

Daniel D. Crabtree
3307 North 111th Street
Kansas City, Kansas 66109

January 6, 2014

The Honorable Patrick J. Leahy
Chairman
United States Senate Committee on the Judiciary
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire for Judicial Nominees that I submitted previously in connection with my nomination on August 1, 2013, to become a United States District Judge for the District of Kansas. Incorporating the additional information provided in my letter to you and Ranking Member Grassley on November 15, 2013, and the information provided in this letter, below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

Q. 3:

As of January 1, 2014, my office address is:

Stinson Leonard Street LLP
1201 Walnut, Suite 2900
Kansas City, Missouri 64106

Q. 6:

On January 1, 2014, my former law firm combined with a Minneapolis-based law firm to form Stinson Leonard Street LLP. As a consequence, I supplement the following portions of my earlier response to Question 6 by providing the following information:

Employment

January 2014 – present
Stinson Leonard Street LLP
1201 Walnut, Suite 2900
Kansas City, Missouri 64106
Partner

The Honorable Patrick J. Leahy
Chairman, United States Senate Committee on the Judiciary
Page 2

2002 – 2013
Stinson Morrison Hecker LLP
1201 Walnut, Suite 2900
Kansas City, Missouri 64106
Partner

Q. 16a, iii:

Because of the law firm combination described in my supplemental response to Question 6, above, I amend my response to Question 16a, iii as follows:

2002 – 2013
Stinson Morrison Hecker LLP
1201 Walnut, Suite 2900
Kansas City, Missouri 64106
Partner

January 2014 – present
Stinson Leonard Street LLP
1201 Walnut, Suite 2900
Kansas City, Missouri 64106
Partner

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Yours very truly,



Daniel D. Crabtree

cc: Ranking Member Chuck Grassley
United States Senate Committee on the Judiciary
135 Hart Senate Office Building
Washington, D.C. 20510

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Daniel Dale Crabtree

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

United States District Judge, District of Kansas

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: Stinson Morrison Hecker LLP
 1201 Walnut, Suite 2900
 Kansas City, Missouri 64106

Residence: Kansas City, Kansas

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

1956; Kansas City, Missouri

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.

1978 – 1981, University of Kansas School of Law; J.D., 1981

1974 – 1978, Ottawa University; B.A., 1978

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.

Employment

2002 – present

Stinson Morrison Hecker LLP
1201 Walnut, Suite 2900
Kansas City, Missouri 64106
Partner

1981 – 2002

Stinson Mag & Fizzell
Country Club Bank Building
112th Street and State Line Road
Leawood, Kansas 66211
Partner, 1988 – 2002
Associate, 1981 – 1988

Summer 1980

Boddington & Brown, Chtd.
Security Bank Building
700 North Minnesota Avenue
Kansas City, Kansas 66102
Law Clerk

Summer 1979

Lugar & Whitaker
The Alpine Building
1289 North 78th Street
Kansas City, Kansas 66112
Law Clerk

Summer 1978

Kansas City Power & Light Co.
1200 Main Street
Kansas City, Missouri 66105
Meter Reader and Power Plant Laborer

Other Affiliations (uncompensated)

2000 – present

University of Kansas School of Law Board of Governors
Member, 2000 – 2003
Senior Governor, 2003 – present
Board Chair, 2001 – 2002

2010 – present

Kansas City Sports Commission

114 West 11th Street, #300
Kansas City, Missouri 64105
Member, Board of Directors

2013 – present
Greater Kansas City Community Foundation
1055 Broadway, Suite 130
Kansas City, Missouri 64105
Member, Board of Directors
Member, Audit Committee

2009 – 2013
Providence Medical Center/St. John Hospital
8929 Parallel Parkway
Kansas City, Kansas 66112
-and-
3500 South Fourth Street
Leavenworth, Kansas 66048
Member, Board of Directors, 2009 – 2013
Member, Executive Committee of the Board of Directors, 2011 – 2013

2004 – 2009
Community Foundation of Wyandotte County (Kansas)
P.O. Box 171272
Kansas City, Kansas 66117
Member, Board of Directors
Board Chair, 2008 – 2009

1992 – 2004
Associated Youth Services, Inc. ("AYS")
803 Armstrong Avenue
Kansas City, Kansas 66101
Member, Board of Directors
Board Chair, 2000 – 2002 (dates are approximate)

2000 – 2006
Ottawa University
1001 South Cedar Street
Ottawa, Kansas 66067
Member, Board of Trustees

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

I have not served in the military. I registered with the Selective Service when I turned 18.

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.

Fellow, American Bar Foundation (2007 – 2013)

Fellow, Kansas Bar Foundation (2012 – 2013)

Selected by *Best Lawyers* as 2014 Kansas City Banking and Finance Litigation “Lawyer of the Year” (2013)

Selected by *Best Lawyers* as 2013 Kansas City Antitrust "Lawyer of the Year" (2013)

Named in *Chambers USA: America's Leading Lawyers for Business* (for Litigation and Commercial Litigation) (2012 – 2013)

Selected for inclusion in *The Best Lawyers in America*, Commercial Litigation, Antitrust Litigation, and Banking & Finance Litigation for 2009 – 2014 (2009 – 2013)

Named as a "Local Litigation Star" (Kansas) by *Benchmark Litigation* (2009 – 2013)

Named to *Missouri & Kansas Super Lawyers* (2008 – 2013)

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.

Bench/Bar Committee for the United States District Court for the District of Kansas

United States Magistrate Judge Appointment Panel (reviewing the reappointment of United States Magistrate Judge David Waxse, District of Kansas)

Kansas Bar Association

Missouri Bar Association

10. **Bar and Court Admission:**

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

Missouri, 1981

Kansas, 1982

There has been no lapse in my admission to these bars.

- 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.

United States Court of Appeals for the Fourth Circuit, 1991
United States Court of Appeals for the Tenth Circuit, 1987
United States District Court for the District of Kansas, 1984
United States District Court for the Western District of Missouri, 1982
Kansas state courts, 1982
Missouri state courts, 1981

There has been no lapse in my admission to these courts.

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.

American Bar Association (1981 – 2009)

American Bar Foundation (2007 – present)
Fellow

Associated Youth Services, Inc. (1992 – 2004)
Member, Board of Directors (1992 – 2004)
Chair of the Board (2000 – 2002) (dates are approximate)

Community Foundation of Greater Kansas City (2013 – present)
Member, Board of Directors (2013 – present)
Member, Audit Committee (2013 – present)

Kansas Bar Association (1982 – present)

Kansas City County Club, Mission Hills, Kansas (2013 – present)

Kansas Bar Foundation (2012 – present)
Fellow

Kansas City Sports Commission (2008 – present)
Member, Board of Directors

Missouri Bar Association (1981 – present)

Ottawa University Board of Trustees (2000 – 2006)

Prairie Dunes Country Club, Hutchinson, Kansas (2001 – 2012)

Providence Medical Center/St. John Hospital (2009 – 2013)
Member, Board of Directors (2009 – 2013)
Member, Executive Committee of Board of Directors (2010 – 2013)

Sunflower Hills Golf Course (1991 – present)

United States Golf Association (1996 – present)

University of Kansas School of Law Board of Governors (2000 – present)
Member (2000 – 2003)
Board Chair (2001 – 2002)
Senior Governor (2003 – 2013)

Wyandotte County (Kansas) Community Foundation
Member, Board of Directors (2004 – 2009)
Board Chair (2008 – 2009)

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

It is rumored that the Kansas City Country Club previously discriminated on the basis of race and national origin. I have not been able to confirm this rumor, but before I joined, I determined that the Club's by-laws explicitly prohibit discrimination against members and candidates for membership and that, in fact, this club has admitted persons of diverse backgrounds as members. To the best of my knowledge, none of the other organizations listed in 11a currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

“As a Matter of FACTA, Watch Out for a Class ACTA” (addressing The Fair and Accurate Credit Transactions Act); *Clarks’ Bank Deposits and Payments Monthly*, published February 2008. Copy supplied.

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

None.

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

Over the years, I have written letters to judicial selection commissions supporting the applications of various candidates for appointment to state court judgeships. The only ones I remember are: (a) sometime in the 1990's in support of Thomas L. Boeding for selection to the District Court of Wyandotte County, Kansas; and (b) in the last three years in support of John Jackson Miller's applications for a position on the Western Division of the Missouri Court of Appeals. I cannot locate the letter I submitted on Mr. Boeding's behalf. I have located two of the letters I submitted on Mr. Miller's behalf and I am supplying them with this Questionnaire.

- 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.

I have searched my calendar, files, and memory and the following paragraphs identify the speeches, remarks, lectures, panel discussions, conferences, political speeches and question-and-answer sessions I gave or in which I participated as a presenter. It is possible that I may have omitted an event but if I have done so, it is inadvertent.

April 10, 2013: Presenter, "My Experiences as General Counsel for a Major League Baseball Franchise," Sports Law course, University of Missouri School of Law, Columbia, Missouri. I have no notes, transcript or recording of this presentation. The address for the sponsorship organization is: University of Missouri School of Law, 203 Hulston Hall, Columbia, Missouri 65211.

2005 – 2013: Participant, "Law Day," Leadership 20/20, Kansas City, Missouri. This program provided high school students with an overview of our court system and then permitted them to prepare and make arguments for the two parties in a hypothetical lawsuit. I spoke about how a courtroom functions and also made brief comments about the students' arguments. I have no notes, transcript or recording of my comments during these programs. To my knowledge, the sponsorship organization does not maintain a mailing address.

September 19, 2012: Remarks about James P. Sheeley, a longtime member of the Wyandotte County (Kansas) Bar, Kansas City, Kansas. I have no notes, transcript or recording of these remarks. The address for the sponsorship organization is: Wyandotte County Bar Association, Wyandotte County Courthouse, Fifth Floor, 710 North Seventh Street, Kansas City, Kansas 66101.

June 3, 2010: Speaker, "My Experiences as General Counsel for a Major League Baseball Franchise," Law Clerk's Society of the United States District Court for the Western District of Missouri, Kansas City, Missouri. I have no notes, transcript or recording of this presentation. To my knowledge, the sponsorship organization does not maintain a mailing address but its website identifies the following email address as its official point of contact: Elizabeth_Healey@ca8.uscourts.gov.

August 10, 2009: Panel Participant, "Turning Inside Out," Mid-America Chapter of Association of Corporate Counsel, Olathe, Kansas. I have no notes, transcript or recording of this presentation. To my knowledge, the sponsorship organization does not maintain a mailing address but its website identifies the following email address as its official point of contact: Joyce.Mayo@midlands.com.

Approximately 2005: Presenter, "State of the Job Market for Law Students," University of Kansas School of Law, Lawrence, Kansas. I have no notes, transcript or recording of this presentation. The address for the sponsorship organization is: University of Kansas School of Law, Green Hall, 1535 West 15th Street, Lawrence, Kansas 66045.

1998 – 2004 (dates are approximate): Presenter about job interviewing skills to students enrolled at University of Iowa College of Law, Iowa City, Iowa. I have no notes, transcript, or recording of these presentations. The address for the sponsorship organization is: University of Iowa College of Law, The University of Iowa, 290 Boyd Law Building, Iowa City, Iowa 52242.

Approximately 2003: Speech, "Scholarship and the Broadly Educated Person," Ottawa, Kansas. I have no notes, transcript or recording of this presentation. The address for the sponsorship organization is: Ottawa University, 1001 South Cedar Street, Ottawa, Kansas 66067.

June 9, 2000: Presenter of the University of Kansas Law School's Distinguished Alumna Award to Tenth Circuit Court of Appeals Judge Mary Beck Briscoe, Topeka, Kansas. I have no notes, transcript or recording of the proclamation I read when I presented the award to Judge Briscoe. The address for the sponsorship organization is: University of Kansas School of Law, Green Hall, 1535 West 15th Street, Lawrence, Kansas 66045.

December 2, 1999: Untitled remarks to religious identity task force of the Board of Trustees for Ottawa University, Overland Park, Kansas. I have no notes, transcript or recording of this presentation. The address for the sponsorship organization is: Ottawa University, 1001 South Cedar Street, Ottawa, Kansas 66067.

Summer 1997: Presenter, "Basic Principles of Federal Law Governing States' Liability for School Desegregation," National Association of Attorneys General, Washington, D.C. Handout supplied.

Late 1990's: Presenter about arbitration proceedings to first-year law students enrolled in "Lawyering" class, University of Kansas School of Law, Lawrence, Kansas. My comments discussed the differences between court proceedings and the arbitration process. I have no notes, transcript, or recording of this presentation. The address for the sponsorship organization is: University of Kansas School of Law, Green Hall, 1535 West 15th Street, Lawrence, Kansas 66045.

1986 – 1996 (end date is approximate): Instructor in approximately six programs sponsored by the National Institute of Trial Advocacy (NITA), Lawrence, Kansas, Dallas, Texas, and Boulder, Colorado. Each program provided a comprehensive overview of the trial process, from voir dire to closing argument. My comments consisted of evaluations of the participants' performances and, in some cases, demonstrations of a particular aspect of a trial. I have no notes, transcript or recording of my comments during these programs. The address for the sponsorship organization is: 1685 38th Street, Suite 200, Boulder, Colorado 80301.

- 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.

Michael Doyle, *Basketball Court to Appeal Court*, The Washington Post, May 27, 2013. Copy supplied. (This article was reproduced in other McClatchey publications, including The Kansas City Star.)

Paul Koeppe, *Royals, Sporting KC In-House Counsel Must Be All-Purpose Players*, Kansas City Business Journal, June 8, 2012. Copy supplied.

Q & A with Stinson Morrison's Dan Crabtree, Law360, December 1, 2010. Copy supplied.

During 2010 (approximately): My wife (Maureen Mahoney) and I were interviewed for a corporate-sponsored publication about our connections to the hospitals operated by the Sisters of Charity of Leavenworth. I do not have a copy of this article.

David Twiddy, *KC Schools Ruling Ends Years of Work, Fees by Area Lawyers*, Kansas City Business Journal, August 24, 2003. Copy supplied.

School District to Take Minorities, Lawrence Journal World, January 15, 1991. Copy available at: <http://tinyurl.com/ka3erdy>.

Early 1990's: I was interviewed by a Kansas City, Missouri, radio station (KMBZ) about a recent ruling in the Kansas City School desegregation litigation. I am not certain which ruling prompted the interview, but it may have been the court's ruling addressing our clients' proposals to participate in a voluntary interdistrict student transfer program as part of a school desegregation remedy. I have no transcript or recording.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

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

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

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

I have not held judicial office.

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

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

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

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

I have not held office or rendered service to a political party or election committee. In the early 1980's, I erected yard signs in support of the Mayoral campaign (Kansas City, Missouri) of a former law firm colleague, James Heeter. When my brother-in-law, William P. Mahoney, campaigned for election to a judicial office (District Court of Wyandotte County, Kansas), my family provided space in our garage for his campaign's yard signs. I believe this occurred in the 2010 primary election.

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

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

I did not serve as a judicial law clerk.

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

I have never practiced law alone.

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

1981 – 2002
Stinson Mag & Fizzell
Country Club Bank Building
112th Street and State Line Road
Leawood, Kansas 66211
Partner, 1988 – 2002
Associate, 1981 – 2002

2002 – present
Stinson Morrison Hecker LLP
1201 Walnut, Suite 2900
Kansas City, Missouri 64106
Partner

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

I recall serving in a mediator's role once in the late 1980s or early 1990s. I served as a member of a panel formed under the alternative dispute resolution procedures of the United States District Court for the Western District of Missouri. Three practicing trial lawyers from the district comprised the panel and we returned a purely advisory verdict predicting the result that a jury would return. Although I cannot recall the details, I believe it was a personal injury case.

b. Describe:

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

For most of my 32 years in private practice, I have represented business organizations, business leaders and governmental entities in litigation. The cases were divided almost evenly between federal and state court cases, but I also have tried proceedings to administrative law judges.

During the first 13 years of practice, I devoted the largest portion of my time to representing state and local governmental entities in federal court school desegregation cases. As those cases wound down, I began spending more time representing private employers in employment discrimination and other civil rights litigation. Beginning in 1994, when I relocated to our firm's Kansas office, my practice gravitated to cases involving commercial disputes. Over the last seven years or so, I have devoted a significant portion of my practice to antitrust cases and, in particular, cases involving agricultural commodities.

Beginning in 2008, I began to function in the role of General Counsel for two clients of our firm who do not employ inside counsel: the Kansas City Royals Baseball Club and Walsworth Publishing Company, Inc. Each Major League Club designates one attorney to communicate with other clubs and the Office of the Commissioner (and related baseball entities) about legal affairs. I have served as the designated club counsel for the Royals since 2008. Although I hold no official designation for the Walsworth companies, I serve them and the Walsworth family in a General Counsel-like role. In this aspect of my practice, I perform the functions that a typical General Counsel discharges: I regularly interact with the organization's owners and its Board of Directors, provide triage-like assessments of disputes and legal problems, and recommend lawyers (both within and outside my firm) to represent the organizations in matters.

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

In the first one-third or so of my practice, I spent the majority of my time representing governmental entities. The clients I worked with most often were local school districts and the State of Indiana who were defendants in school desegregation litigation or considering voluntary participation in a school desegregation remedy. Since that time, I have represented business leaders and business organizations, ranging from individual proprietorships to family-owned companies and Fortune 500 corporations. I also have represented individuals suing as plaintiffs in class action litigation. In recent years – the last ten years or so – I have spent a fair portion of my time representing banks, companies engaged in agriculture, and energy companies. During this same period, I have devoted a significant part of my work to representing individuals and companies in antitrust cases.

- 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.

From 1982 to the 2008, I devoted 100% of my practice to litigation. Since 2008, as my practice has also included work in a General Counsel role, about 95% of my practice has been devoted to litigation. As an associate in my law firm from 1982 to 1988, I appeared in court occasionally. As a partner in my law firm from 1989 to the present, I have appeared in court frequently.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 47% |
| 2. state courts of record: | 48% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

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.

Since 1996, I have tried 13 cases to verdict or final decision. I was lead trial counsel for our firm's client in all but two of those trials; in those two trials, I split the trial witnesses with my co-counsel, though both times my co-counsel gave the opening statement and closing argument.

Prior to 1996, I can remember participating in five other trials that reached a verdict or final decision. In three of those five trials, I functioned as a second-chair trial lawyer.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 40% |
| 2. non-jury: | 60% |

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

I remember helping prepare one Opposition to a Petition for Certiorari in the Kansas City school desegregation litigation, and the Supreme Court did not grant certiorari. *Jenkins v. Missouri*, 490 U.S. 1034 (1989). I also recall helping prepare a Petition for Certiorari in a subsequent case that raised related issues. I cannot locate the style of that case, and I cannot locate a copy of either filing.

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

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

1. *PQEI, Inc. v. Indiana*, Civil No. 86cv0325AS, United States District Court, Northern District of Indiana, Judge Allen Sharp; 1993-1994.

An organization formed by local parents alleged that the state of Indiana, the Indiana Department of Education, and other state government entities caused the segregation of the schools within the Fort Wayne School District. I was the lead attorney representing the state defendants. After much work and several mediation sessions conducted by United States Magistrate Judge Roger Cosby, the case was resolved shortly before trial.

Co-Counsel:
(Selected)

Matthew Verschelden
Allison Murdock
Stinson Morrison Hecker LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
816-842-8600

Lawrence Reuben (former Deputy Attorney General)
136 East Market Street
Suite 200
Indianapolis, Indiana 46204
317-634-2200

Counsel for Plaintiffs:

William L. Taylor (deceased)

Dianne Piche
The Leadership Conference on Civil and Human Rights
1629 K Street, NW, Tenth Floor
Washington, D.C. 20006
202-466-3311

2. *Jenkins v. Missouri*, 639 F. Supp. 19 (W.D. Mo. 1985), Judge Russell G. Clark; 807 F.2d 657 (8th Cir. 1986) (en banc), *cert. denied*, 490 U.S. 1034 (1989); 1982-1992.

Plaintiffs alleged that the State of Missouri and our clients, five of the 11 suburban Kansas City public school districts, had committed inter-district constitutional violations meeting the standards of *Milliken v. Bradley*, 418 U.S. 717 (1974). The district court conducted a bench trial that spanned five months. Our clients prevailed and the decision in their favor was affirmed narrowly by the Eighth Circuit, sitting en banc. After the favorable liability decision, we began working with the State of Missouri and plaintiffs to develop a voluntary inter-district transfer program that would have permitted African-American students living in the center city school district to attend predominantly white schools in the suburbs. The district court did not approve the proposed plan, however, and consequently it was never implemented.

Co-Counsel: Charles German
Kirk May
Rouse, Hendricks, German & May
1201 Walnut Street, 20th Floor
Kansas City, Missouri
816-471-7700

Counsel for
Co-Defendants: Michael Fields (Former State of Missouri, trial attorney)
(Selected) Cotton Walker & Associates
1739 East Elm Street, Suite 101
Jefferson City, Missouri 65101
573-635-9200

Richard Taranto (Former State of Missouri, appellate attorney)
United States Court of Appeals, Federal Circuit
717 Madison Place, NW
Washington, D.C. 20439
202-275-8000

H. Bartow Farr III (Former State of Missouri, appellate attorney)
1615 M Street, NW, Suite 400
Washington, D.C. 20036
202-775-0184

Counsel for Plaintiffs: Arthur Benson II
Benson & Associates
4006 Central Street
Kansas City, Missouri 64111
816-531-656

James Liebmann
Theodore M. Shaw
Columbia University Law School
Jerome Green Hall
New York, New York 10027
212-854-2640

3. *Wolters v. Conner*, No. 5:03-cv-03251-KHV, United States District Court, District of Kansas, Chief Judge Kathryn Vratil; 2005-2006.

Wolters, an inmate at the United States Penitentiary in Leavenworth, Kansas, brought suit against a former warden of that penitentiary. Wolters alleged that the warden denied him adequate food in retaliation for his complaints and grievances against prison officials in violation of the First Amendment and that this denial of food constituted cruel and unusual punishment in violation of the Eighth Amendment. Wolters sought damages under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). After it was determined that Wolters' claims warranted a trial, the district court appointed me to represent him. After a four-day jury trial, the defendant warden prevailed.

Co-Counsel: Sara Meinhard
Cerner Corporation
2800 Rockcreek Parkway
Kansas City, Missouri 64117
816-221-1024

Counsel for Defendant: Kathleen Kahrs (former AUSA)
Kahrs Law Offices P.A.
P.O. Box 780487
Wichita, Kansas 67278
316-218-2625

David Zimmerman (former AUSA)
Clerk, Bankruptcy Court for the District of Kansas
161 U.S. Courthouse
500 State Avenue
Kansas City, Kansas 66101
917-735-2110

4. *Kelly v. Bank Midwest*, 177 F. Supp. 2d 1190 (D. Kan. 2001), Judge John Lungstrum; 2000-2001.

We represented a Kansas City-based bank, which was accused of unlawful racial discrimination because it mistakenly thought that plaintiff, a bank customer, was trying to perpetuate a fraud on the bank and called the police to the bank's lobby.

Plaintiff claimed the bank thus had interfered with his right to make and enforce a contract in violation of 42 U.S.C. § 1981. After a bench trial, the district court concluded that subtle but actionable discrimination was at work and entered judgment in favor of plaintiff.

Co-Counsel: Brian Markley
Stinson Morrison Hecker LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
816-842-8600

Plaintiff's Counsel: John W. Kurtz
Hubbard & Kurtz LLP
1718 Walnut Street
Kansas City, Missouri 64108
816-467-1776

5. *Smith v. Kansas Gas Serv. Co. & Gilley v. Kansas Gas Serv. Co.*, District Court, Reno County, Kansas, Judge Richard Rome; 169 P.3d 1052 (Kan. 2007) and related appeal, 169 P.3d 1064 (Kan. 2007), Kansas Supreme Court; 2005-2007.

Two certified classes of plaintiffs sought to recover economic damages allegedly caused by the escape of 142 million cubic feet of natural gas from a gas storage area located northwest of Hutchinson, Kansas. I represented Westar Energy, the Topeka, Kansas-based energy company that had developed and operated the storage area before the incidents. There was a 24-day jury trial. The court submitted the case to the jury on damage theories seeking class damages of more than \$92 million. The jury returned a defense verdict for our client, and awarded \$5 million against our co-defendant, Kansas Gas Service. Plaintiffs appealed and our client cross-appealed, challenging the propriety of class certifications. After we submitted our opening brief, plaintiffs agreed to dismiss our client from the appeal. The Supreme Court of Kansas later reversed the jury verdict against our co-defendant.

Counsel for
Co-Defendant: Lynn Hursh
2345 Grand Boulevard, Suite 1500
Kansas City, Missouri 64108
816-472-3106

Counsel for Plaintiffs: John Edgar
Edgar Law Firm LLC
1032 Pennsylvania Avenue
Kansas City, Missouri 64105
816-531-0033

Jim Frickleton
Bartimus, Frickleton, Robertson & Gorny
11150 Overbrook Road, Suite 200
Leawood, Kansas 66211
913-266-2300.

6. *Burdette v. Vigindustries, Inc.*, No. 10-1083-JAR, United States District Court, District of Kansas, Judge Julie Robinson; 2010-present.

We represent the current owner of land that once was mined for salt using the solution method of mining. The plaintiffs, who own homes in an adjacent neighborhood, claim that the mining on defendant's land has caused subsidence on their residential properties and thereby permanently reduced the value of their homes by 50% or more. They sought to certify a class consisting of all 330 owners of the residential properties in the adjacent neighborhood. After approximately one year of discovery on class certification issues, the district court conducted an evidentiary hearing on the certification motion and heard oral argument. The district court denied the certification motion. The case continues toward a 2014 trial on the merits of the claims asserted by the named plaintiffs.

Co-Counsel: Heather Woodson
Anne Emert
Misty Watt
Angela Nichols
Stinson Morrison Hecker LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
816-842-8600

Plaintiffs' Counsel: Matthew Bretz
Melinda Young
Bretz & Young
1227 North Main Street
Hutchinson, Kansas 67501
620-662-3435

7. *Associated Wholesale Grocers, Inc. v. United Egg Producers, Inc.*, No. 10-CV-2171, District Court, Wyandotte County, Kansas, Judge Daniel Duncan; 2011-present.

Plaintiffs brought this claim under the Kansas statutory scheme that makes anticompetitive restraints of trade illegal. This Kansas act predates the Sherman Act. Plaintiffs claim that defendants, egg producers and their trade associations, engaged in a conspiracy among horizontal competitors to adopt animal welfare standards as a means to reduce output and raise the price of eggs. While this case was pending, the Kansas Supreme Court held that the relevant Kansas law (the Kansas Restraint of

Trade Act) prohibits all restraints of trade, even those that are permissible under the rule of reason analysis used by the federal antitrust laws. *See O'Brien v. Leegin Creative Prods, Inc.*, 277 P.3d 1062 (Kan. 2012). As a consequence, our clients have counterclaimed, arguing that plaintiffs formed their own illegal conspiracy when they organized a buying cooperative. This matter is currently in discovery and set for a June 2014 trial.

Co-Counsel: Nathan Eimer
Vanessa Jacobsen
Eimer Stahl LLP
224 South Michigan Avenue, Suite 1100
Chicago, Illinois 60604
312- 660-7601

Counsel for
Co-Defendants:
(Selected) Thomas A. Rottinghaus
Wagstaff & Cartmell LLP
4740 Grand Avenue, Suite 300
Kansas City, Missouri 64112
816-701-1100

Christopher E. Ondeck
Elisa Kantor
Crowell & Morning LLP
1001 Pennsylvania Avenue, NW
Washington, D.C. 20004
202-624-2500

Brian E. Robison
Gibson Dunn
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201-6912
214-698-3100

Laurie A. Novion
Joseph Rebein
Shook, Hardy & Bacon LLP
2555 Grand Boulevard
Kansas City, Missouri 64108
816-474-6550

John Monica
Porter Wright Morris & Arthur LLP
1919 Pennsylvania Avenue, NW, Suite 500
Washington, D.C. 20006-3434
202-778-3059

Daniel F. Church
Morrow Willnaeur Klosterman Church LLC
Executive Hills East, Building A
10401 Holmes Road, Suite 300
Kansas City, Missouri 64131
816-382-1382

Troy Hutchinson
Briggs and Morgan, PA
2200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402
612-977-8415

John L. Peterson
Williamson & Cubbison
748 Ann Avenue
Kansas City, Kansas 66101
913-371-1930

Plaintiffs' Counsel: Patrick Stueve
Rachel Schwartz
Stueve, Siegel and Hanson LLP
460 Nichols Road, #200
Kansas City, Missouri 64112
816-714-7100

8. *In re Southeastern Milk Antitrust Litig.*, 2011 U.S. Dist. LEXIS 76552 (E.D. Tenn. July 14, 2011), Judge Ronnie Greer; 2008-2013.

This case was one of the largest antitrust cases in the country. The plaintiffs were dairy farmers in the southeastern quadrant of the United States (except Florida), who claimed that the largest dairy cooperative in the world had entered a conspiracy with one of the country's leading milk bottlers, other bottlers, and a large dairy marketing agency to monopolize the acquisition of raw milk in the Southeast and suppress the price paid for it at the farm. We represented the former CEO of the large dairy cooperative who, according to plaintiffs' theory, was one of the purported masterminds of the alleged conspiracy. The plaintiffs' damage expert calculated the damage imposed by the alleged conspiracy at more than \$600 million. The district court certified, then decertified, and finally recertified a class consisting of all cooperative members and independent farmers (those who belonged to no buying cooperative) in Federal Milk Marketing Orders Five and Seven. The case was set for trial five different times in 2011 and 2012 and twice reached the week before trial before the Court continued the case. It has now settled for payments totaling about \$290 million.

Co-Counsel: David Everson
Brian Markley
Vicki Smith
Misty Watt
Stinson Morrison Hecker LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
816-842-8600

Counsel for
Co-Defendants:
(Selected) John Schmiddlein
Kevin Hardy
Steve Kuney
Carl Metz
Shelley Freeman
Williams & Connolly LLP
725 Twelfth Street, NW
Washington, D.C. 20005
202-434-5900

Kelly Tidwell
Patton, Tidwell & Schroeder LLP
4605 Texas Boulevard
Texarkana, Texas 75503
903-792-7080

Plaintiffs' Counsel:
Selected Robert Abrams
Baker Hostetler
Washington Square, Suite 1100
1050 Connecticut Avenue, NW
Washington, D.C. 20036
202-861-1699

9. *Crosby v. Kansas City Royals Baseball Corp.*, Arbitration conducted pursuant to the Rules of Major League Baseball, Sandy Alderson (current General Manager of the New York Mets) acted as arbitrator; 2004-2005.

The Royals selected Crosby in the second round of the 2002 amateur draft. After drafting him, the Royals signed Crosby to a contract which paid him more than \$2 million in signing bonus. Given the uncertainty about Crosby's future in baseball, the parties agreed to spread this bonus money over five years and all Crosby had to do to receive this bonus was appear at spring training and play baseball during the summer portion of the year that Major League Baseball calls "the championship season." Crosby began missing important parts of the period when he was obligated by contract to report for baseball duties. Nonetheless, he claimed he was entitled to the

remainder of the signing bonus, about \$2 million. We tried this case before an arbitrator appointed by the Commissioner of Major League Baseball. The arbitrator found that Crosby had not fulfilled the contract's requirements and thus released the Royals of any obligation to pay the remainder of the signing bonus.

Counsel for Claimant: W. David Cornwell Sr.
Gordon & Rees
3455 Peachtree Road, Suite 1500
Atlanta, Georgia 30326
404-869-9054

10. *In re Grand Jury*, 260 P.3d 1249 (Kan. Ct. App. 2011); 2011-2012.

The petitioner, a longtime political activist and unsuccessful candidate for public office, sought to empanel a grand jury under Kansas' citizens' grand jury statute. He sought a grand jury investigation into broad scale allegations about the corruption he alleged to exist among the local government, its elected leaders, and a municipally-owned public utility. If empanelled, the grand jury proceeding would have imposed hundreds of thousands of dollars of cost on the local governmental unit and its taxpayers. The only means to avoid petitioner's request to empanel a grand jury was to show that he had not submitted a valid petition. We identified and retained a forensic document specialist who inspected hundreds of signatures. He later testified that when hundreds of contrived signatures were ignored, the petition did not contain the number of signatures required by the governing Kansas statute. The trial court agreed with our expert witness and adopted our legal analysis. The Kansas Court of Appeals affirmed its holding.

Co-Counsel: John Aisenbrey
Stinson Morrison Hecker LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
816-842-8600

Counsel for
Co-Defendants: Carl A. Gallagher
McAnany Van Cleave & Phillips, P.A.
10 East Cambridge Circle Drive, Suite 300
Kansas City, Kansas 66103
913- 371-3838

District Attorney Jerome A. Gorman
Criminal Justice Complex
710 North Seventh Street, Suite Ten
Kansas City, Kansas 66101
913-573-2851

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

For the most part, my professional career has involved litigating disputes in court, but I would identify two principal non-traditional activities.

First, from 2005 to 2007, I represented the Kansas City Royals in former Senator George Mitchell's investigation into the use of performance enhancing drugs in Major League Baseball. The witness interrogations involved a number of former and current Major League players, managers, coaches, and baseball executives. This investigation was unique procedurally. There were no rules of procedure or evidence, and there was no judge to make decisions about procedural disputes. The lawyers had to resolve everything among themselves.

Second, in the 1990s, following the liability decision in the Kansas City school desegregation case, I spent about 18 months working with three school districts. The project was designed to help our school district clients identify the components of a purely voluntary inter-district transfer program that would permit students from the predominantly minority Kansas City school district to attend the predominantly white school in the surrounding suburbs. Our clients were not willing to participate in a program that merely moved students around the map. Instead, they wanted any transfer program to meet the needs of students attending school farther from home. We spent about 12 months working with educational leaders who had administered similar transfer plans in other cities and then about six months crafting a detailed plan and related implementing legislation. Though the plans were never implemented in the school districts we represented, a smaller nearby school district did manage to launch a smaller version of the transfer plan we had helped our clients develop. I represented that smaller district in its negotiations with the State of Missouri over details of the plan, including funding.

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

In 2009, I taught in the trial training program that the Louisiana State University Law School requires all of its students to complete at the beginning of their third year. I do not have a syllabus for the course.

In the 1990s, I taught the introductory trial advocacy course at the University of Kansas School of Law. It is a semester-long program offered to second and third-year students.

I believe I taught this course during two semesters. I do not have a syllabus for the course.

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

If appointed, I would have the right under my firm's partnership agreement to the return of contributions I have made to our firm's capital account. Based on my general understanding of the terms of the partnership agreement's provisions, my understanding is that I would receive the payout over a three-year period. In addition, my firm reserves 15% of its net annual profits for distribution from a bonus pool payable at the end of the partnership's fiscal year. Subject to the discretion of the firm's Policy Committee and depending on my contributions to the firm during my last year there, I might be eligible for a bonus distribution.

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

None.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My wife currently serves as Chief of Staff for Mayor Mark Holland, the Mayor

of the Unified Government of Kansas City/Wyandotte County, Kansas. This entity is frequently a party in litigation pending before the District of Kansas. I would recuse myself from matters in which this entity is involved while she holds that position and for some period of time after she has left this position. Also, depending on the duration of time that has passed, cases involving my former clients may present a potential conflict of interest, and I would recuse myself whenever necessary to avoid the appearance of a conflict of interest. Finally, for at least several years, I would recuse myself from any case in which my current law firm (Stinson Morrison Hecker LLP) is representing a party.

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

I do not anticipate having any other potential conflicts of interest. If confirmed, I would handle any matter presenting actual or potential conflicts of interest by applying the Code of Conduct for United States Judges and any other relevant ethical canons or rules.

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

I was appointed to represent the indigent plaintiff Wolters in a jury trial in the United States District Court of Kansas. Over the course of my career, I also have volunteered to handle matters through the Volunteer Attorney Project of the Legal Aid Office of the Western District of Missouri. Most recently, in 2012, I filed suit in Missouri on behalf of a homeless man who, because he was not born in a hospital, had never had a birth certificate issued to him. Because he had no birth certificate, he could not procure a Missouri driver's license (or other official state identification card), which in turn made it difficult for him to secure employment. We sued, and the Circuit Court of Jackson County, Missouri, ordered the Missouri Bureau of Vital Statistics to issue a birth certificate to our client.

In addition to these activities as a lawyer, I have devoted 12 years as board member to Associated Youth Services in Kansas City, Kansas. It serves foster children and students who have been permanently expelled from the public schools. I also devoted four years to Providence Medical Center in Kansas City, Kansas. During my board service, it was one of the area's largest providers of uncompensated health care to the uninsured and underinsured.

26. **Selection Process**:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and

the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In 2012, Senator Jerry Moran contacted me by telephone and asked whether I would be willing to be considered for U.S. District Court for the District of Kansas. Since then, I have spoken to him several times about the status of the process. Since May 2013, I have been in communication with officials from the Justice Department's Office of Legal Policy regarding the nominating process. On July 12, 2013, I met with attorneys from the Office of White House Counsel and the Justice Department's Office of Legal Policy in Washington, D.C. On August 1, 2013, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, Daniel D. Crabtree, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

5 August 2013
(DATE)

Daniel D. Crabtree
(NAME)

State of Missouri
County of Jackson

Subscribed and sworn to before me this 5th day of August, 2013

Lisa Parks
(NOTARY)

LISA PARKS
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: 11-2-2013
Commission # 09400525