courses during my over 20 year-career. I have taught a wide variety of legal topics. The following are the most important courses I have taught; the dates are approximate. I have attached syllabi for courses that I have taught within the last four years. After a diligent search electronic devices and the internet, I was unable to find syllabi older than that.

Regulated Industries and Antitrust, 2004-09
Ratemaking and Utility Law, 2009-10
Communications Law and Policy, 2004-2010
Electronic Discovery, 2018-2022
Regulatory State, 2013-2015
Criminal Law, 2004-23
Administrative Law, 2008-10
Cyber Law/ Internet Law, 2014-2024
Privacy and Information Security Law, 2015-18
First Amendment Law, 2021-24
Conservative Legal Thought, 2022-23

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.

- Not applicable.

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.

- Not applicable.

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).

- Please refer to the chart below and my OGE-278 form.

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

- Please refer to the chart below and my OGE-278 form.

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.

- Not applicable.

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

- As in my current role, I work closely with ethics counsel to discuss and resolve any possible conflicts.

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.

Much of my legal practice, particularly work related to free speech and protecting children on the internet, has been performed pro bono. For instance, many of the briefs and other legal

work cited in this questionnaire were done on a pro bono basis. They represent significant amount of my total efforts in my career.

