

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Joshua Dale Dunlap

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

United States Circuit Judge for the First Circuit

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: Merrill's Wharf
 254 Commercial Street
 Portland, Maine 04101

Residence: Scarborough, Maine

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

1983; Waterville, Maine

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.

2005 – 2008, Notre Dame Law School; Juris Doctor (*summa cum laude*), 2008

2002 – 2005, Pensacola Christian College; Bachelor of Arts (*summa cum laude*), 2005

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.

2009 – present
Pierce Atwood LLP
Merrill's Wharf

254 Commercial Street
Portland, Maine 04101
Partner (2017 – present)
Associate (2009 – 2017)

2008 – 2009
Honorable Paul J. Kelly, Jr.
United States Court of Appeals for the Tenth Circuit
Santiago E. Campos United States Courthouse
106 S. Federal Pl.
Santa Fe, New Mexico 87501
Law Clerk

Summer 2007
Pierce Atwood LLP
Merrill's Wharf
254 Commercial Street
Portland, Maine 04101
Summer Associate

Summer 2006
Alliance Defense Fund (now Alliance Defending Freedom)
15333 North Pima Road
Suite 165
Scottsdale, Arizona 85260
Legal Intern

Summer 2005
Natanis Golf Course
735 Webber Pond Road
Vassalboro, Maine 04989
Assistant to Clubhouse Manager

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.

Best Lawyers in America (Appellate Practice, Commercial Litigation, Mass Tort Litigation / Class Actions-Defendants) (2023 – present)

Edward T. Gignoux Inn of Court (2016 – 2019)

Notre Dame Law School

Col. William J. Hoynes Award for Outstanding Scholarship, awarded for attaining the highest cumulative grade point average for the graduating J.D. class (2008)
Notre Dame Law Review, Note Editor / Articles Selection Committee (2006 – 2008)
Dean's List, all semesters (2005 – 2008)
Dean's Award for Constitutional Law, Criminal Law, Conflict of Laws, Freedom of Religion, Freedom of Speech (2005 – 2008)
Full Academic Scholarship, Notre Dame Law School

Pensacola Christian College

Faculty Academic Award (2005)
President's List, all semesters (2002 – 2005)
Academic Honors Scholarship
Harold D. Suttles, Jr. Legal Scholarship

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.

Advisory Committee on the Maine Rules of Appellate Procedure (2020 – present)
Chair (2023 – present)

American Bar Association (2020 – present)
State Chair, ABA Council of Appellate Lawyers (2020 – present)

Cumberland Bar Association (2017 – 2023)

Defense Research Institute (2015 – present)

Maine State Bar Association (2015 – present)

Maine Trial Lawyers Association (2021 – present)

10. **Bar and Court Admission:**

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

New Hampshire, 2008
Maine, 2009
Massachusetts, 2009

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.

United States Supreme Court, 2020

United States Courts of Appeals for the First Circuit, 2011

United States Courts of Appeals for the Third Circuit, 2023

United States Courts of Appeals for the Fourth Circuit, 2018

United States Courts of Appeals for the Tenth Circuit, 2009

United States Courts of Appeals for the Eleventh Circuit, 2012

United States District Court for the District of New Hampshire, 2008

United States District Court for the District of Maine, 2010

United States District Court for the District of Massachusetts, 2016

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.

Federalist Society for Law and Public Policy Studies (2005 – 2007, 2009 – 2010, 2015 – present)

State Chair (2016 – 2021)

Member (2009 – 2010, 2015 – present)

Student Member (2005 – 2007)

Maine Island Trail Association (2024 – 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 the organizations 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.

To the best of my recollection, after a thorough search:

With Donald Frederico and Lucus Ritchie, Chapter, *First Circuit*, SURVEY OF FEDERAL CLASS ACTION LAW, ABA Publishing (2018, 2020 – 2025 eds.). Copies supplied.

May v. Must – The Scope of Agency Permitting Review under Statutory Standards, Maine Appeals (Apr. 15, 2025). Copy supplied.

With Lisa Gilbreath, *CEQ Sounds Death Knell for Existing NEPA Regulations*, Pierce Atwood LLP Client Alert (Feb. 28, 2025). Copy supplied.

Opioids and Common Law Liability for Indirect Economic Harm, Maine Appeals (Feb. 24, 2025). Copy supplied.

Vested Rights Revisited, Maine Appeals (Jan. 28, 2025). Copy supplied.

With Lisa Gilbreath and Randall Rich, *D.C. Circuit Court Again Addresses NEPA's Scope*, Pierce Atwood LLP Client Alert (Jan. 10, 2025). Copy supplied.

The Attorney-Client Privilege and "At Issue" Waiver, 39 ME. BAR J. 10 (2024). Copy supplied.

Litigants Beware: Unjust Enrichment v. Quantum Meruit, Maine Appeals (Dec. 10, 2024). Copy supplied.

With Lisa Gilbreath, *Split D.C. Circuit Discards CEQ's NEPA Regulations*, Pierce Atwood LLP Client Alert (Nov. 14, 2024). Copy supplied.

New Amendments to the Maine Rules of Appellate Procedure, Maine Appeals (Oct. 2, 2024). Copy supplied.

Interlocutory Appeals – Navigating the Pitfalls, Maine Appeals (Sept. 30, 2024). Copy supplied.

Legislators, Standing, and the Courts, Maine Appeals (Aug. 26, 2024). Copy supplied.

Overruling Chevron Changes Everything. Or Not., Maine Appeals (July 11, 2024). Copy supplied.

Chevron Is Dead. Does It Still Live in Maine?, Maine Appeals (June 28, 2024). Copy

supplied.

Dictionaries and the Law – Hunting, Poaching, and the Right to Food, Maine Appeals (Apr. 1, 2024). Copy supplied.

Proposed Amendments to Maine Rules of Appellate Procedure, Maine Appeals (Mar. 18, 2024). Copy supplied.

Procedure, Not Politics, Maine Appeals (Feb. 20, 2024). Copy supplied.

When Should Prior Precedent Be Overruled, Maine Appeals (Jan. 24, 2024). Copy supplied.

The Court as Casino No More: Law Court Ends Stringent Foreclosure Rule, Maine Appeals (Jan. 15, 2024). Copy supplied.

With Ryan Kelly and Sara Murphy, *Maine Law Court Reverses Rule Barring Foreclosure After a Deficient Notice of Default*, Pierce Atwood LLP Client Alert (Jan. 12, 2024). Copy supplied.

With Elizabeth Frazier, Chapter, *Takings*, A PRACTICAL GUIDE TO LAND USE IN MAINE, MCLE New England (2021, 2023 eds.). Copies supplied.

A Conversation on Appellate Practice, Maine Appeals (Dec. 8, 2023). Copy supplied.

The Limits of Deference to Agency Interpretations under Maine Law, Maine Appeals (Nov. 28, 2023). Copy supplied.

(Precedent) Singing in Harmony, Maine Appeals (Oct. 26, 2023). Copy supplied.

The Primacy Doctrine and Appellate Advocacy, Maine Appeals (Oct. 3, 2023). Copy supplied.

Beware the Appeal Deadline, Part 2: Motions to Amend a Judgment v. Motions for Relief from Judgment, Maine Appeals (Sept. 21, 2023). Copy supplied.

Beware the Appeal Deadline: Pending Motions and Entry of Final Judgment, Maine Appeals (Aug. 1, 2023). Copy supplied.

Appellate Preservation and Summary Judgment, Maine Appeals (July 12, 2023). Copy supplied.

Keeping Form Subservient to Substance in Rule 80B (and 80C) Actions, Maine Appeals (June 26, 2023). Copy supplied.

Standing, Cross-Appeals, and Rule 80B, Maine Appeals (June 13, 2023). Copy supplied.

Due Process, Retroactive Laws, and Vested Rights in Development Projects, Maine Appeals (May 17, 2023). Copy supplied.

You Should Be Respectful (But You Don't Have to Be), Maine Appeals (Mar. 21, 2023). Copy supplied.

Respect the Process: Late Appeals and Wrongful Use of Civil Proceedings, Maine Appeals (Feb. 22, 2023). Copy supplied.

Is It Appropriate to Defer to Agency Interpretations under the Maine Constitution?, Maine Appeals (Jan. 9, 2023). Copy supplied.

District of Maine Judicial Conference, Maine Appeals (Nov. 17, 2022). Copy supplied.

The First Circuit Reframes Preemption, Maine Appeals (Oct. 13, 2022). Copy supplied.

The Dormant Commerce Clause and Discrimination in Illegal Interstate Markets, Maine Appeals (Aug. 23, 2022). Copy supplied.

A Summer Smorgasbord – Rule Changes, Constitutional Law, and Settlement Agreements, Maine Appeals (July 18, 2022). Copy supplied.

Proposed Amendments to the Maine Rules of Appellate Procedure, Maine Appeals (June 14, 2022). Copy supplied.

Covid-19, Emergency Pandemic Orders, and Force Majeure, Maine Appeals (June 2, 2022). Copy supplied.

Due Process, Preliminary Injunctions, and Final Judgments, Maine Appeals (Apr. 25, 2022). Copy supplied.

The Rebirth of State Constitutionalism Continues, Maine Appeals (Mar. 16, 2022). Copy supplied.

Can You Enforce an Online Contract In Maine? It Depends., Maine Appeals (Feb. 1, 2022). Copy supplied.

Revisiting Appellate Trends from 2021, Maine Appeals (Jan. 18, 2022). Copy supplied.

With Nolan Reichl, *Cross-Appeals in Maine: Making Sense of the Law*, 36 ME. BAR J. 114 (2021). Copy supplied.

A Venerable Bulwark: Reaffirming the Primacy Approach to Interpreting Maine's Free Exercise Clause, 73 ME. L. REV. 1 (2021). Copy supplied.

Tricky Issues of Appellate Procedure: Timeliness and Cross-Appeals Edition, Maine Appeals (Nov. 17, 2021). Copy supplied.

It's Time to Clarify When Cross-Appeals Are Necessary, Maine Appeals (Oct. 19, 2021). Copy supplied.

A New Experiment In Oral Arguments, Maine Appeals (Sept. 28, 2021). Copy supplied.

Ballot Question Challenges – To Expedite or Not to Expedite? That Is the Question., Maine Appeals (Aug. 18, 2021). Copy supplied.

The Appellate Judges Education Institute, Maine Appeals (July 26, 2021). Copy supplied.

Administrative Appeals: The Remedy When the Fact Finder Doesn't Make Factual Findings, Maine Appeals (July 12, 2021). Copy supplied.

Aiding and Abetting, Conspiracy, and The Picture of Dorian Gray, Maine Appeals (May 26, 2021). Copy supplied.

Interlocutory Appeals and Judicial Efficiency, Maine Appeals (Apr. 22, 2021). Copy supplied.

With Lucus Ritchie, Overdraft Class Action Litigation: Recent Developments in Maine, Pierce Atwood LLP Client Alert (Mar. 26, 2021). Copy supplied.

All Cleaned Up, Maine Appeals (Mar. 22, 2021). Copy supplied.

Appealing from a Preliminary Injunction Order in Maine. Maybe You Can, Maybe You Can't., Maine Appeals (Mar. 4, 2021). Copy supplied.

Appellate Trends During the COVID-19 Pandemic, Maine Appeals (Feb. 1, 2021). Copy supplied.

Immediate Appeals of Temporary Restraining Orders? Not So Fast., Maine Appeals (Jan. 12, 2021). Copy supplied.

Class Actions: A Survey and Comparison of Federal Law and Maine State Law, Lexis Practice Advisor, LexisNexis (2020). Copy supplied.

Letter to the Editor, SCARBOROUGH LEADER, Oct. 30, 2020. Copy supplied.

Elections, COVID-19, and the Maine Constitution, Oh My!, Maine Appeals (Oct. 27, 2020). Copy supplied.

The Law Court's Answer Is Yes, The Maine Constitution Does Still Matter, Maine Appeals (Oct. 20, 2020). Copy supplied.

So You Should Cross-Appeal To Preserve an Alternative Argument – But Should You Have To?, Maine Appeals (Sept. 30, 2020). Copy supplied.

When Do You Have to Seek a Stay in an 80C Appeal?, Maine Appeals (Sept. 9, 2020). Copy supplied.

Arguing from Afar: The New Reality of Zoom, Maine Appeals (Aug. 5, 2020). Copy supplied.

A Survey and Comparison of Federal and Maine Class Action Law, First Class Defense (July 16, 2020). Copy supplied.

When in Doubt, Cross-Appeal!, Maine Appeals (June 22, 2020). Copy supplied.

Challenging Interlocutory Decisions on Appeal – What Not to Do, Maine Appeals (May 27, 2020). Copy supplied.

Musings on the Maine Constitution's Bicentennial, Coronavirus Edition, Maine Appeals (May 4, 2020). Copy supplied.

COVID-19 and Appellate Practice: A Maine Update, Maine Appeals (Apr. 1, 2020). Copy supplied.

COVID-19 and Appellate Practice, Maine Appeals (Mar. 23, 2020). Copy supplied.

The Maine Constitution Turns 200! Does It Still Matter?, Maine Appeals (Mar. 3, 2020). Copy supplied.

E-Filing is Coming, E-Filing is Coming!, Maine Appeals (February 14, 2020). Copy supplied.

Same Blog, New Author, Maine Appeals (Feb. 7, 2020). Copy supplied.

After-Effects of In re Asacol Recent District Court Decisions on Certification and Uninjured Class Members, First Class Defense (Nov. 18, 2019). Copy supplied.

Lamps Plus, Inc. v. Varela: Class Arbitration Must Be Expressly Authorized, First Class Defense (Apr. 24, 2019). Copy supplied.

Legislature Should Reject National Popular Vote, BANGOR DAILY NEWS, Mar. 31, 2019. Copy supplied.

Questions Regarding Cy Pres Settlements Remain after Frank v. Gaos, First Class Defense (Mar. 20, 2019). Copy supplied.

In re Celexa and Lexapro – The First Circuit Weighs in on China Agritech and American Pipe Tolling, First Class Defense (Feb. 19, 2019). Copy supplied.

In re Asacol Antitrust Litigation – An Antidote to In re Nexium and “Ascertainability-By-Affidavit”, First Class Defense (Oct. 17, 2018). Copy supplied.

In Cullinane v. Uber, First Circuit Addresses Arbitration Clauses in Online Contracts, First Class Defense (June 26, 2018). Copy supplied.

Maine Senate v. Secretary of State, FEDERALIST SOC’Y: STATE COURT DOCKET WATCH (Apr. 23, 2018). Copy supplied.

Ascertainability & In re Nexium – The Side-Effects Continue, First Class Defense (Dec. 7, 2017). Copy supplied.

A New Justice: Any Change For Class Actions?, First Class Defense (Apr. 19, 2017). Copy supplied.

Spokeo, Inc. v. Robins and the No-Injury Class Action, First Class Defense (May 17, 2016). Copy supplied.

Consumer Financial Protection Bureau Publishes Proposed Rule Precluding Class Action Waivers in Arbitration Clauses, First Class Defense (May 5, 2016). Copy supplied.

With Lucas Ritchie, Consumer Financial Protection Bureau Publishes Proposed Rule Precluding Class Action Waivers in Arbitration Clauses, Pierce Atwood LLP Client Alert (May 5, 2016). Copy supplied.

CFPB Class Arbitration Proposal, First Class Defense (Oct. 17, 2015). Copy supplied.

With Lucas Ritchie, CFPB Proposal Would Make Class Actions More Likely. Here’s What’s Next., Pierce Atwood LLP Client Alert (Oct. 9, 2015). Copy supplied.

In re Nexium Antitrust Litigation – A Mixed Prescription, First Class Defense (Jan. 26, 2015). Copy supplied.

Mississippi ex rel. Hood v AU Optronics Corporation: Finding CAFA To Be As Clear as an LCD, First Class Defense (Jan. 16, 2014). Copy supplied.

Damages and the Predominance Analysis Following Behrend: The DC Circuit Gives Behrend A Robust Interpretation, First Class Defense (Aug. 14, 2013). Copy supplied.

American Express v. Italian Colors Restaurant: The Supreme Court Reinforces AT&T Mobility v. Concepcion, First Class Defense (July 1, 2013). Copy supplied.

"Class-wide Arbitration" Revisited: The Supreme Court Weighs In (Again) With Oxford Health Plans LLC v. Sutter, First Class Defense (June 14, 2013). Copy supplied.

Comcast Corp. v. Behrend: A Close Look At Class-Wide Proof of Damages, First Class Defense (Apr. 3, 2013). Copy supplied.

Closer Scrutiny for Cy Pres Distributions, First Class Defense (Mar. 8, 2013). Copy supplied.

District of Maine Weighs in on Wal-Mart and CAFA Jurisdiction, First Class Defense (Jan. 18, 2013). Copy supplied.

Avoiding the Efficiency Trap, First Class Defense (Jan. 11, 2013). Copy supplied.

Letter to the Editor, SCARBOROUGH LEADER, Oct. 26, 2012. Copy supplied.

When Big Brother Plays God: The Religion Clauses, Title VII, and the Ministerial Exception, 82 NOTRE DAME L. REV. 2005 (2007). Copy supplied.

With Richard W. Garnett, *Taking Accommodation Seriously*, 2005-2006 CATO SUP. CT. REV. 257 (2006). Copy supplied.

As member and Note Editor of the *Notre Dame Law Review*, I performed typographical, stylistic, and bluebook editing of multiple law review articles and notes published in volumes 82 and 83 of the *Law Review*. The authors of those materials were responsible for their substantive contents.

b. Supply 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.

To the best of my recollection, after a thorough search, none.

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 recollection, after a thorough search:

Testimony in Opposition to LD 1708, Maine Legislature, Energy, Utilities and Technology Committee (May 20, 2021). Copy supplied.

Comment to Proposal to Amend Rule 8.4, New Hampshire Rules of Professional

Conduct, Supreme Court of the State of New Hampshire (May 31, 2019). Copy supplied.

Testimony of Daniel J. Mitchell in Support of LD 327, Maine Legislature, Joint Standing Committee on the Judiciary (May 16, 2017). Copy supplied.

Letter to Hon. Susan Collins and Hon. Angus King, United States Senate, from Maine Attorneys Regarding Nomination of Judge Gorsuch (Mar. 23, 2017). Copy supplied.

Testimony in Support of LD 83, Maine Legislature, Joint Standing Committee on the Judiciary (Mar. 13, 2015). Copy supplied.

Testimony in Support of LD 1428, Maine Legislature, Joint Standing Committee on the Judiciary (Jan. 16, 2014). Copy supplied.

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.

To the best of my recollection, after a thorough search:

Dec. 11, 2023: Panelist, State Appellate Tips & Tactics CLE, New England Legal Foundation, Boston, Massachusetts. I participated in an online panel CLE presentation hosted by the New England Legal Foundation. A video of the presentation is available at <https://www.youtube.com/watch?v=5sIFT42nSWg>.

Sep. 16, 2019: Speaker, "PCC Pre-Law Forum," Pensacola Christian College, Pensacola, Florida. I spoke to undergraduates seeking a degree in pre-law at my alma mater. Powerpoint supplied.

Apr. 8, 2015: Speaker, "Religious Liberty in Maine," Family Research Council and First Liberty Institute, Waterville, Maine. I spoke to Maine pastors regarding the topic of religious liberty. Powerpoint supplied.

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, after a thorough search:

Edward Murphy, *Judge Denies Republicans' Bid to Escape Ranked Choice Voting*, Portland Press Herald, May 30, 2018. Copy supplied.

Interview, WCSH 6, News Center Maine (May 23, 2018). I provided a brief interview regarding a lawsuit challenging the use of ranked choice voting in Maine primary elections. A video of the news report and accompanying article is available at <https://www.newscentermaine.com/article/news/local/ranked-choice-voting-back-in-court/97-557718083>.

Scott Thistle, *Republicans' Federal Suit Looks to Halt Ranked Vote*, Portland Press Herald, May 5, 2018. Copy supplied.

Christopher Cousins, *Maine Republicans Take Defiant Stand Against Ranked-Choice Voting*, Bangor Daily News (May 4, 2018). Copy supplied.

Scott Thistle, *Maine Republican Party Files Federal Lawsuit to Stope Ranked-Choice Voting in June Primary*, Portland Press Herald, May 4, 2018. Copy supplied.

Scott Thistle, *Forty-Nine Maine Lawyers Express Support for Gorsuch*, Portland Press Herald, March 25, 2017. Copy supplied.

Interested in Studying Law?, PCC Update, Fall 2008. 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 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 never been a candidate for or 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.

Member, Cumberland County Republican Committee (2016 – 2021). As a member of the CCRC, I served as a representative of the CCRC on the Platform Committee of the Maine Republican Party twice, from 2017 to 2018 and from 2019 to 2020.

Alternate Delegate, Republican National Convention (2016).

Campaign Aide, Maine State House Republican Team (Summer 2004). In this role, I assisted with scheduling and coordination of state-level legislative campaigns.

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 2008 to 2009, I served as a clerk for the Honorable Paul J. Kelly, Jr., U.S. Court of Appeals for the Tenth Circuit.

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

I have never practiced law alone.

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

2007, 2009 – present
Pierce Atwood LLP
Merrill's Wharf
254 Commercial Street
Portland, Maine 04101
Summer Associate (2007)
Associate (2009 – 2017)
Partner (2017 – present)

- 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 never 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.

As associate and as a partner at Pierce Atwood, I have represented clients in civil litigation in state and federal court, with a focus on appeals and complex motions practice. I have appeared before federal and state appeals courts, briefing and arguing civil and regulatory matters. My appellate practice has encompassed constitutional law, statutory law, and administrative law issues. My practice in state and federal trial courts has involved the representation of clients in complex commercial litigation, including class actions and multidistrict litigation. My general trial practice has involved a wide variety of claims, including constitutional claims, breach of contract claims, and unfair trade practices claims. I have specialized in briefing and motions practice, including dispositive motions and class certification motions.

Although the general character of my practice at Pierce Atwood LLP has not changed substantially in the years that I have been engaged in the practice of law, I acquired increasing responsibility over time and was made a partner. As a partner, I have been named as the co-chair of my firm's appellate & amici practice, and I have increasingly focused on appellate and administrative litigation implicating issues of constitutional and statutory law.

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

My practice has included a wide range of legal issues and clients. I have engaged in significant work relating to appellate practice, administrative law, constitutional law, and commercial disputes. My clients have included various

companies, including financial institutions, manufacturers, retailers, and utilities, as well as trade associations and individuals. I have represented these clients in federal district courts and federal and state appellate courts, as well as before administrative agencies.

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 consisted solely of litigation work. Although many of my cases are resolved on the basis of written legal briefs, I have appeared in court (including both trial and appellate courts) on a regular basis.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 45% |
| 2. | state courts of record: | 54% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 1% |

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.

Although my practice has focused on appellate and motions practice, I have served as associate counsel in one case tried to verdict in court. I also served as associate counsel in a matter that went to judgment in an arbitration proceeding and was subsequently affirmed by a court of record.

i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 50% |
| 2. | non-jury: | 50% |

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.

As an associate at Pierce Atwood LLP, I assisted three Special Masters appointed by the United States Supreme Court to oversee original jurisdiction proceedings involving disputes between states. I assisted the Honorable William J. Kayatta, Jr. (U.S. Court of

Appeals for the First Circuit) in *Kansas v. Nebraska*, No. 126 Orig., and both Ralph I. Lancaster, Jr. and the Honorable Paul J. Kelly, Jr. (U.S. Court of Appeals for the Tenth Circuit) in *Florida v. Georgia*, No. 142 Orig. *Kansas v. Nebraska* involved the enforcement of an interstate compact; Judge Kayatta, then a partner at Pierce Atwood LLP, presided over a 2-week evidentiary trial and later issued a report. *Florida v. Georgia* involved the equitable apportionment of the Apalachicola-Chattahoochee-Flint River Basin; Special Master Lancaster presided over a 4-week trial proceeding and issued a report. Subsequently, upon remand from the Supreme Court, Judge Kelly issued a supplemental report. In each of these proceedings, I served as a law clerk, assisting in the management of complex the evidentiary proceedings as well as the research and preparation of the reports provided by the Special Masters to the Supreme Court.

I have also served as counsel of record for a client opposing a writ of certiorari before the Supreme Court: *Friends of Merrymeeting Bay et al. v. Central Maine Power Co.*, No. 21-1346. 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. *Maine State Chamber of Commerce and Bath Iron Works Corp. v. State of Maine Department of Labor and Laura A. Fortman*, Maine Law Court Docket No. KEN-25-53.

I serve as lead appellate counsel for two plaintiffs, a business association and a defense manufacturer, challenging certain rules adopted by the Maine Department of Labor to implement the State of Maine's paid family and medical leave program as inconsistent with governing statute. Plaintiffs argue that the rule requiring employers and employees covered by a substantially equivalent private plan to pay into the state fund is contrary to the implementing legislation. Because of the importance of the legal issue presented regarding the agency's interpretation of the state statute, the case was reported directly to the Maine Law Court. The appeal, which has been fully briefed, is currently pending.

Date of representation: January 2025 – present

Court: Maine Law Court (Stanfill, CJ., and Mead, Horton, Lawrence, and Douglas, JJ.)

Co-counsel for Plaintiffs:

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Katherine E. Cleary
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Counsel for Defendants:

Nancy Macirowski
Anne Macri
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2. *Sierra Club v. U.S. Army Corps of Engineers*, U.S. Court of Appeals for the First Circuit, Case No. 25-1524; *Sierra Club v. U.S. Army Corps of Engineers*, 2025 WL 961432 (D. Me. Mar. 31, 2025); *Sierra Club v. U.S. Army Corps of Engineers*, 997 F.3d 295 (1st Cir. 2021); *Sierra Club v. U.S. Army Corps of Engineers*, 2020 WL 7389744 (D. Me. Dec. 16, 2020).

I serve as lead counsel for intervenor-defendant utility companies (NECEC Transmission LLC and Central Maine Power Company) in defending an Environmental Assessment / Finding of No Significant Impact issued by the U.S. Army Corps of Engineers for the New England Clean Energy Connect project, a billion-dollar electrical transmission line. Successfully argued in opposition to plaintiffs' claim that the EA/FONSI violated the Natural Resources Protection Act, leading to denial of plaintiff's motion for preliminary injunction. I argued on appeal, securing an affirmance by the First Circuit. Subsequently obtained summary judgment on all claims asserted by plaintiffs. The order granting summary judgment is currently on appeal.

Date of representation: October 2020 – present

Court: U.S. District Court for the District of Maine (Walker, J.); appeal to the U.S. Court of Appeals for the First Circuit (Lynch, Thompson, Barron, JJ.)

Co-Counsel for Intervenor-Defendants:

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Counsel for Plaintiffs:

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3. *Central Maine Power Co. v. Maine Comm'n on Govt'l Ethics & Election Practices*, U.S. Court of Appeals for the First Circuit, Case No. 24-1265; *Central Maine Power Co. v. Maine Comm'n on Govt'l Ethics & Election Practices*, 721 F. Supp. 3d 31 (D. Me. 2024).

I serve as lead counsel representing a Maine company as the plaintiff in a First Amendment challenge to a state law banning political expenditures and contributions relating to state candidate and referendum campaigns by any U.S. company with passive ownership interests of 5% or more by a foreign government or foreign government owned entity such as a sovereign wealth fund or public pension fund. Plaintiff

successfully sought a preliminary injunction precluding enforcement of the law. Argued appeal to First Circuit in October 2024, which is still pending a decision.

Date of representation: November 2023 – present

Court: U.S. District Court for the District of Maine (Torresen, J.); appeal to the U.S. Court of Appeals for the First Circuit (Montecalvo, Aframe, Howard, JJ.)

Co-Counsel for Plaintiff:

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4. *Government Oversight Committee v. Department of Health & Human Services*, 2024 ME 81, 327 A.3d 1115.

I served as lead counsel representing a standing committee of the Maine Legislature on appeal to the Maine Law Court. The suit sought to compel obedience to a legislative subpoena, issued in the exercise of the committee's supervisory responsibilities, seeking confidential child protective case files relating to four children who deceased under agency supervision. I argued the appeal to the Maine Law Court, which held that the Committee could not compel obedience to the legislative subpoena.

Date of representation: May 2023 – December 2024

Court: Maine Law Court (Stanfill, C.J., Mead, Horton, Lawrence, and Douglas, JJ.)

Counsel for Defendant:

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Ariel Piers-Gamble

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5. *NECEC Transmission LLC v. Bureau of Public Lands*, 2022 ME 48, 281 A.3d 618; *NECEC Transmission LLC v. Bureau of Public Lands*, 2023 WL 3439632 (Me. B.C.D. Apr. 20, 2023).

I served as co-counsel representing a utility seeking to construct the New England Clean Energy Connect project, a billion-dollar electrical transmission line. Plaintiff litigated a vested rights claim under the Maine Constitution's Due Process Clause successfully through an appeal of a preliminary injunction motion and a subsequent jury trial. Plaintiff ultimately obtained a unanimous jury verdict that applying a citizen-initiated referendum to retroactively bar completion of the partially constructed power line would violate the developer's due process rights under the Maine Constitution.

Date of representation: September 2020 – April 2023

Court: Maine Law Court (Stanfill, C.J., Jabar, Horton, JJ., and Clifford, Humphrey, A.R.J.); Maine Business Court (Duddy, J.)

Co-Counsel for Plaintiff:

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6. *Penobscot Nation v. Frey*, 3 F.4th 484 (1st Cir. 2021).

I served as lead appellate counsel representing a coalition of municipalities and river users (Town of Howland; Duvaltex US, Inc.; Guilford-Sangerville Sanitary District; Town of Millinocket; Kruger Energy (USA) Inc.; Veazie Sewer District; Town of Mattawamkeag; Lincoln Sanitary District; Town of East Millinocket; Town of Lincoln) as intervenors in an *en banc* proceeding before the First Circuit. The issue related to the location of the Penobscot Nation reservation boundary, and, specifically, whether the Penobscot River was included within the reservation. I argued on behalf of the coalition and secured an affirmance of the initial panel's decision, concluding that the Penobscot Nation's boundaries did not encompass the Penobscot River but rather only the uplands of the islands within the river.

Date of representation: April 2020 – April 2022

Court: U.S. Court of Appeals for the First Circuit (Howard, Selya, Lynch, Thompson, Barron, JJ.)

Co-Counsel for Intervenor Defendants:

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7. *Payne v. Secretary of State*, 2020 ME 110, 237 A.3d 870.

I served as lead counsel for the initiator of a people's veto petition as intervenor. The action, brought by opponents of the petition, sought a declaration that an application for a people's veto petition filed by the intervenor—which sought to reverse a law adopted by the legislature—was untimely under the Maine Constitution and Maine statute given the timing of the Governor's "pocket signature" of the subject law. The primary issue was whether the relevant deadline should be measured from the date the Governor allowed the bill to become law or the date the Legislature approved the bill. I argued the appeal to the Maine Law Court, successfully obtaining a determination that the people's veto petition was timely filed.

Date of representation: April 2020 – August 2020

Court: Maine Law Court (Mead, Gorman, Jabar, Humphrey, and Horton, JJ.)

Co-Counsel for Intervenor-Defendant:

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Counsel for Plaintiffs:

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8. *Twin Rivers Paper Company LLC v. Town of Madawaska*, CARSC-CV-2019-127 (Me. Sup. Ct. Jan. 13, 2020).

I served as co-counsel representing a paper mill challenging a revised property tax assessment that would have increased the mill's tax burden by approximately \$1.7 million. I was the lead litigation attorney representing the client in an arbitration proceeding, through motions practice and an evidentiary hearing before the arbitrator, that resulted in a substantial downward revision of the mill's property tax assessment. The arbitrator's decisions were subsequently affirmed by the Maine Superior Court.

Date of representation: February 2019 – January 2020
Court: Maine Superior Court

Co-Counsel for Plaintiff:

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Counsel for Defendant:

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9. *In re TD Bank, N.A. Debit Card Overdraft Fee Litig.*, 325 F.R.D. 136 (D.S.C. 2018); *In re TD Bank, N.A. Debit Card Overdraft Fee Litig.*, 2018 WL 1101360 (D.S.C. Feb. 28, 2018); *In re TD Bank, N.A. Debit Card Overdraft Fee Litig.*, 2016 WL 7320864 (D.S.C. July 18, 2016); *In re TD Bank, N.A.*, 150 F. Supp.3d 593 (D.S.C. 2015).

I served as co-counsel defending a national bank in multidistrict litigation involving eleven putative class actions filed in multiple states that were consolidated in the District of South Carolina. The lawsuit related to the lawfulness of the bank's overdraft practices. Successfully obtained dismissal of some claims brought by the plaintiffs, as well as denial of a motion for class certification for additional claims. Following class certification of the remaining claims, the parties reached a mediated settlement.

Date of representation: 2013 – 2020
Court: U.S. District Court for the District of South Carolina (Hendricks, J.)

Co-Counsel for Defendant:

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10. *Opinion of the Justices*, 2017 ME 100, 162 A.3d 188.

I served as lead counsel for the Maine House Republican Caucus and a nonprofit organization in a request for an advisory opinion from the Maine Supreme Judicial Court sought by the Maine Senate. The questions presented related to the constitutionality of ranked choice voting in elections for Maine Governor, Maine Senate, and Maine House of Representatives. In that capacity, I successfully argued that the initiative was unconstitutional as applied to these state elections, resulting in ranked choice voting not being applied to these state elections.

Date of representation: February 2017 – September 2017
Court: Maine Supreme Judicial Court (Saufley, C.J., and Alexander, Mead, Gorman, Jabar, Hjelm, Humphrey, JJ.)

Co-Counsel:

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Chenette, Rebecca Millett, David Miramant, Eloise Vitelli:

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Counsel for Dmitry Bam:

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Associate Professor of Law, University of Maine School of Law
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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.)

My practice has principally focused on state and federal litigation of the type described above. As part of my practice, I also advised clients about potential litigation and litigation strategy, along with other general legal advice. To the best of my recollection, that advice usually involved issues such as the interpretation of state and federal constitutional, statutory, and regulatory provisions and the application of those provisions to the client's activities; I also provided advice to clients regarding the potential appellate options available to the client in the event of an adverse outcome in a trial court or agency. Given my appellate practice, I have been named to the Advisory Committee on the Maine Rules of Appellate Procedure by the Maine Supreme Judicial Court. I have served on that committee for five years, and as chair for two.

I have not 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.

I have not taught any courses.

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.

Upon dissociation from Pierce Atwood LLP, I would be entitled to be paid back certain capital contribution notes and a pro rata draw for the year of withdrawal as set forth in the partnership agreement and/or any withdrawal agreement. These anticipated payments are reflected in my Net Worth Statement and Financial Disclosure Report.

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 do not have any plans, commitments, or agreements to pursue outside employment during my service with the court.

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 Financial Disclosure Report.

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

See 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 from any cases where I have ever played a role. I would also expect to recuse myself from matters in which a lawyer associated with Pierce Atwood LLP appears, for a yet to be determined period of time (at least until after receipt of any payments to me from the firm upon dissociation). To determine whether I would need to recuse for any matter, I would consult 28 U.S.C. § 455(a) & (b)(2), Canon 3C of the Code of Conduct for United States Judges, and all other applicable rules or canons. I would also consult any judicial decisions or Judicial Conference Opinions addressing similar factual circumstances as those raised in the particular case. I will evaluate any other real or potential conflict, or a relationship that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, 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 of interest by reference to 28 U.S.C. § 455, all applicable canons of the Code of Conduct for United States Judges, and any and all other laws, rules, practices, and procedures governing circumstances relating to real or potential conflicts of interest.

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.

As part of my practice, I have undertaken pro bono work. Exemplar pro bono representations include the following:

Courthouse News Service v. Quinlan, No. 21-1624 (1st Cir.). I served as lead appellate counsel representing the Conference of Chief Justices as an amicus in an appeal to the First Circuit. Presented the perspective of the CCJ regarding the lawsuit challenging the electronic filing system adopted by the Maine state judiciary. The amicus brief focused on principles of federalism that protect state judicial independence and promote comity between state and federal courts. Approximately 27 hours of pro bono time were invested between 2021 and 2022 in this matter.

ITNAmerica v. Nutmeg Senior Rides, Inc., No. 15-cv-00096 (D. Me.). I served as co-counsel representing an organization dedicated to improving the quality of life for people 50 and older and adults with visual impairments by providing members affordable, door-through-door, personal transportation. In that capacity, I defended the organization in litigation concerning separation of the nonprofit organization from a related service provider, resulting in settlement that allowed continued operation of the nonprofit. Approximately 151 pro bono hours were invested in this matter between 2015 and 2017.

State of Maine v. Sudsbury, No. CR-2014-13 (Me.). I served as lead counsel representing the American Civil Liberties Union of Maine Foundation as an amicus in an appeal to the Maine Supreme Judicial Court. Presented the perspective of the ACLU of Maine regarding the constitutionality of warrantless electronic surveillance by an informant within a person's home. The amicus brief specifically addressed whether the Maine Constitution provided greater protection than afforded under the United States Constitution. Approximately 54 pro bono hours were invested in this matter in 2015.

In addition to these pro bono matters, I represented the Government Oversight Committee of the Maine Legislature on a reduced fee basis in *Government Oversight Committee v. Dep't of Health & Human Svcs.*, 2024 ME 81, which is described above, as a public service. Approximately 129 hours were invested in this matter between 2023 and 2025.

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.

On or about February 26, 2025, Senator Collins announced the formation of a Federal Appointments Advisory Committee comprised of eight members and solicited applications for appointment to vacant federal positions, including U.S. Circuit Judge for the First Circuit. I submitted an application to the Committee on February 28, 2025. I subsequently interviewed with the Committee on April 4, 2025. I understand that the Committee recommended my nomination to Senator Collins. I then interviewed with Senator Collins on April 10, 2025. I understand that Senator Collins recommended my nomination to the White House Counsel's Office. On April 25, 2025, I interviewed with attorneys from the White House and Department of Justice in Washington, District of Columbia. On June 18, 2025, the White House Counsel's Office contacted me to let me know that I was under consideration for the nomination. On July 2, 2025, I met with President Donald Trump concerning my possible nomination. Since I was contacted by the White House Counsel's Office on June 18, 2025, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination.

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

6/26/25
(DATE)

J. Dunlap
(NAME)

Heather Jayne Stevens
(NOTARY)

HEATHER JAYNE STEVENS
NOTARY PUBLIC - State of Maine
My Commission Expires
October 25, 2030

