

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Andrew Bray Davis

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

United States District Judge for the Western District of Texas

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

Office: 7500 Rialto Boulevard, Suite 1-250  
Austin, Texas 78735

Residence: Dripping Springs, Texas

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

1985; Madison, Wisconsin

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.

2009 – 2012, Columbia Law School; J.D., 2012

2006 – 2008, Rice University; B.A., 2008

Summer 2005, London School of Economics; no degree

2003 – 2005, Texas Tech University; no degree

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.

2022 – present  
Lehotsky Keller Cohn LLP  
7500 Rialto Boulevard  
Suite 1-250  
Austin, Texas 78735  
Partner

2019 – 2022  
Senator Ted Cruz, United States Senate  
167 Russell Senate Office Building  
Washington, District of Columbia 20510  
Chief Counsel (2019 – 2022)  
Deputy Chief Counsel (2019)

2017 – 2019  
Office of the Texas Attorney General  
300 West 15th Street  
Austin, Texas 78701  
Assistant Solicitor General

2014 – 2017  
Gibson, Dunn & Crutcher LLP  
1700 M Street, Northwest  
Washington, District of Columbia, 20036  
Associate

2013 – 2014  
Honorable Reena Raggi  
225 Cadman Plaza East  
Brooklyn, New York 11201  
Law Clerk

2012 – 2013  
Honorable Sidney Fitzwater  
1100 Commerce Street  
Room 1358  
Dallas, Texas 75242  
Law Clerk

Summer 2011  
Gibson, Dunn & Crutcher, LLP  
1700 M Street, Northwest  
Washington, District of Columbia 20036  
Summer Associate

Spring 2011

Columbia Law School  
435 West 116th Street  
New York, New York 10027  
Tutor

Summer 2010  
New York City Law Department  
100 Church Street  
New York, New York 10007  
Summer Intern

2008 – 2009  
Accenture plc  
395 9th Street  
New York, New York 10001  
Strategy Business Analyst

Other Affiliations (uncompensated)

2016 – 2017  
President Trump Administration Transition Team  
No current address  
Washington, District of Columbia  
Member of Department of Justice Transition Team (uncompensated)

Summer 2012  
Ted Cruz for Senate  
P.O. Box 25400  
Houston, Texas 77265  
Campaign Volunteer (Uncompensated)

Spring 2012  
U.S. Attorney's Office for the Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
Extern (uncompensated)

2010 – 2011  
Columbia Law School  
435 West 116th Street  
New York, New York 10027  
Research Assistant to Professor Tom Merrill (Fall 2010 – Spring 2011) (uncompensated)  
Research Assistant to Professor Trevor Morrison (Summer 2010) (uncompensated)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security

number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service upon turning 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.

Legal 500, Austin Elite for Commercial Disputes, Tier 2 (2025)

International Municipal Lawyers Association Amicus Service Award (2016)

Columbia Law School

James Kent Scholar (2010 – 2011 and 2011 – 2012 academic years)

Harlan Fiske Stone Scholar (2009 – 2010 academic year)

Columbia Journal of Law and Social Problems, Executive Editor (2011 – 2012 academic year)

Semi-Finalist, Harlan Fiske Stone Moot Court Competition (2012)

Rice University:

Departmental Honors (2008)

President's Honor Roll (2007)

Omicron Delta Epsilon (Economics Honor Society) (estimated 2008)

U.S. Episcopal Church National Student Delegate (2006)

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.

Texas (2012)

District of Columbia (2015)

I resigned my membership in the District of Columbia Bar in 2019 because I no longer practiced in the district. Other than that, there have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2017  
U.S. Court of Appeals for the Second Circuit, 2023  
U.S. Court of Appeals for the Fifth Circuit, 2017  
Texas Supreme Court 2012

There have been no lapses in membership.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Texas Supreme Court Historical Society (2025 – present)  
Federalist Society (2009 – present, with periodic lapses in membership)  
Columbia Journal of Law and Social Problems (2010 – 2012)  
Columbia Texas Society (2011 – 2012)  
Rice Alumni Association (2009 – present)

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.

I am not and would not be, a member of any organization that practices discrimination on the basis of race, color, religion, sexual orientation, or national origin.

Rice University, and thus its alumni association, discriminated on the basis of race until 1964. It does not presently discriminate based on race, color, religion, sexual orientation, or national origin.

To the best of my knowledge, no other organization listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

The following are the responsive published materials consistent with my records and a reasonable search of online resources and databases.

Lehotsky Keller Cohn LLP, *Supreme Court of Texas 2024-2025 Term Business Round Up* (July 2025). I contributed to drafting this publication. Copy supplied.

Lehotsky Keller Cohn LLP, *Supreme Court of Texas 2022-2023 Term Business Round Up* (July 2023). I contributed to drafting this publication. Copy supplied.

Lehotsky Keller LLP, *Supreme Court of Texas 2021-2022 Term Business Round Up* (July 2022). I contributed to drafting this publication. Copy supplied.

Ted Cruz, *One Vote Away: How a Single Supreme Court Seat Can Change History*, Regnery Publishing, 2020. I provided general feedback on a draft copy of the manuscript.

Bert I. Huang, *Shallow Signals*, 126 Harv. L. Rev. 2227, 2288 (2013). I provided research assistance for this publication. Copy supplied.

Andrew Davis, *Pure Economic Loss Claims Under the Oil Pollution Act: Combining Policy and Congressional Intent*, 45 Columbia J.L. & Soc. Probs. 1 (2011). Copy supplied.

Thomas W. Merrill, *Melms v. Pabst Brewing Co. and the Doctrine of Waste in American Property Law*, 94 Marq. L. Rev. 1055 (2011). I provided research assistance for this publication. Copy supplied.

Trevor W. Morrison, *Stare Decisis in the Office of Legal Counsel*, 110 Colum. L. Rev. 1448 (2010). I provided research assistance for this publication. Copy supplied.

*Fees nickel and dime students penniless*, The Daily Toreador (December 6, 2005). Copy supplied.

*Money would be better spent elsewhere*, The Daily Toreador (November 17, 2005). Copy supplied.

*Torture, rights violations never justified*, The Daily Toreador (November 10, 2005). Copy supplied.

*Comment under attack for revealing American weakness*, The Daily Toreador (October 24, 2005). Copy supplied.

*SGA floating the bill*, The Daily Toreador (October 4, 2005). Copy supplied.

*DeLay the mafia kingpin of Republican party*, The Daily Toreador (September 30, 2005). Copy supplied.

*War will be lost cause without public support*, The Daily Toreador (September 19, 2005). Copy supplied.

*Equality shouldn't be based on IQ scores*, The Daily Toreador (September 7, 2005). Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of or 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.

To the best of my knowledge, I have not prepared or contributed to any reports, memoranda, or policy statements for any organization.

c. Supply 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.

To the best of my knowledge, I have not prepared or contributed to any reports, memoranda, or policy statements for any organization.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

July 31, 2024: *Private Attorneys General: Bridging Gaps in Law Enforcement?*, The Federalist Society, virtual event. Recording available at [https://www.youtube.com/watch?v=iuXMz1o5\\_TI](https://www.youtube.com/watch?v=iuXMz1o5_TI).

November 2, 2022: Panelist, *Hold Your Horses: Private Rights of Action & Shareholder Activism*, U.S. Chamber of Commerce Institute for Legal Reform, Washington, District of Columbia. Recording available at <https://www.youtube.com/watch?v=bym-5XFDNug>.

September 20, 2022: Panelist, *Discussion on Private Rights of Action*, The State Policy Network, Atlanta, Georgia. I do not have notes for this event. The discussion concerned the history and lawfulness of private rights of action, especially where the individual with the right of action is enforcing a public right or is not injured in a manner distinct from the public at large. The content of my remarks was substantially similar to the content of my remarks captured on video at the November 2, 2022 event for the Chamber of Commerce's Institute for Legal Reform.

October 13, 2021 (estimated): Panelist, *Preserving Error at Sentencing*, Eastern District Bench Bar Conference, Plano, Texas. To the best of my recollection, I moderated this panel, which focused on the steps necessary to preserve sentencing error on appeal if necessary, but also how to identify sentencing errors before a sentence is imposed so that appeals are unnecessary. I have not seen any indication this event was recorded, and I do not have any notes from this event.

September 29, 2021: Panelist, *Judicial Nominations: Past, Present, and Future*, The University of Texas Federalist Society, virtual event. Recording available at <https://www.youtube.com/watch?v=xj4HRHkRZpA>.

June 2013 (estimated): Panelist for a roundup of the United States Supreme Court's October 2012 term for a lunch event for the federal law clerks in Dallas, Texas. I do not have a record or notes from this event. We discussed the term's most impactful cases. I do not recall which cases I discussed.

While participating in student organizations in law school, I gave remarks on various occasions in connection with introducing speakers and otherwise facilitating discussion. I do not have a record of or recall the specific occasions or the contents of these introductory remarks

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 copies of the clips or transcripts of these interviews where they are available to you.

To the best of my recollection, I have not given any interviews or on-record statements to any newspapers, magazines or other publications, or radio or television stations.

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 cases, approximately what percent were:

jury trials: \_\_\_\_\_%  
bench trials: \_\_\_\_\_%

ii. Of these cases, approximately what percent were:

civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_%

- 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 of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a

litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself *sua sponte*. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

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

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

I have not held public office.

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

Volunteer, WinRed (2020). I made phone calls on a volunteer basis to support Susan Collins for Senate.

Volunteer, Ted Cruz for Senate (2012). I performed minor assorted tasks remotely and drove the candidate on one occasion. My volunteering was as part of Senator Cruz's campaign in the Republican Party primary. I was a law clerk during the general election and so prohibited from volunteering on his behalf during that election.

Volunteer, Charles Stenholm for U.S. House of Representatives from Texas's 17th district (2004). I performed primarily office duties in the lead-up to a special primary in 2004.

Lehotsky Keller Cohn LLP has represented political interests including the Republican

Party of Texas and candidates such as Texas Supreme Court Justice John Devine.

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

a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2012 to 2013, I served as a law clerk to the Honorable Sidney A. Fitzwater, United States District Judge for the Northern District of Texas.

From 2013 to 2014, I served as a law clerk to the Honorable Reena Raggi, Circuit Judge of the United States Court of Appeals for the Second Circuit.

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

I have not practiced law alone.

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

2014 – 2017

Gibson, Dunn & Crutcher, LLP  
1700 M Street, Northwest  
Washington, District of Columbia, 20036  
Associate

2017 – 2019

Office of the Texas Attorney General  
300 West 15th Street  
Austin, Texas 78701  
Assistant Solicitor General

2019 – 2022

Senator Ted Cruz, United States Senate  
167 Russell Senate Office Building  
Washington, District of Columbia, 20510  
Chief Counsel (2019 – 2022)  
Deputy Chief Counsel (2019)

2022 – present

Lehotsky Keller Cohn, LLP

7500 Rialto Boulevard, Suite 1-250  
Austin, Texas 78735  
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 have not served as a mediator or arbitrator.

b. Describe:

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

Upon graduating from law school in 2012, I was privileged to serve as a law clerk to the Honorable Sidney Fitzwater, then-Chief Judge of the United States District Court for the Northern District of Texas in Dallas. In that role, I was responsible for researching legal issues, drafting memoranda and orders, and providing legal advice to Judge Fitzwater. As a law clerk, my docket was primarily civil, but also included some criminal matters primarily related to evidentiary issues and sentencing guidelines calculations.

After completing my clerkship with Judge Fitzwater, I was privileged to serve as a law clerk to the Honorable Reena Raggi of the United States Court of Appeals for the Second Circuit. My responsibilities included researching legal issues, drafting memoranda, orders, and opinions, and providing legal advice. The docket was diverse and included a mixture of civil and criminal matters.

Following my clerkships, I became an associate attorney at the law firm Gibson, Dunn & Crutcher LLP in its Washington, D.C. office. In this role, I developed legal strategies, advised clients, authored briefs, prepared more senior attorneys for oral argument, prepared fact and expert witnesses for trial, managed experts, and supervised other attorneys in cases at all levels of the federal and state courts. During this time, my practice was civil, with a material portion of my docket focused on regulatory matters.

In 2017, I returned to my home state of Texas to join the Solicitor General's Office in the Office of the Texas Attorney General as an Assistant Solicitor General. As an Assistant Solicitor General, I represented the State of Texas, its agencies, and its officers in complex appeals before Texas appellate courts, including the Texas Supreme Court, federal courts of appeals, and the Supreme Court of the United States. In

addition, I provided advice and counsel on matters in state and federal trial courts that were likely to be appealed. My docket as an Assistant Solicitor General was overwhelmingly civil, although I filed appellate briefs in a small number of criminal matters and litigated multiple habeas matters with underlying criminal convictions.

In 2019, I joined the Senate Judiciary Committee, serving as Deputy Chief Counsel to Senator Cruz and then later as Chief Counsel. In these roles, I advised the Senator on legal and policy issues, including constitutional law, executive authority, religious liberty, judicial and Department of Justice nominations, criminal justice, border security, antitrust, and intellectual property, among other topics.

In early 2022, I returned to Austin, Texas to join what was then Lehotsky Keller LLP and is now Lehotsky Keller Cohn LLP. As a partner at Lehotsky Keller Cohn LLP, I represent businesses, individuals, and associations in high-stakes litigation in federal and state courts throughout the nation, from inception through trial and appeal. I also advise clients on developing legal issues, including counseling them on potential litigation and strategies to avoid legal risk.

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

Throughout my career, I have focused on complex trial and appellate litigation. My practice has been primarily civil. I have been and remain a generalist, although at times my practice has emphasized different issue areas or procedural postures.

When I practiced with Gibson Dunn, I primarily represented businesses involved in commercial disputes and regulatory disputes. I also represented an individual pro bono.

When I was an Assistant Solicitor General, my clients were the State of Texas, Texas agencies, the Texas Attorney General in his official capacity, and other State of Texas officials in their official capacity, including the Governor of Texas.

When I was Chief Counsel to Senator Cruz, my client was Senator Cruz.

As a partner at Lehotsky Keller Cohn, my clients are primarily businesses and associations, and I specialize in complex commercial and governmental litigation in trial and appellate courts. Most of my practice is briefing, legal strategy, legal argumentation, and case management. I also advise clients on legal issues, particularly legal issues relating to government regulatory developments.

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

My practice has primarily been in trial-court and appellate litigation. The remainder of my practice is legal advising, frequently in anticipation of potential litigation. The exception is that when I was Chief Counsel to Senator Cruz, my entire practice was legal advising.

The frequency of my court appearances has varied with my job. During my time with Gibson Dunn, my appearances were less frequent because I was a junior and then mid-level associate. Still, I appeared and participated in a multi-week fraud and breach of contract trial. As an Assistant Solicitor General, my physical appearances in court were more frequent and exclusively in appellate matters, even though I also worked on and advised on trial court matters. I did not appear in court when I was Chief Counsel to Senator Cruz. As a partner at Lehotsky Keller Cohn, I appear in court periodically, typically to argue dispositive motions or appeals. My appearances have been in state and federal court, and in both trial and appellate courts.

- i. Indicate the percentage of your practice in:

1. federal courts: 50%
2. state courts of record: 50%
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 have been counsel on three trial teams where the case was tried to verdict and have separately been counsel in multiple evidentiary hearings. My roles on these teams have included: directing or cross-examining witnesses, preparing lay and expert witnesses for trial, advising on evidentiary issues, ensuring preservation of legal issues, and drafting and revising trial motions, including *Daubert* motions, motions in limine, motions for directed verdict, and jury instructions in a jury trial. In addition to trials and evidentiary hearings, I have extensive experience in trial court litigation, including preliminary injunctions and dispositive motions, discovery, working with experts, and developing trial strategy. I have been part of additional matters that have prepared for trial but settled on the eve of trial.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 33% |
| 2. non-jury: | 67% |

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

I have been counsel in two matters on behalf of a party in the Supreme Court of the United States. Both representations were on behalf of the State of Texas and were argued by the Solicitor General of Texas. The decisions in those matters are: *Abbott v. Perez*, 585 U.S. 579 (2018) and *Texas v. New Mexico*, 583 U.S. 407 (2018). The *Texas v. New Mexico* case was handled by outside counsel except for oral argument; accordingly, although I was a member of the team for oral argument, neither I nor anyone else from the Office of the Texas Attorney General appeared on the briefs.

Merits Briefs:

Nos. 17-586, 17-626, *Abbott v. Perez* (Jurisdictional Statement, 2017 WL 4947333; Jurisdictional Statement Reply, 2017 WL 6398774; Brief for Appellants, 2018 WL 1083842; Reply Brief of Appellants, 2018 WL 1846872). Copies supplied.

Petitions for Writ of Certiorari:

No. 23-687, *MRP Properties Co., LLC v. United States*, (Petition for Writ of Certiorari, 2023 WL 9005028; Reply Brief for the Petitioners, 2024 WL 2302101). Copies supplied.

Amicus Briefs:

No. 15-868, *City of Houston, Texas v. Zamora* (Brief of Amici Curiae International Municipal Lawyers Association, National School Boards Association, and International Public Management Association for Human Resources in Support of Petitioner, 2016 WL 492306). Copy supplied.

No. 21-1449, *Glacier Northwest, Inc. v. Int'l Brotherhood of Teamsters Local Union No. 174* (Brief of Amici Curiae Coalition for a Democratic Workplace, National Federation of Independent Businesses, Associated Builders and Contractors, Associated General Contractors of America, National Retail Federation, and Restaurant Law Center In Support of Petitioners (petition stage), 2022 WL 2230264; Brief of Amici Curiae Coalition For A Democratic Workplace, National Federation Of Independent Business, Associated Builders And Contractors, Associated General Contractors Of America, Independent Electrical Contractors, National Association Of Wholesaler-Distributors, National Retail Federation, and Restaurant Law Center In Support of Petitioners (merits-stage), 2022 WL 16936336). Copies supplied.

No. 22-429, *Acheson Hotels, LLC v. Laufer* (Brief of Amicus Curiae Center for Constitutional Responsibility in Support of Petitioner (petition-stage brief), 2022 WL 17646229; Brief of Amicus Curiae Center for Constitutional Responsibility in Support of Petitioner (merits-stage brief), 2023 WL 4030229). Copies supplied.

No. 22-1238, *Office of the United States Trustee v. John Q. Hammons Fall 2006, LLC* (Brief of Amicus Curiae The Chamber of Commerce of the United States of America In Support of Respondents, 2023 WL 8869703). Copy supplied.

No. 23A35, *Mountain Valley Pipeline, LLC v. The Wilderness Society* (Brief of American Gas Association, American Petroleum Institute, American Public Gas Association, Chamber of Commerce of the United States of America, Interstate Natural Gas Association of America, and Natural Gas Supply Association as Amici Curiae in Support of Emergency Application to Vacate the Stays of Agency Authorizations Pending Adjudication of the Petitions for Review, 2023 WL 4706838). Copy supplied.

No. 23-1024, *Country Mutual Insurance Co. v. Sudholt* (Brief of the National Association of Mutual Insurance Companies and American Property Casualty Insurance Association as Amici Curiae in Support of Petitioner, 2024 WL 1717831). Copy supplied.

No. 23-1028, *Poe v. Idaho Conservation League* (Brief of Amicus Curiae Center for Constitutional Responsibility in Support of Petitioner, 2024 WL 1741274). Copy supplied.

No. 23-1127, *Wisconsin Bell, Inc. v. United States of America ex rel. Todd Heath* (Brief of Amicus Curiae Center for Constitutional Responsibility in Support of Petitioner, 2024 WL 3914119). Copy supplied.

No. 163, Original, *Florida v. California and Franchise Tax Board of California* (Brief for Amicus Curiae Chamber of Commerce of the United States in Support of Plaintiff) (Dec. 29, 2025). Copy supplied.

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.

Matters are listed in alphabetical order by case name.

1. *Abbott v. Perez*, 585 U.S. 579 (2018)

This was a direct appeal to the Supreme Court of a Voting Rights Act challenge to Texas's redistricting plans. Plaintiffs alleged that maps drawn in 2013 were discriminatory with respect to multiple districts because they did not remove the "taint" of discrimination from 2011 maps. The district court held that three districts—CD27, HD32, and HD34—were invalid under § 2 of the VRA because they had the effect of depriving Latinos of the equal opportunity to elect their candidates of choice. And it found that HD90 was a racial gerrymander based on changes made by the 2013 Legislature. I was a member of the appellate team who litigated the State's appeal of the district court's order to the U.S. Supreme Court. I researched and drafted substantial portions of the brief and prepared the Solicitor General for oral argument.

Justice Alito wrote the opinion for the court, joined by Chief Justice Roberts, Justice Thomas, Justice Gorsuch, and Justice Kennedy. Justice Thomas filed a concurring opinion, in which Justice Gorsuch joined. Justice Sotomayor filed a dissenting opinion, in which Justices Ginsburg, Breyer, and Kagan joined. My representation was from 2017 to 2018.

Co-counsel:

Scott A. Keller  
Lehotsky Keller Cohn LLP  
200 Massachusetts Avenue NW  
Washington, District of Columbia 20001  
512.693.8350

Paul Clement  
Clement & Murphy, PLLC  
706 Duke Street  
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2. *Chamber of Commerce of the United States of America, et al. v. James et al.*, No. 25-00168 (N.D.N.Y) (Honorable Brenda K. Sannes)

This case presents a constitutional challenge to New York's Climate Change Superfund Act, which seeks to hold mostly out of state companies liable for the alleged effects of worldwide greenhouse gases emitted over the last 25 years. The suit alleges the Act is unlawful for multiple reasons, including that it is prohibited by the structure of the Constitution, which gives authority to regulate interstate emissions only to the federal government, and preempted by the Clean Air Act. We represent the Chamber of Commerce of the United States of America, American Petroleum Institute, National Mining Association, and The Business Counsel of New York State, Inc. My representation in this matter is focused on legal strategy and motions practice.

My representation began in 2025 and continues to the present.

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3. *Dominion v. Fox News*, No. N21C-03-257 (Del. Super. Ct.) (Hon. Eric M. Davis).

This was a defamation suit brought by Dominion Voting Systems regarding statements by on-air Fox News personalities after the 2020 presidential election. Dominion alleged that Fox News's opinion shows reporting allegations made by President Trump and his team about the integrity of Dominion's voting system were false, defamatory, and caused Dominion to lose government contracts. I managed this case for our firm on a day-to-day basis as it proceeded through discovery and dispositive motion practice, including by coordinating discovery, working with experts, drafting dispositive and non-dispositive motions, and developing litigation strategy. The matter settled on the eve of trial. The dates of my representation were 2022 to 2023.

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4. *JB&A, Inc. v. MCR Federal LLC, et al.*, No. CL-2013-0013464 (Va. Cir. Ct.) (Hon. Lorraine Nordlund)

This case involved claims for breach of contract and constructive fraud arising out of a contract for the sale of a government contracting firm, JB&A, Inc., to MCR Federal, LLC, another government contractor. The plaintiff, JB&A alleged that MCR Federal falsely stated that a

representation and warranty in the contract remained true. I represented MCR Federal in this matter. For this representation, I drafted both non-dispositive and dispositive motions, motions in-limine, and various other motions, and served as co-counsel during the multi-week bench trial.

The case resolved through a bench verdict that was later appealed to the Virginia Supreme Court. *MCR Fed., LLC v. JB&A, Inc.*, 294 Va. 446 (2017). My representation on this matter was from 2015 to 2017.

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5. *Louisiana Land Loss Cases*, including: *The Parish of Cameron v. Auster Oil and Gas, Inc. et al.*, Docket No. 10-19582 (La. 38th Judicial Dist. Ct.) (Hon. Penelope Richard); *The Parish of Plaquemines v. Rozel Operating Co., et al.*, No. 60-996 (La. 38th Judicial Dist. Ct.) (Hon. Michael Clement); *City of New Orleans v. Apache Louisiana Minerals LLC*, No. 19-cv-8290 (E.D. La.) (Hon. Greg Guidry); *In re Texaco*, No. 25-cv-02303 (S.D.N.Y.) (Hon. Nelson Román).

Chevron USA Inc. faces more than 40 lawsuits brought by Louisiana Parishes alleging that Chevron and other defendants violated the Louisiana State and Local Coastal Resource Management Act and thereby caused billions of dollars of damages in lost land. The Parish plaintiffs allege that Chevron and other oil and gas producers did not obtain permits they were required to obtain under Louisiana law, or else did not comply with the terms of the permits that they did obtain. Lehotsky Keller Cohn LLP is part of a larger litigation team that defends Chevron in these matters. My representation focuses on legal strategy and non-dispositive and dispositive motions briefing, including trial motions and strategy for *The Parish of Plaquemines v. Rozel Operating Company*, which was tried to a jury in early 2025.

*The Parish of Cameron v. Auster Oil and Gas* matter settled before trial. *The Parish of*

*Plaquemines v. Rozel Operating Company* was tried to verdict but judgment has not been entered, as the case is currently stayed pending the Supreme Court's resolution of *Chevron USA Inc. v. Plaquemines Parish, Louisiana*, No. 24-813 (U.S.) (argument scheduled for Jan. 12, 2026). Other matters are ongoing. My representation began in 2023 and continues to the present.

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Counsel for other defendants in these matters:

\*Many of these suits have been ongoing for more than a decade. I have included counsel for the matters on which I have worked based on filings during my time working on these matters. Additional counsel for parties who settled or were previously involved are not listed.

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6. *In re Mercedes-Benz Emissions Litigation*, No. 16-881 (D.N.J.) (Hon. Jose Linares)

This is a consumer class action alleging that my clients, Mercedes-Benz USA, LLC and Daimler AG, unlawfully mislead consumers into purchasing “BlueTec Clean Diesel” vehicles by

misrepresenting the environmental impact of those vehicles during on-road driving. Plaintiffs alleged that Mercedes-Benz's advertisements, promotional campaigns, and public statements represented that their diesel vehicles had high fuel economy and low emissions when they in fact employed "defeat devices" that altered produced these effects during emissions testing but not for ordinary performance. The claims were brought under the consumer protection laws of numerous states. I was involved in the day-to-day tasks of this litigation, including discovery and motions practice.

My representation was from 2016 to 2017. The case was ongoing when I left Gibson Dunn in 2017, and my understanding is the case later settled.

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7. *Perry Capital v. Mnuchin*, 864 F.3d 591 (D.C. Cir. 2017) (Hon. Janice Rogers Brown, Hon. Douglas Ginsburg, Hon. Patricia Millett)

I represented Perry Capital, LLC, in this Administrative Procedures Act challenge to a stock purchase agreement between the Treasury Department and the Federal Housing Finance Agency acting as the conservator of Fannie Mae and Freddie Mac. The stock purchase agreement and

amendments thereto effectively deprived Fannie Mae and Freddie Mac of billions of dollars in funds to the detriment of shareholders like Perry Capital. We argued that Treasury's actions exceeded its authority and were arbitrary and capricious. My role in this matter was researching and drafting briefing, and assisting Ted Olson in preparing for oral argument.

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8. *In re Rhodium Encore LLC*, No. 24-90448 (Bankr. S.D. Tex.) (Hon. Alfredo Perez)

I represented Rhodium Encore and other Rhodium businesses in a bankruptcy action. Within the bankruptcy matter, there was a contract dispute between Rhodium, a Bitcoin mining company, and Whinstone U.S., which was in effect the landlord that owned the property at which Rhodium mined bitcoin. The parties disputed whether certain agreements governing their relationship remained in force and thus could be maintained after bankruptcy or were instead terminated by Whinstone in response to Rhodium's alleged breaches. Rhodium alleged that Whinstone owed substantial damages due to Whinstone's breaches of those same contracts. As part of this matter, the Bankruptcy Court held a multi-day hearing with witness testimony to resolve whether the agreements had been terminated. I was part of the team that prepared for this hearing through discovery, dispositive motion briefing, non-dispositive motion briefing, and witness preparation.

Although the matter continued through the end of 2025, my representation was primarily in 2024

and focused on the trial.

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9. *Texas Association of Business v. City of Austin*, 565 S.W.3d 425 (Tex. App.—Austin 2018) (Hon. Jeff Rose, Hon. David Puryear, Hon. Scott Field)

In this suit, the State of Texas challenged the City of Austin's paid-sick-leave ordinance. The State of Texas argued, among other things, that the ordinance was preempted by the Texas Minimum Wage Act, which states that the minimum wage provided for in that Act supersedes a wage established in any ordinance. The district court denied a temporary injunction, and the State appealed.

I served as lead counsel for the State on appeal. I researched, briefed, and argued the case before the Third Court. My representation was in 2018.

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10. *Wiener v. AXA Equitable Life Ins. Co.*, 113 F.4th 201 (2d Cir. 2024) (Hon. Joseph Bianco, Hon. Beth Robinson, and Hon. Alison Nathan)

This dispute involved AXA Equitable Life Insurance Company's termination of an approximately \$16 million life insurance policy. The plaintiff defaulted on his life insurance payments, and AXA Equitable denied his application to reinstate his policy. The plaintiff contested the termination of his policy as well as the reinstatement denial. The district court granted summary judgment to AXA Equitable on all claims. I was the lead attorney on the appeal from the district court's order granting summary judgment. I briefed and argued the appeal.

The Second Circuit affirmed in part and reversed in part. The dates of my representation were 2022 to 2024.

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

As Chief Counsel to Senator Cruz, I advised on various legal and policy issues, including constitutional law, executive authority, religious liberty, judicial and Department of Justice nominations, criminal justice, border security, antitrust, and intellectual property, among other topics.

Most of my work in private practice and at the Texas Solicitor General's Office has been litigation. That said, I have frequently advised clients with novel and complex legal issues. This advice has often related to compliance with federal and state statutes and regulations and, in particular, new statutes and regulations.

I have never acted or registered as a lobbyist.

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 copies to the committee.

None.

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

Lehotsky Keller Cohn provides a defined benefit plan that will provide payments upon retirement. The plan provides an option to withdraw these funds in a lump sum, which I intend to do if confirmed.

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.

No.

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).

When my nomination is formally transmitted to the Senate, I will file my Financial Disclosure Report and supplement this Questionnaire with a copy of that 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.

The most likely case to present a conflict will be related to my current work in private

practice. If confirmed, I would recuse myself from any matter in which, during my time in private practice, either I or another lawyer at my firm had participated. *See 28 U.S.C. § 455(b)(2).* I also anticipate recusing for a period of time from all cases in which my current firm, Lehotsky Keller Cohn LLP, represents a party.

Additionally, I will evaluate any real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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

I have predominantly fulfilled this responsibility through public service, having spent roughly half of my legal career in either federal or state government representing the American people and upholding the rule of law.

In private practice, I have served as counsel or assisted others serving as counsel in pro bono litigation, including drafting amicus briefs, representing an individual at the Board of Immigration appeals, reviewing and advising on appellate briefs in which others serve as counsel of record, and mooting pro bono arguments.

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 January 2025, Senators Cornyn and Cruz announced on their website that they were accepting applications for Texas judicial vacancies. The website provided a questionnaire

to be completed. I submitted the questionnaire via email to the Senators' representatives on Tuesday, March 4, 2025. On April 24, 2025, I interviewed with Texas's Federal Judicial Evaluation Committee in Houston, Texas. On July 10, 2025, I interviewed with Senator Cornyn and a member of his staff in Washington, D.C. Later that same day, I interviewed with Senator Cruz and members of his staff. On November 4, 2025, I interviewed with attorneys from the White House Counsel's Office at the Eisenhower Building in Washington, D.C. On November 20, 2025, the White House Counsel's Office contacted me and informed me that I was under consideration. Since that date, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy. On January 5, 2026, President Trump informed me through a telephone call that he intended to nominate me to this position.

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, Andrew Davis, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

1/7/2026

(DATE)

ADZ

(NAME)

Notary

(NOTARY)

