

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Daniel Desmond Domenico

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

United States District Judge for the District of Colorado

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.

Offices: Kittredge LLC
14143 Denver West Parkway, #100
Golden, Colorado 80401

University of Denver Sturm College of Law
2255 East Evans
Denver, Colorado 80210

Residence: Golden, Colorado

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

1972; Boulder, Colorado

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.

1997 – 2000, University of Virginia School of Law; J.D. (Order of the Coif), 2000

1992 – 1995, Georgetown University; B.A. (*magna cum laude*), 1995

1991 – 1992, University of Colorado; 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.

2015 – present
Kittredge LLC
14143 Denver West Parkway #100
Golden, Colorado 80401
Principal

2010 – present
University of Denver Sturm College of Law
2255 East Evans
Denver, Colorado 80210
Adjunct Professor

2006 – 2015
Colorado Department of Law
1300 Broadway
Denver, Colorado 80202
Solicitor General

2005 – 2006
U.S. Department of the Interior
1849 C Street, Northwest
Washington, District of Columbia 20240
Special Assistant to the Solicitor

2004
Thune for Senate (now Friends of John Thune)
Current address: PO Box 841
Sioux Falls, South Dakota 57101
Counsel

2003 – 2004
Hon. Timothy M. Tymkovich
U.S. Court of Appeals for the Tenth Circuit
Byron White Courthouse
1823 Stout Street
Denver, Colorado 80257
Clerk

2000 – 2003
Hogan & Hartson LLP (now Hogan Lovells)
Current Address: 1601 Wewatta Street, Suite #900
Denver, Colorado 80202
Associate

Summary 1999
Cooley Godward LLP (now Cooley LLP)
Current Address: 380 Interlocken Circle #900
Broomfield, Colorado 80021
Summer Associate

Summer 1998
Jolley Urga Wirth & Woodbury (now Jolley Urga Woodbury & Little)
330 South Rampart Boulevard, #380
Las Vegas, Nevada 89145
Summer Associate

1997
Welfare to Work Partnership
1129 20th Street, #800
Washington, District of Columbia 20036
Research Associate

1995 – 1996
Dole for President (no longer operational)
Washington, District of Columbia
Intern, Advance, Assistant to Polling Director

1995
Office of Rep. Bill Baker (no longer in office)
Washington, District of Columbia
Intern

1995
Britches of Georgetowne (no longer operational)
Washington, District of Columbia
Clerk

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.

National Association of Attorneys General, Best Brief (2014)

Distinguished Practitioner in Residence, Natural Resources Program, University of
Denver Sturm College of Law (2014)
National Law Journal, Appellate Lawyer of the Week (2011)
Virginia Law Review, Editor (1998 – 2000)
University of Virginia School of Law, Order of the Coif (2000)
University of Virginia North Grounds Softball League, Commissioner, Tournament
Director (1999 – 2000)
Georgetown University, Dean's List, *magna cum laude*, state finalist, Rhodes
Scholarship (1995)
University of Colorado, Honors Program, President's List (1991 – 1992)

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

American Association of Appellate Lawyers' Oral Argument Project (2016)
American Bar Association (2003 – 2007, 2015)
Colorado Bar Association (2003 – 2007, 2015)
Colorado State University System, General Counsel Search Committee (2008)
Committee on Appellate Rules, Colorado Supreme Court (2016 – present)
Ethics Committee, Colorado Attorney General's Office, Chair (2012 – 2015)
Institute for the Advancement of the American Legal System, Civil Access Pilot Project,
Attorney General's Office Advisory Group (approximately 2010 – 2011)

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.

Colorado, 2000

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, 2006
United States Court of Appeals for the Fifth Circuit, 2011
United States Court of Appeals for the Eleventh Circuit, 2008
United States Court of Appeals for the D.C. Circuit, 2007
United States Court of Appeals for the Tenth Circuit, 2003
United States District Court for the District of Colorado, 2006

I am not aware of any 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.

5280/Cor2Cor Professional Alliance (2016 – present)

Denver Athletic Club (approximately 2010 – 2013)

Federalist Society (intermittent membership from 2000 – present)

National Association of Attorneys General (participated as Solicitor General from 2006 – 2015)

Tenth Circuit Historical Society (2017 – present)

United States Chamber of Commerce State Litigation Advisory Committee (2016 – present)

Y.M.C.A. (approximately 2001 – 2005, 2006 – 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.

To the best of my knowledge, none of these organizations 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.

Senate has the right to delay Supreme Court nomination process, DENV. POST, Feb. 19, 2016. Copy supplied.

Iran deal's defenders reveal weak view of U.S. leadership, COLO. STATESMAN, Sept. 25, 2015. Copy supplied.

The Constitutional Feedback Loop, 89 DENV. UNIV. L. REV. 161 (2012). Copy supplied.

Deference and Legislative Intent, DENVER UNIV. L. REV. ONLINE, Feb. 16, 2011. Copy supplied.

Note, *Mark Madness: How Brent Musburger and the Miracle Bra May Have Led to a More Equitable and Efficient Understanding of the Reverse Confusion Doctrine in Trademark Law*, 86 VA. L. REV. 597 (2000). Copy supplied.

Letter to the editor, BOULDER DAILY CAMERA, 1991. 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.

Notes from Tenth Circuit meeting on oral argument initiative, June 16, 2016. Copy supplied.

American Academy of Appellate Lawyers, Oral Argument Task Force, *Oral Argument Task Force Report*, October 2015. Copy supplied.

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

Letter from Dan Domenico, Solicitor General, State of Colorado, to Hillary Hall, Clerk and Record, Boulder County, Colorado (June 27, 2014). Copy supplied.

Letter from John Suthers, Attorney General, State of Colorado, to Trey Rogers, Chief Legal Counsel, Office of Governor Ritter, Denver, Colorado (Apr. 9, 2009). Copy supplied.

Letter from John Suthers, Attorney General, State of Colorado, to Governor John Ritter, *et al.*, Denver, Colorado (Apr. 27, 2007). Copy supplied.

In 2006 I testified before a committee of the Colorado General Assembly following the Colorado Supreme Court's decision in *Danielson v. Dennis*, 139 P.3d 688 (2006). I do not have a copy of that testimony.

- 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.

The following is my best attempt to compile a complete list of the speeches and talks I have given. I have compiled this list through an examination of my own records, speaking with other people, and internet searches. It may be the case that there are speeches or talks I am unable to recall. It is my usual practice not to prepare remarks or speak from notes. To the extent I have notes, outlines, or other materials, they are supplied. I have reached out to the organizers of other events and requested any recordings or transcripts of my remarks. To the extent they have been provided to me, they are supplied.

March 28, 2017: Speaker, "Summary of the *Chevron* Doctrine," Colorado Bar Association, Denver, Colorado. I provided a summary of the *Chevron* Doctrine and an explanation of what changes government lawyers might expect should the Supreme Court begin to reevaluate that doctrine. I have no notes, transcript, or recording. The address of the Colorado Bar Association is 1900 Grant Street, 9th Floor, Denver, Colorado 80203.

November 18, 2015: Speaker, Colorado Bar Association, CLE, "Ethical Considerations of High Profile Cases," Denver, Colorado. Outline supplied.

October 28, 2015: Panelist, "How Do We Recover from the Obama Regime?," American Conservative Union, Boulder, Colorado. I participated in a panel organized by the American Conservative Union around the presidential primary debate being held in Boulder, Colorado. My focus was the importance of the rule of law to the country's prosperity. I have no notes, transcript, or recording. The address of the American Conservative Union is 1331 H Street Northwest, #500, Washington, District of Columbia 20005.

September 30, 2015: Speaker, "Investiture of Chief Judge Timothy M. Tymkovich to the Tenth Circuit Court of Appeals," Denver, Colorado. I gave a brief speech about Judge Tymkovich as he became the new Chief Judge of the Tenth Circuit. Recording supplied.

June 24, 2015: Speaker, "Obamacare at the Supreme Court", Lincoln Club of Colorado, Denver, Colorado. I discussed *King v. Burwell*, which was then pending at the Supreme Court. A summary/outline is supplied.

July 18, 2014: Moderator, "Reviewing The Supreme Court's 2013/14 Term,"

Federalist Society, Colorado Lawyers Chapter, Denver, Colorado. I moderated a panel reviewing the 2013/14 Supreme Court term. I have no notes, transcript or recording. The address for the Federalist Society is 1776 Eye Street N.W., Suite 300, Washington, D.C. 20006.

2012 – 2014: Panelist, Colorado Campaign for Inclusive Excellence/Center for Legal Inclusiveness, Denver, Colorado. I participated on at least two panels on the efforts to increase the attractiveness of the legal profession to women and members of minority groups. I have no notes, transcript, or recording. The address of the Center for Legal Inclusiveness is 633 17th Street, Suite 3000, Denver, Colorado 80202.

July 29, 2013: Speaker, Introduction of Keynote Speaker, Western Conservative Summit, Denver, Colorado. I gave a brief introduction of Senator Ted Cruz. Recording supplied.

January 24, 2013: Panelist, “Local Regulation of Oil & Gas Production,” Carver Colloquium, Rocky Mountain Land Use Institute, University of Denver Sturm College of Law, Denver, Colorado. Recording supplied.

June 29, 2012: Panelist, “Health Care Litigation,” Western Conservative Summit, Denver, Colorado. I also was on a panel at the 2012 summit discussing health care litigation. I have no notes, transcript, or recording. The address of the Centennial Institute, which runs the Western Conservative Summit, is 8787 West Alameda Avenue, Lakewood, Colorado 80226.

November 2012: Panelist, “Conflicts Between Federal, State, and Local Land Use Regulations,” CLE Symposium, Colorado Bar Association, Denver, Colorado. I participated in a panel discussion of conflicts between federal, state, and local land use regulations. I have no notes, transcript, or recording. The address of the Colorado Bar Association is 1900 Grant Street, 9th Floor, Denver, Colorado 80203.

October 19, 2012: Panelist, “Ethical Considerations in Public Sector Law,” Boulder County Bar Association, Boulder, Colorado. I was a member of a CLE panel discussing the unique ethical issues confronted by government lawyers. I have no notes, transcript, or recording. The address of the Boulder County Bar Association is 1200 Pearl Street, Suite 205, Boulder, Colorado 80302.

August 6, 2012: Panelist, “That’s Unconstitutional!,” 2012 Annual Conference & Expo, National Child Support Enforcement Association, Denver, Colorado. I was on a panel discussing the application of constitutional Due Process and Equal Protection principles to child support enforcement efforts. I have no notes, transcript, or recording. The address of the National Child Support Enforcement Association is 7918 Jones Branch Drive, Suite 300, McLean, Virginia 22102.

February 27, 2012: Speaker, "Arguing in the Supreme Court," U.S. Supreme Court, Washington, D.C. I gave a talk to a group of Drexel University law students about arguing in the Supreme Court who were visiting the Court to watch the argument in *Wood v. Milyard*. I have no notes, transcript, or recording. The address of Drexel University Thomas R. Kline School of Law is 3320 Market Street, Philadelphia, Pennsylvania 19104.

October 14, 2011: Panelist, Colorado Municipal League, Steamboat Springs, Colorado. I was on a panel discussing the application of the Colorado Open Records Act to government employees' privately-owned telephones and computers. Presentation supplied.

September 8, 2010: Speaker, "Constitutional Challenges to Federal Health Care Legislation and Prospects for Federalism," Federalist Society, Colorado Lawyers Chapter, Denver, Colorado. I spoke on the pending legal challenges to the Affordable Care Act, particularly explaining the theory of the states' case against the individual mandate, of which Colorado was a party. I have no notes, transcript, or recording. The Federalist Society's address is 1776 Eye Street N.W., Suite 300, Washington, D.C. 20006.

June 15, 2009: Panelist, National Association of Attorneys General, Colorado Springs, Colorado. I led a panel discussion for the solicitors' group on the ethics of litigating controversial cases. I have no notes, transcript, or recording. The address of the National Association of Attorneys General is 2030 M Street, Northwest, Floor 8, Washington, District of Columbia, 20036

September 17, 2008: Speaker, Auraria Campus Constitution Day, Auraria Higher Education Center, Denver, Colorado. I spoke as part of a conference on constitutional issues. I have no notes, transcript, or recording. The address of the Auraria Higher Education Center is 1068 9th Street Park, Denver, Colorado 80204.

I have also been a guest speaker or lecturer at college and law school courses a number of times since 2006, including at the University of Colorado and University of Denver law schools, Colorado Christian University, and the University of Colorado at Colorado Springs. I have no notes, transcripts, or recordings for any of these talks.

- 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.

Craig Silverman Show, KNUS 710 AM, March 18, 2017. Recording supplied.

Craig Silverman Show, KNUS 710 AM, January 28, 2017. Recording supplied.

Kevin Simpson, *Tim Tymkovich: Coloradan through and through would give SCOTUS missing perspective*, DENV. POST, Dec. 11, 2016. Copy supplied.

Hannah Garcia, *A General Contractor for Law*, LAW WEEK COLO., Dec. 9, 2015. Copy supplied.

Lynn Bartels, *Colorado GOP seeking right candidate to face Michael Bennet in 2016*, DENV. POST, June 8, 2015. Copy supplied.

Press Release, Office of the Attorney General, State of Colorado, Attorney General's Office Seeks Expeditious Resolution of Colorado's Same-Sex Marriage Issues (July 3, 2014). Copy supplied.

Tony Flesor, *Solicitor General Enjoys Unique Position*, LAW WEEK COLO., Nov. 11, 2013. Copy supplied.

Joe Hanel, *Sheriffs, state agree on magazine rules; Second Amendment issue is still contested*, CORTEZ J., July 11, 2013. Copy supplied.

Megan Schrader, *Hickenlooper, sheriffs compromise on gun law*, COLO. SPRINGS GAZETTE, July 10, 2013. Copy supplied.

Vic Vela, *Deal reached on two gun issues*, Arvada Press, July 17, 2013. Copy supplied.

Jessica Gresko, *Supreme Court 101 in session at high court*, ASSOC. PRESS, Feb. 28, 2012. Copy supplied.

Marcia Coyle, *Appellate Lawyer of the Week: Dan Domenico*, NAT'L LAW J., Feb. 15, 2012. Copy supplied.

Kristen Wyatt, *Abortion opponents try new tactic in CO*, ASSOC. PRESS, Jan. 5, 2012. Copy supplied.

Jessica Fender, *AG expounds on Mass. case, In marriage appeal, Suthers focuses on federal versus state powers*, DENV. POST, Feb. 1, 2011. Copy supplied.

Joel Hanel, *Board delays tax initiative*, THE CORTEZ JOURNAL, December 18, 2010. Copy supplied.

Vanessa Miller, *Appeals court rejects Boulder Valley charter challenge*, BOULDER DAILY CAMERA, Feb. 23, 2009. Copy supplied.

Press Release, Office of the Attorney General, State of Colorado, Attorney General Suthers Praises Court of Appeals Decision Upholding State Charter

School Law (Feb. 21, 2009). Copy supplied.

Press Release, Office of the Attorney General, State of Colorado, Attorney General's Office Defends State Charter Schools (Oct. 31, 2008). Copy supplied.

Press Release, Office of the Attorney General, State of Colorado, No Colorado Commission on Higher Education Appeal of Court Decision for Colorado Christian University (Aug. 1, 2008). Copy supplied.

Press Release, Office of the Attorney General, State of Colorado, Attorney General Suthers Lauds Decision in School Finance Case (Jan. 24, 2008). Copy supplied.

Bettina Boxall & Julie Cart, *U.S. Loosens Its Policy on Building Roads in Parkland*, L.A. TIMES, Mar. 23, 2006. Copy supplied.

Liz Ruskin, *Road policy sparks outcry*, ANCHORAGE DAILY NEWS, Mar. 23, 2006. Copy supplied.

Joe Baird, *Utah case now model for new BLM road policy*, SALT LAKE TRIBUNE, Mar. 22, 2006. Copy supplied.

T. Chapin Rose, *Youth at GOP convention brought their own*, MATTOON J. GAZETTE, Sept. 17, 1992. Copy supplied.

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

I have not served as a judge.

- 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 (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 served as a judge.

- 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.

Solicitor General of Colorado (2006 – 2015); appointed by Attorney General John Suthers in 2006.

Special Assistant to the Solicitor, Department of the Interior (2005 – 2006):
appointed by Secretary Gale Norton in 2005.

I have not run for public office or had any unsuccessful nomination for 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.

Intern/Assistant, Dole for President, Dole/Kemp '96, Iowa//Washington, D.C.
(1995 – 1996).

Counsel, Thune for Senate, South Dakota (2004).

I provided legal advice to assist a school board candidate, Katie Heard-Price, to gain access to the ballot in 2015.

In 2006 and 2010, I volunteered a few hours of time to provide advice to Attorney General Suthers's campaign, and did the same in 2014 for now-Attorney General Cynthia Coffman's campaign.

As an associate at Hogan & Hartson, I assisted the Beauprez for Congress campaign and the Colorado Republican Party with recount activities in 2002.

On a number of occasions, my wife and I have been listed on fundraising event "host committees."

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 2003 to 2004, I served as a law clerk to the Honorable Timothy M. Tymkovich, Circuit Judge (now Chief Judge) of the United States Court of Appeals for the Tenth Circuit.

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

2015 – present
Kittredge LLC
14143 Denver West Parkway, Suite 100
Golden, CO 80401

Since 2015, I have been the sole member and employee of Kittredge LLC, in Denver and Golden, Colorado.

- 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.

2000 – 2003
Hogan & Hartson LLP (now Hogan Lovells).
1601 Wewatta Street, Suite #900
Denver, CO 80202
Associate

2004
Thune for Senate
101 North Phillips Avenue, #402
Sioux Falls, SD 57104
Counsel

2005 – 2006
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240
Special Assistant to the Solicitor

2006 – 2015
Colorado Department of Law
1300 Broadway
Denver, CO 80202
Solicitor General

2010 – present
University of Denver Sturm College of Law
2255 East Evans
Denver, CO 80210
Adjunct Professor

2015 – present
Kittredge LLC
14143 Denver West Parkway, Suite 100
Golden, CO 80401

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

After law school and passage of the bar in 2000, I worked as an associate at Hogan & Hartson, now Hogan Lovells. As a junior lawyer I participated in a wide variety of legal work, ranging from venture capital financing and corporate formation to due diligence for mergers and acquisitions to reviewing pleadings and document review for major litigation and researching and drafting portions of briefs. I worked out of offices in Denver and Boulder, but also spent significant amounts of time on due diligence and document review projects in New York, Washington, D.C., and California.

In 2003, I became a clerk to Judge Tymkovich when he took his seat on the Tenth Circuit. In addition to traditional clerk duties, I had the honor of helping Judge Tymkovich transition to the bench.

After my clerkship ended in 2004, I worked briefly for now-U.S. Senator John Thune's campaign in South Dakota. This work consisted of working with local and national counsel on compliance matters, election-day preparation, and litigation.

Between 2005 and 2006, I helped advise the Secretary of the Interior and other department officials on a wide range of legal matters as Special Assistant to the Solicitor at the Department of the Interior. These included

federal lands questions for the Bureau of Land Management, Endangered Species Act matters, oil and gas, water law and policy, national monuments and Indian affairs. I also worked with the Department of Justice on various matters in litigation.

In 2006, I returned to Colorado to become Solicitor General, where I oversaw major litigation for the state, its officers, and agencies. Issues included constitutional law, separation of powers, federalism, individual rights, criminal law and procedure, tax, natural resources, and others. I argued multiple cases including in the U.S. Supreme Court, Tenth Circuit, Colorado Supreme Court, and trial courts. I also reviewed regulations for legal compliance, advised the attorney general, governor, secretary of state, and treasurer and other state officials on legal and constitutional questions. I also served as the Attorney General's designee to the Colorado Title Setting Board, which reviews proposed citizen initiatives and drafts the language describing the initiatives appearing on official ballots.

After leaving the Attorney General's office in 2015, I founded Kittredge LLC. My practice has been approximately two-thirds litigating, including both appellate and trial work, and one-third providing general advice on regulatory issues or other areas such as the initiative and political processor election law.

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

As an associate at Hogan & Hartson, between 2000 and 2003, I worked with a wide variety of clients, including start-up firms, private equity investors, and large businesses, such as IBM. I did not specialize at that time.

As a law clerk I worked on the full range of issues as they came before the court of appeals.

In 2004, as counsel to the Thune campaign, I specialized in election law and related issues.

At the Interior Department in 2005 and 2006, I worked on a wide range of matters, particularly administrative law and public lands and environmental questions.

From 2006 to 2015, while serving as Solicitor General of Colorado, I worked for state agencies and officials on different matters, including litigation, regulatory review, administrative law, public private partnerships, state-federal relations, and multi-state litigation.

From 2015 to present, my clients have included small businesses, entrepreneurs, school districts, and non-profit associations. I do not have a subject-matter specialty, though I focus on major litigation and appeals, as well as helping clients navigate the intersection of law, public policy, and business.

- 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 2000 to 2003, approximately 30 percent of my practice involved litigation, with no appearances in court. In 2004, at Thune for Senate, approximately one-third of my work involved litigation, none of it requiring my appearance in court, although I did advise others who were in court on at least two matters that I recall. Between 2005 and 2006, approximately 30 to 40 percent of my work involved working on litigation for various Interior Department entities, though I did not appear. As solicitor general, approximately 70 percent of my work was litigation from 2006 to 2015. I appeared in court frequently. From 2015 to present, approximately two-thirds of my work is in litigation, and I appear in court occasionally.

- 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: | 80% |
| 2. criminal proceedings: | 20% |

- 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 supervised and managed scores of cases that went to final decision. I have served as chief counsel in dozens of cases, particularly at the appeal stage, and never as sole counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 10% |
| 2. non-jury: | 90% |

- e. Describe your practice, if any, before the Supreme Court of the United States.

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

I have twice presented oral argument to the Supreme Court of the United States:

Wood v. Milyard, No. 10-9995. Briefs and transcript supplied.

Direct Marketing Association v. Brohl, No. 13-1032. Briefs and transcript supplied.

I also served as co-counsel in the following cases that proceeded to argument:

Kansas v. Colorado, No. 105, Original (2008). Filings supplied.

Kansas v. Nebraska & Colorado, No. 126, Original (2014). Filings supplied.

Texas v. New Mexico, No. 22O141 (2013). Briefs supplied.

Andrew F. v. Douglas County School District RE-1, No. 15-827. Brief supplied.

I was counsel of record in the following case until I left office in early 2015:

Oklahoma & Nebraska v. Colorado, No. 22O144, Original (2014).

I filed a petition for a writ of certiorari that led to the Court granting, vacating, and remanding a Tenth Circuit decision in the following case:

Hickenlooper v. Kerr, No. 14-460. Briefs supplied.

I was counsel in the following cases in which our office filed either a waiver or a brief in opposition to a petition for a writ of certiorari, and the Court did not take up the case:

Tarrant Regional Water District v. Herrmann, No. 11-889. Brief supplied.

Pickering v. Colorado, No. 11-870. Brief supplied.

Scott v. Ulrich, No. 10-6017.

Youngs v. Industrial Claim Appeals Office, No. 10-273

Aviardo v. Industrial Claim Appeals Office, No. 10-54

Curious Theatre Co. v. Colorado Department of Public Health and Environment, No. 09-1118

Al-Turki v. Colorado, No. 09-700. Brief supplied.

McKinney v. Board of Medical Examiners of Colorado, No. 09-698

Independence Institute v. Buescher, No. 09-265. Brief supplied.

Penk v. Coffman, No. 08-10899

Fabiano v. Wilmes, No. 06-1043

Mandy R. v. Ritter, No. 06-1002. Brief supplied.

Allen v. Reed, No. 05-9470. Brief supplied.

McLane Western, Inc. v. Colorado Department of Revenue, No. 05-1294. Brief supplied.

I was either counsel of record or co-counsel to amici in the following cases:

Smith v. Bishop, No. 14-136 (representing amici Colorado, *et al.*). Brief supplied.

Herbert v. Kitchen, No. 14-124 (representing amici Colorado, *et al.*). Brief supplied.

Alaska v. Jewell, No. 13-562 (representing amici Colorado, *et al.*). Brief supplied.

Friends of the Everglades v. South Florida Water Management District, Nos. 10-196, 10-252 (representing amici Colorado, *et al.*). Brief supplied.

Pottawattamie County, Iowa v. McGhee, No. 08-1065 (representing amici Colorado, *et al.*). Brief supplied.

Jones v. Jennings, No. 07-654 (representing amici Colorado, *et al.*). Brief supplied.

City of New York, New York v. Catskill Mountains Chapter of Trout Unlimited, Ltd., No. 06-729 (representing amici Colorado, *et al.*). Brief supplied.

Reichle v. Howards, No. 11-262 (representing amici Colorado, *et al.*). Brief supplied.

Washington v. Washington Education Association, No. 05-1657
(representing *amici* Colorado, *et al.*). Brief 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.
1. *Direct Marketing Ass'n v. Brohl*, 135 S. Ct. 1124 (2015).

The Direct Marketing Association, a trade group of internet and mail retailers, brought a variety of constitutional claims against a Colorado law that requires retailers that do not collect sales taxes to inform their customers of the state's requirement that customers pay the tax and to provide the state and the customer with certain tax-related information. As it reached the Supreme Court, the issue was limited to whether such a suit could be brought in federal court or was barred by the Tax Injunction Act. I represented the defendant, Barbara Brohl, the executive director of Colorado's Department of Revenue. I oversaw the team that litigated the case from its inception in district court through the appeals process until I left office in 2015, and presented argument to the Supreme Court on December 8, 2014. The Court held that the Tax Injunction Act did not bar the suit. The case was heard and decided by United States District Judge Robert E. Blackburn. The Tenth Circuit opinion was authored by United States Circuit Judge Charles E. Matheson, and then-United States Circuit Judge Neil M. Gorsuch authored a concurrence.

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2. *Wood v. Milyard*, 132 S. Ct. 1826 (2012).

I represented Warden Milyard, the respondent in this habeas action, solely before the Supreme Court in 2011 to 2012. The Petitioner challenged his state court murder conviction on various constitutional grounds, and as the case reached the Supreme Court, the issues were limited to whether a federal court had authority to dismiss the case because it was not timely filed, even if the state had not argued it was untimely. The Court held that federal courts do have that authority in exceptional circumstances, but that where, as here, the state had affirmatively declined to argue that the case should be dismissed for this reason, the case should not have been dismissed. The case was argued February 12, 2012.

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3. *Kerr v. Hickenlooper*, 880 F. Supp. 2d 1112 (D. Colo. 2012), *vacated* 744 F.3d 1156 (10th Cir. 2014), *petition vacated*, 135 S. Ct. 2927 (2015).

Plaintiffs in this case alleged that Colorado's Taxpayer's Bill of Rights, a state constitutional provision that, among other things, requires voters to approve any tax increase, violates Article IV, section 4, of the U.S. Constitution, which obligates the United States to guaranty to every state a republican form of government. I represented the defendant, Governor John Hickenlooper, from its inception until I left office in 2015, managing the defense in the district court and arguing the case before the Tenth Circuit and filing a petition for certiorari in the U.S. Supreme Court in 2014. The Tenth Circuit held that the suit could proceed. The Supreme Court ultimately granted our petition, vacated the Tenth Circuit's opinion, and remanded the case for further reconsideration. While I was involved in the case, it was heard and decided by United States District Judge William J. Martinez. The Tenth Circuit opinion was authored by United States Circuit Judge Carlos F. Lucero. The lower courts have subsequently dismissed the case, although I have not been involved since 2015.

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4. *Lobato v. Colorado*, No. 05-CV-4794, 2006 WL 4037485 (Colo. Dist. Ct. Mar. 2, 2006),

aff'd 216 P.3d 29 (Colo. App. 2008), *rev'd* 218 P.3d 358 (Colo. 2009). After remand, *Lobato v. Ortega*, No. 05-CV-4794, *rev'd* 304 P.3d 1132 (Colo. 2013).

Plaintiffs brought this case alleging that Colorado's education system, particularly its funding, violated the state constitution's provision mandating that the legislature create a thorough and uniform system of free public schools throughout the state. I supervised the litigation from approximately 2008 until its resolution in 2013, including arguing the initial case before the Colorado Supreme Court in 2008 and overseeing the discovery, motions, and trial after remand and subsequent appeals. The case was heard and decided by Colorado District Judge Michael A. Martinez. The Colorado Court of Appeals decision was authored by Judge John R. Webb and the Colorado Supreme Court decision was authored by Justice Michael Lee Bender, and a dissent was authored by Justice Nancy R. Rice. After remand, the case was heard and decided by Colorado District Judge Sheila A. Rappaport. The Colorado Supreme Court opinion was authored by Justice Nancy R. Rice, and dissents were authored by Chief Justice Michael Lee Bender and Justice Gregory J. Hobbs.

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5. *Justus v. Colorado*, 336 P.3d 202 (Colo. 2014).

This case was brought by members of Colorado's public employee retirement system, PERA, challenging statutory changes to cost of living increases they contended they were entitled to receive. I represented the state defendants, and argued the case in the Colorado Supreme Court in June 2014. The court agreed with our position and upheld the changes to the formula. The Colorado Supreme Court opinion was authored by Justice Gregory J. Hobbs, and the concurrence was authored by Justice Nathan B. Coats.

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6. *Colorado Christian University v. Weaver*, 534 F.3d 1245 (10th Cir. 2008).

I handled this case for the state defendants after the district court's decision from approximately 2007 until the case was resolved, including arguing before the Tenth Circuit. The case was a First Amendment challenge to a Colorado statute that prevented the use of state funds (including scholarships) by students attending "pervasively sectarian" institutions. The Tenth Circuit ruled the statute was unconstitutional. The state eventually amended the statute to comply with the ruling. The opinion was written by United States Circuit Judge Michael M. McConnell.

Co-Counsel to State Defendants:

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7. *Colorado Outfitters Ass'n v. Hickenlooper*, No. 13-cv-1300 (D. Colo.).

While solicitor general, I supervised the litigation of this Second Amendment challenge to Colorado laws limiting the number of rounds permitted in gun magazines and mandating expanded background checks for gun purchases. I represented the state defendants from the filing of the case in 2013 until I left office in 2015, particularly during the initial phases of the case, including the preliminary injunction hearing in July 2010, including motions practice, discovery, selection of expert witnesses, and negotiating with opposing counsel. The case was heard and decided by United States District Judge Marcia S. Krieger.

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8. *Denver Post Corp. v. Ritter*, 255 P.3d 1083 (Colo. 2011).

I supervised this litigation as solicitor general, and argued the case before the Colorado Supreme Court in April 2011. I represented Governor Bill Ritter, Jr., who was sued by the Denver Post and a reporter for refusing to turn over his personal cell phone bills under the Colorado Open Records Act. We argued that since the bills were paid by the governor and were not used by the state for any official purpose, they were not subject to the Act. The Supreme Court ultimately agreed with our position. The case was heard and decided by Colorado District Judge Morris B. Hoffman.

Co-Counsel to Governor Ritter:

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9. *Auraria Student Housing at the Regency LLC v. Campus Village Apartments, LLC*, 843 F.3d 1225, 2016 WL 7260600 (10th Cir. 2016).

I represented the defendant in this case on appeal to the Tenth Circuit, from approximately May 2015 until the case was resolved in January 2016. The plaintiff in this case operates an apartment complex that markets itself to students at the Denver Auraria higher education complex. My client, Campus Village Apartments, was an entity created by the University of Colorado Real Estate Foundation to develop and operate a dormitory adjacent to that campus. The plaintiff sued under the Sherman Act, alleging that my client and the University of Colorado had engaged in a “conspiracy to monopolize” under the Act by requiring certain first-year students to live in Campus Village. The plaintiff had prevailed at trial, but the Tenth Circuit agreed with our argument that the Sherman Act did not support the theory on which the claims were based, and vacated the judgment. The opinion was authored by United States Circuit Judge Carolyn B. McHugh.

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10. *Hill v. Williams*, Nos. 16-cv-2627, 16-cv-2649, 2016 WL 8667798 (D. Colo. Nov. 4, 2016).

This was a First Amendment challenge to a provision of Colorado law that made it a crime for a voter to show his or her marked ballot to any other person. As co-counsel to the plaintiffs, citizens who wished to display their ballots on social media or otherwise, I helped draft the complaint and subsequent motions and responses, prepare witnesses, and present our case in district court. We obtained a preliminary injunction in district court. The Colorado legislature has subsequently amended the law to remove the enjoined statutory provision. The case was heard and decided by United States District Judge Christine M. Arguello.

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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 solicitor general for approximately nine years, I was involved in a wide range of legal activities beyond the litigation matters listed above, generally in a supervisory role. Other litigation included arguing or supervising cases involving natural resources, such as state and local authority over the oil and gas permitting process, state versus local regulatory authority governmental and qualified immunity, taxation of equipment used in electrical generation, school choice and charter schools, and campaign finance, and the litigation over Colorado's definition of marriage. I also worked with Attorney General Suthers on the multi-state challenge to the portion of the Affordable Care Act, and on various other multi-state efforts through the National Association of Attorneys General, including reviewing amicus briefs and challenges to class action settlements.

I also was the Attorney General's designee on the state's Title Setting Board during my time as solicitor general. That board hears proposals from citizens for initiatives to be placed on the state ballot each election, ensures the proposals meet the single subject requirement, and drafts the language that appears on the ballot. I was also delegated the Attorney General's authority under Colorado's Administrative Procedure Act to provide the office's opinion as to the legality of any proposed rule or regulation. This enabled our office to help offer guidance to agencies. I also chaired the Department's Ethics Committee.

In private practice, among other clients, I have represented public school districts in a variety of matters. Among my clients has been the Douglas County School District, which hired me to provide counsel while it was without an in-house general counsel. I also served as co-counsel to the district during the Supreme Court proceedings in *Andrew F. v. Douglas County School District RE-1*, 580 U.S. ____ (2017).

In 2016 I was appointed to the Colorado Supreme Court's Committee on Appellate Rules. I have also continued to speak at CLE's for various bar associations, taught students at various events such as Liberty Day, and I continue to teach when requested at

the University of Denver as an adjunct professor of law.

While at the Interior Department, I worked on a wide range of issues, as reflects that department's purview, including public lands matters, the Endangered Species Act, and oil and gas leasing and royalty matters.

I have not participated in lobbying activities, other than in my role as Solicitor General. In that role I testified on at least one occasion that I recall at the Colorado legislature and attended hearings a number of other times with the Attorney General. I also frequently worked with other attorneys in the office to review potentially problematic bills or legislative proposals and when necessary to advise members of both the executive and legislative branches about constitutional or legal concerns caused by proposed legislation, and to offer suggested solutions.

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.

I have taught Advanced Constitutional Law at the University of Denver Sturm College of Law in 2010, 2011, and 2013, and expect to do so again in the future. This is a survey course covering individual constitutional rights – particularly the First, Second, Fifth, and Fourteenth Amendments. Syllabi supplied.

In the spring of 2014, I was the Distinguished Practitioner in Residence in the Natural Resources program at the University of Denver Sturm College of Law. In that role I led a seminar for law students focusing on natural resources law. The course emphasized the practical skills needed to succeed in the field, and brought in leading practitioners, advocates, clients, and policy makers to speak to the students. Syllabus supplied.

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

None.

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

I have agreed to teach Advanced Constitutional Law in the future at the University of Denver Sturm College of Law.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. For an appropriate time period, I anticipate recusing in all cases in cases involving the State of Colorado or my wife's prior clients. I will also recuse in any case involving my wife's clients.

- 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.

Between 2000 and 2003, I participated in a number of pro bono legal projects, including assisting a disabled woman navigate the Social Security Insurance system and providing legal counsel to Habitat for Humanity for the development of a multi-unit housing project. I estimate that I spent 100 hours per year on these projects. As a government attorney, from 2003 to 2015, I had limited opportunities for other pro bono legal services. I did, however, do as much educational work as I could, including teaching courses, guest lectures, Constitution Day events, moot courts and mock trials, and the like. I also

participated at times in a mentoring for young lawyers and students.

Since 2015, I have provided discounted and free legal service to non-profit entities, including school districts. I have advised my wife, as a member of the board of directors of Forward Steps, a group that serves foster children who are “aging out” of the system after age 18 without being adopted into a permanent family. I provided pro bono legal services to the American Institute for Avalanche Safety regarding pending litigation, and to a group of citizens seeking to increase access to quality education for poor and minority students. I have provided advice on an informal basis to individuals regarding foster care and adoption, disability protections, public accommodations laws, immigration law, governmental immunity, and the interaction of state and federal criminal law. I have continued to participate in educational efforts such as moot courts. I estimate that these efforts have totaled over 200 hours.

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 2015, I submitted my name and resume to Senator Cory Gardner. I was interviewed by a committee he had created at that time. President Obama subsequently nominated another candidate for the position. In January 2017, I met with Senator Gardner’s staff. Given the possibility that Judge Gorsuch’s seat would be opening, I noted that my interest was for that position. After Judge Gorsuch was nominated for the U.S. Supreme Court, I reiterated my interest in the circuit court opening to Senator Gardner’s office. I also shared my interest with officials from the Office of Legal Policy at the Department of Justice. On April 10, I attended a reception celebrating Justice Gorsuch’s swearing-in. At that event, I spoke with officials from the White House Counsel’s Office.

In April 13, Senator Gardner called me to explain that the White House was planning to recommend that the President nominate me for this opening. Since then, I have been in contact with officials from the White House Counsel’s Office. On October 2, 2017, 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.