

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Leonard Steven Grasz (Steve Grasz)

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

United States Circuit Judge for the Eighth 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:           Husch Blackwell LLP  
                    13330 California, Suite 200  
                    Omaha, Nebraska 68154

Residence:     Elkhorn, Nebraska

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

1961; Chappell, Nebraska

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

University of Nebraska College of Law; August 1985 to May 1989 (leave of absence from January 1986 to May 1986); Juris Doctorate (*Order of the Coif*), May 1989

University of Nebraska-Lincoln; August 1980 to May 1984; Bachelor of Science Degree (*cum laude*), May 1984

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.

Affiliations (Compensated):

May 2002 to Present

Husch Blackwell LLP (including predecessor firms)

13330 California, Suite 200

Omaha, Nebraska 68154

Positions: Senior Counsel (2013 to Present)

Partner (2005 – 2012)

Of Counsel (2002 – 2004)

January 1991 to May 2002

Nebraska Department of Justice, Office of the Attorney General

2115 State Capitol

Lincoln, Nebraska 68509

Position: Chief Deputy Attorney General

September 1989 to January 1991

Kutak Rock LLP (formerly Kutak Rock and Campbell)

1650 Farnam Street

Omaha, Nebraska 68102

Position: Associate

May 1988 to August 1988

Knudsen Law Firm (formerly Knudsen, Berkheimer, Richardson and Endacott)

3800 VerMaas Place, Suite 200

Lincoln, Nebraska 68502

Position: Summer Associate

May 1987 to August 1987

Cline, Williams, Wright, Johnson and Oldfather

233 South 13th Street

Lincoln, Nebraska 68508

Position: Summer Law Clerk

May 1986 to August 1986

University of Nebraska College of Agriculture

103 Agriculture Hall

Lincoln, Nebraska 68583

Position: Research Technologist for Dr. Roy Frederick

January 1986 to May 1986

Don Stenberg for Attorney General

6107 South 25th Street

Lincoln, Nebraska 68512

Position: State Campaign Coordinator

May 1984 to August 1985  
Hon. Virginia Smith  
United States House of Representatives  
2202 Rayburn House Office Building  
Washington, D.C. 20515  
Position: Legislative Assistant

Other Affiliations (Uncompensated):

August 2015 to Present  
Nebraska Family Alliance  
1106 E Street  
Lincoln, Nebraska 68508  
Position: Board Member

June 2015 to March 2017  
Nebraskans for the Death Penalty, Inc.  
804 Central Avenue, Suite B  
Nebraska City, Nebraska 68410  
Position: Assistant Secretary

June 2015 to March 2017  
Nebraskans for Capital Punishment, Inc.  
804 Central Avenue, Suite B  
Nebraska City, Nebraska 68410  
Position: Assistant Secretary

February 2014 to Present  
Concordia Lutheran Schools of Omaha  
15656 Fort Street  
Omaha, Nebraska 68116  
Position: Board Member

September 2013 to Present  
Pete Ricketts for Governor, Inc.  
1610 N Street  
Lincoln, Nebraska 68508  
Positions: Director (March 2017 to Present)  
Treasurer (September 2013 to Present)  
Secretary (September 2013 – April 2017)

March 2013 to June 2013  
Citizens for a Better Omaha  
134 South 13th Street, Suite 1200  
Lincoln, Nebraska 68508  
Position: Treasurer

June 2008 to May 2011  
K-Life Omaha  
Position: Board Member  
*K-Life Omaha had no physical address.*

October 2007 to August 2013  
Nebraska Republican Party  
1610 N Street  
Lincoln, Nebraska 68508  
Position: General Counsel

October 2005  
Nebraskans for Justice Miers  
Position: Chairperson  
*Nebraskans for Justice Miers had no physical address.*

February 2005 to October 2005  
Nebraskans for Judge Roberts  
Position: Chairperson  
*Nebraskans for Judge Roberts had no physical address.*

August 2004 to March 2007  
Community Health Charities of Nebraska  
212 South 74th Street, Suite 205  
Omaha, Nebraska 68114  
Position: Board Member

January 2003 to September 2009  
Grace University Foundation  
1311 South 9th Street  
Omaha, Nebraska 68108  
Position: Board Member

1998 to 2000  
Family First  
645 M Street, Suite 21  
Lincoln Nebraska 68508  
Position: Board Member

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.

**Scholarships:**

Arthur E. Perry Scholar, Nebraska College of Law, 1988 – 1989  
McGrale Memorial Scholarship, Nebraska College of Law, 1988 – 1989  
Henry J. Amen Scholarship, Nebraska College of Law, 1987 – 1988

Additionally, I obtained 15 academic scholarships while an undergraduate at the University of Nebraska-Lincoln, including the UNL Regents Scholarship

**Fellowships:**

Nebraska State Bar Foundation Fellow, 2003 to Present

**Academic Honors:**

Graduated Order of the Coif from the Nebraska College of Law, 1989  
Executive Editor, *Nebraska Law Review*, 1989  
Nebraska College of Law Moot Court Competition:  
    Champion Team, 1988 and 1989  
    Roscoe Pound Award for Oral Advocacy, 1989  
    Best Brief, 1987 and 1988 (with Andrew K. Carothers)  
    Top Oral Advocate, 1988  
University of Nebraska-Lincoln, English Honors Program  
University of Nebraska-Lincoln, Agriculture Honors Program

**Professional Honors:**

The Best Lawyers in America, Appellate Practice, 2012 – 2018  
Rated AV Preeminent by Martindale-Hubbell, 2004 to Present  
Manager of the Year, National Management Association – Nebraska State Government Chapter, 2001

**Honorary Society Memberships:**

University of Nebraska-Lincoln Innocents Society, 1983  
Pi Sigma Alpha, 1982  
Alpha Zeta, 1982  
Gamma Sigma Delta, 1982  
Alpha Lambda Delta, 1981  
Phi Eta Sigma, 1981

**Special Recognitions:**

FarmHouse Fraternity, Doane Award, 1984  
Blackwell Sanders Top Flight Award, 2005 and 2007

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.

Nebraska State Bar Association, 1989 to Present

Appellate Practice Section, Executive Committee, 2015 to Present

Government Practice Section, Executive Board, 1997 – 2001

The Association of the Bar of the U.S. Court of Appeals for the Eighth Circuit, 2003 (approximate) to Present

Omaha Bar Association, 2002 to Present

Robert Spire Inns of Court, 2008 – 2015

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.

Nebraska, 1989

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, 1994

United States Court of Appeals for the D.C. Circuit, 1992

United States Court of Appeals for the Eighth Circuit, 1991

United States District Court for the District of Nebraska, 1989

United States Court of Federal Claims, 2004

Nebraska Supreme Court, 1989

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.

Citizens for a Better Omaha, 2013  
Treasurer

City of Omaha Charter Review Convention, 2013  
Mayoral Delegate

Community Health Charities of Nebraska, 2004 – 2007  
Board Member

Concordia Lutheran Schools of Omaha, 2014 to Present  
Board Member

Family First, 1998 – 2000  
Board Member

FarmHouse Fraternity  
Nebraska Chapter Advisor, 1992 – 1995  
Parents Auxiliary, 2015 to Present

Federalist Society, Nebraska Lawyers Chapter Steering Committee, 2017

Gambling with the Good Life, 2006 to Present  
Advisory Board Member

Grace Central Church, 1990 to Present

Grace University Foundation, 2003 – 2009  
Board Member

Jean Stothert for Mayor Committee, 2013 and 2017  
Legal Counsel

K-Life Omaha, 2008 – 2011

Leadership Omaha, Class 33, 2010 – 2011

National Association of Chief Deputy Attorneys General, 1991 – 2002

Nebraska Family Alliance, 2015 to Present  
Board Member

Nebraska Republican Party, 2007 – 2013  
General Counsel

Nebraska State Bar Foundation, 2003 to Present  
Fellow

Nebraskans for Judge Roberts, 2005  
Chairperson

Nebraskans for Justice Miers, October 2005  
Chairperson

Pete Ricketts for Governor Committee, September 2013 to Present  
Legal Counsel and Treasurer (September 2013 to Present)  
Secretary (September 2013 – April 2017)

Skyline Ranches Property Owners Association, 1996 to 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.

“Rose-Ivey Offers a Lesson in Civics.” *Omaha World Herald*, September 29, 2016. Copy supplied.

“Roberts Jeopardized Legitimacy of High Court.” *Lincoln Journal Star*, July 10, 2012. Copy supplied.

“Reform Needed on Selection of Judges.” *Lincoln Journal Star*, May 16, 2012. Copy supplied.

“Busting Four Myths of the Food vs. Fuel Debate.” *The Gusher*, July 2008. Copy supplied.



"Food vs. Fuel: A False and Dangerous Premise." *Lincoln Journal Star*, May 15, 2008. Copy supplied (reprinted in other publications).

"A Legendary Woman." *Omaha World Herald*, January 26, 2006. Copy supplied.

"Roberts Confirmation Served as Good Model." *Omaha World Herald*, October 1, 2005. Copy supplied.

"Judges Must Follow Law." *Omaha World Herald*, February 23, 2004. Copy supplied.

"Time Out." *Governing Magazine*, December 2001. Copy supplied.

"Gross Error." *Daily Nebraskan*, November 29, 2001. Copy supplied.

"Court Kept Status Quo." *Lincoln Journal Star*, June 22, 2001. Copy supplied.

"Tobacco Litigation and Legislation." *Head & Neck*, October 2000 (co-authored with Daniel Lydiatt, M.D., William Lydiatt, M.D. and F. William Karrer, M.D.). Copy supplied.

"If Standing Bear Could Talk ... Why There Is No Constitutional Right to Kill a Partially Born Human Being." *Creighton Law Review*, December 1999. Copy supplied.

"A Cheap Shot." *Lincoln Journal Star*, July 23, 1999. Copy supplied.

"Ridiculous EPA Rules." *Omaha World Herald*, July 14, 1999. Copy supplied.

"Child Pornography and Child Nudity: Why and How States May Constitutionally Regulate the Production, Possession and Distribution of Nude Visual Depictions of Children." *Temple Law Review*, Fall 1998 (co-authored with Patrick J. Pfaltzgraff). Copy supplied.

"Protecting Freedom of Speech." *Lincoln Journal Star*, October 1, 1998. Copy supplied.

"Critical Facts and Free Speech: The Eighth Circuit Clarifies Its Appellate Standard of Review for First Amendment Free Speech Cases." *Creighton Law Review*, February 1998. Copy supplied.

"Suicides a State Affair." *Omaha World Herald*, October 25, 1997 (co-authored with Nebraska Attorney General Don Stenberg). Copy supplied.

"NU Menu: Gator, Shark." *Omaha World Herald*, March 28, 1996. Copy supplied.

"GOP Delegates Not Zealots," *Omaha World Herald*, August 4, 1990. Copy supplied.

"The Conservation Reserve Program: 1990 and Beyond. Legislative and Administrative Proposals to Enhance Long-Term Environmental and Economic Benefits from the Conservation Reserve Program." *Nebraska Law Review*, 1990. Copy supplied.

"Post-Employment Covenants Not to Compete: Reasonableness, Restrictions, and Reformation in Nebraska." Unpublished (on file in Nebraska Law Library), 1988. Copy supplied.

"Farm Policy." *Lincoln Journal Star*, October 1986. 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.

National Delegate Allocation Committee Report, Nebraska Republican Party, 2015. Copy supplied.

Proposed Amendments to the City of Omaha Home Rule Charter, 2013 Charter Convention, July 14, 2013. Copy supplied.

"Judicial Selection in Nebraska," The Federalist Society, April 2012. Copy supplied.

Rules Committee Report, Nebraska Republican Party, 2008. 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.

To the best of my recollection, and through searches of my files and the Nebraska Legislature's database, I have located the following testimony and communications relating to matters of public policy or legal interpretation:

March 3, 2017: Letter regarding the budget for the Nebraska Supreme Court to the Appropriations Committee of the Nebraska Legislature, Lincoln, Nebraska. Copy supplied.

February 13, 2017: Letter regarding LB 653 to the Executive Board of the Legislative Council of the Nebraska Legislature, Lincoln, Nebraska. Copy supplied.

January 30, 2017: Testimony regarding LB 216 to the Executive Board of the Legislative Council of the Nebraska Legislature, Lincoln, Nebraska. Prepared remarks supplied.

March 6, 2015: Written testimony regarding LB 211 to Nebraska Legislature Health and Human Services Committee, Lincoln, Nebraska. Copy supplied.

March 2, 2015: Testimony regarding LB 124 to Nebraska Legislature Banking, Commerce and Insurance Committee, Lincoln, Nebraska. Transcript supplied.

December 3, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

December 3, 2013: Proposed amendments to Omaha Home Rule Charter, Omaha, Nebraska. Copy supplied.

November 25, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

November 18, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

November 12, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

November 4, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

October 28, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

October 21, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

October 17, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

October 15, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

October 9, 2013: Letter regarding use of mandatory bar dues for political activity to Nebraska Supreme Court, Lincoln, Nebraska. Copy supplied.

October 7, 2013: City of Omaha Charter Review Convention. Minutes of Convention proceedings supplied.

October 2013: Proposed amendments to Omaha Home Rule Charter, Omaha, Nebraska. Copy supplied.

August 22, 2013: Testimony regarding proposed amendments to Nebraska Department of Revenue Sales and Use Tax Regulations, Nebraska Department of Revenue, Lincoln, Nebraska. Prepared remarks supplied.

March 7, 2013: Testimony regarding LB 601 to Nebraska Legislature Natural Resources Committee, Lincoln, Nebraska. Transcript supplied.

March 5, 2013: Testimony regarding LB 523 to Nebraska Legislature Banking, Commerce and Insurance Committee, Lincoln, Nebraska. Transcript supplied.

February 14, 2013: Testimony regarding LB 325 to the Nebraska Legislature Natural Resources Committee, Lincoln, Nebraska. Transcript supplied.

January 25, 2013: Testimony regarding LB 132 to Nebraska Legislature Health and Human Services Committee, Lincoln, Nebraska. Transcript supplied.

October 23, 2012: Testimony regarding recycling ordinance amendment to the Omaha City Council, Omaha, Nebraska. Copy supplied.

February 15, 2012: Testimony regarding LB 1134 to Nebraska Legislature Judiciary Committee, Lincoln, Nebraska. Copy supplied.

February 8, 2012: Testimony regarding LB 732 to Nebraska Legislature Natural Resources Committee, Lincoln, Nebraska. Transcript supplied.

February 1, 2012: Testimony regarding LB 749 to Nebraska Legislature Revenue Committee, Lincoln, Nebraska. Transcript supplied.

January 19, 2012: Testimony regarding LB 834 to Nebraska Legislature Health and Human Services Committee, Lincoln, Nebraska. Transcript supplied.

September 16, 2011: Testimony regarding proposed amendments to Nebraska Administrative Code, Department of Health and Human Services, Lincoln, Nebraska. Prepared remarks supplied.

February 11, 2010: Testimony regarding LB 1010 to the Nebraska Legislature Natural Resources Committee, Lincoln, Nebraska. Transcript supplied.

January 21, 2010: Testimony regarding LB 803 and LB 710 to the Nebraska

Legislature Health and Human Services Committee, Lincoln, Nebraska.  
Transcripts supplied.

December 15, 2009: Testimony regarding city towing contract award to the Omaha City Council, Omaha, Nebraska. Copy supplied.

February 12, 2008: Testimony regarding LB 1174 to the Nebraska Legislature Agriculture Committee, Lincoln, Nebraska. Transcript supplied.

February 19, 2002: Testimony regarding LB 1011 to the Nebraska Legislature Executive Board of the Legislative Council, Lincoln, Nebraska. Transcript supplied.

February 11, 2001, Letter and testimony regarding school access by adult mentors to Elkhorn School Board, Omaha, Nebraska. Copy supplied.

February 19, 1999: Testimony regarding LB 29 to the Nebraska Legislature Health and Human Services Committee, Lincoln, Nebraska. Transcript supplied.

February 17, 1999: Testimony regarding LB 574 to the Nebraska Legislature Health and Human Services Committee, Lincoln, Nebraska. Transcript supplied.

January 15, 1998: Testimony regarding LB 921 to the Nebraska Legislature Natural Resources Committee, Lincoln Nebraska. Transcript supplied.

February 28, 1997: Testimony regarding LB 588 to the Nebraska Legislature Judiciary Committee, Lincoln, Nebraska. Transcript supplied.

In addition I authored the following legal opinions in my capacity as Chief Deputy Attorney General for the State of Nebraska:

The Constitutionality of LB 1011: A Bill to Authorize Creation of the Position of Counsel to the Legislature, Neb. Op. Att'y Gen. No. 02012 (April 5, 2002); 2002 WL 548767. Copy supplied.

Student Fees and the Right to Free Instruction in the Public Schools, Neb. Op. Att'y Gen. No. 02004 (January 31, 2002); 2002 WL 226320. Copy supplied.

Whether Legislative Redistricting May Be Done More Often Than Once After Each Decennial Census, Neb. Op. Att'y Gen. No. 02003 (January 28, 2002); 2002 WL 171234. Copy supplied.

Scope of Governor's Special Session Call, Neb. Op. Att'y Gen. No. 01034 (October 31, 2001); 2001 WL 1355188. Copy supplied.

Operative Date of LB 536 – Amendments to the Ethanol Development Act, Neb. Op. Att'y Gen. No. 01027 (July 25, 2001); 2001 WL 862605. Copy Supplied.

Ethanol Production Credits – Expansion Gallons, Neb. Op. Att’y Gen. No. 00033 (August 7, 2000); 2000 WL 1113393. Copy supplied.)

Legality of a Statutory Ban on the Use of Tissue and Organs from Aborted Human Infants for Research and Experimentation, Neb. Op. Att’y Gen. No. 00006 (February 2, 2000); 2000 WL 150959. Copy supplied.

Calculation of Ethanol Production Credits (Neb. Rev. Stat. § 66-1344(4)), Neb. Op. Att’y Gen. No. 99021 (May 5, 1999); 1999 WL 285618. Copy supplied.

Amendment to LB 605 to Provide for Use of Ethanol Production Incentive Cash Fund for Ethanol Promotion and Travel by the Governor to Promote Use of Ethanol), Neb. Op. Att’y Gen. No. 99018 (April 26, 1999); 1999 WL 242489. Copy supplied.

LB 574 – Application to Roll-Your-Own Tobacco, Neb. Op. Att’y Gen. No. 99015 (April 16, 1999); 1999 WL 238927. Copy supplied.

Selective Reduction Abortion – Insurance Coverage, Neb. Op. Att’y Gen. No. 99005 (February 18, 1999); 1999 WL 91937. Copy supplied.

Nebraska Dairy Industry Development Act, Neb. Op. Att’y Gen. No. 98033 (August 13, 1998); 1998 WL 514371. Copy supplied.

Constitutionality of Amendment Prohibiting Use of Public Trust Funds to Award Grants to Entities Providing Abortion-Related Services, Neb. Op. Att’y Gen. No. 98021 (March 30, 1998); 1998 WL 141399. Copy supplied.

Authority of the Nebraska Corn Board to Grant Refunds of Corn Checkoff Fees, Neb. Op. Att’y Gen. No. 98017 (March 4, 1998); 1998 WL 94913. Copy supplied.

Constitutionality of Neb. Rev. Stat. § 32-1303(2), Requiring Recall Petition Circulators to be Registered Voters, Neb. Op. Att’y Gen. No. 97058 (November 5, 1997); 1997 WL 710171. Copy supplied.

Legality of Leasing State Right of Way Space Above Interstate 80 for Development of an Archway, Neb. Op. Att’y Gen. No. 97048 (September 16, 1997); 1997 WL 575791. Copy supplied.

Imposition of Sanctions Against Employers Who Hire Illegal Aliens, Neb. Op. Att’y Gen. No. 97046 (September 11, 1997); 1997 WL 566200. Copy supplied.

Dry Bean Resources Act – First Purchasers, Neb. Op. Att’y Gen. No. 97028 (May 13, 1997); 1997 WL 264798. Copy supplied.

Corn Board Membership Requirements, Neb. Op. Att’y Gen. No. 97023 (March 31, 1997); 1997 WL 149251. Copy supplied.

Same-Sex Marriage – Impact of *Baehr v. Lewin* and the Defense of Marriage Act on Nebraska Law, Neb. Op. Att’y Gen. No. 96090 (December 30, 1996); 1996 WL 739040. Copy supplied.

Authority of the State Treasurer to Withhold his Signature from a State Warrant, Neb. Op. Att’y Gen. No. 96079 (December 4, 1996); 1996 WL 706326. Copy supplied.

Enforceability of Neb. Rev. Stat. § 32-1404 as to Cross-County Circulator Registration, Neb. Op. Att’y Gen. No. 96060 (August 19, 1996); 1996 WL 469590. Copy supplied.

Constitutionality of Placing Descriptive Language on Ballots Regarding Candidates’ Positions on Term Limits, Neb. Op. Att’y Gen. No. 96053 (July 22, 1996); 1996 WL 405986. Copy supplied.

Constitutionality of Neb. Rev. Stat. §§ 32-612(3), (4) (Anti-Fusion Provisions), Neb. Op. Att’y Gen. No. 96050 (June 21, 1996); 1996 WL 341733. Copy supplied.

Constitutionality of a Statutory Ban on “Partial-Birth” Abortions in Nebraska, Neb. Op. Att’y Gen. No. 96043 (May 29, 1996); 1996 WL 281882. Copy supplied.

Application of Statutory Amendment to Existing Ethanol Production Credit Agreements, Neb. Op. Att’y Gen. No. 96031 (April 12, 1996); 1996 WL 179338. Copy supplied.

Access to Records of Travel and Per Diem Reimbursement Expenses of State Senators, Neb. Op. Att’y Gen. No. 96034 (April 11, 1996); 1996 WL 180649. Copy supplied.

Constitutionality of a Proposed Procedure Whereby the Executive Board of the Legislative Council Would Approve Certain Contracts of State Agencies Which Relate to the Sale of Public Record for a Fee, Neb. Op. Att’y Gen. No. 96027 (April 1, 1996); 1996 WL 153938. Copy supplied.

Validity in Nebraska of Same-Sex Marriages Contracted in Another State, Neb. Op. Att’y Gen. No. 96025 (March 25, 1996); 1996 WL 132907. Copy supplied.

Legal Implications of Making a “Quality Education,” a “Fundamental Right” and Making a “Thorough and Efficient” Education the “Paramount Duty” of the State,

Neb. Op. Att'y Gen. No. 95095 (December 12, 1995); 1995 WL 739628. Copy supplied.

Processing of Payment Requests Submitted by the NEOC, Neb. Op. Att'y Gen. No. 95071 (September 13, 1995); 1995 WL 547675. Copy supplied.

Neb. Const. art. III, § 10 – Duration of a “Legislative Day,” Neb. Op. Att'y Gen. No. 95048 (June 7, 1995); 1995 WL 341036. Copy supplied.

Application of LB 377 to Existing Ethanol Production Credit Agreements, Neb. Op. Att'y Gen. No. 95043 (May 25, 1995); 1995 WL 323938. Copy supplied.

Amendments to Correct Constitutional Defects in Neb. Rev. Stat. § 49-1474.01 – Nebraska's Prohibition on Anonymous Campaign Literature, Neb. Op. Att'y Gen. No. 95040 (May 16, 1995); 1995 WL 297246. Copy supplied.

Constitutionality of Neb. Rev. Stat. § 49-1474.01 – Prohibition on Anonymous Campaign Literature, Neb. Op. Att'y Gen. No. 95039 (May 15, 1995); 1995 WL 297245. Copy supplied.

Use of Keno Lottery Proceeds to Provide Tax Relief as a Community Betterment Purpose Under Neb. Rev. Stat. § 9-604(1)(d), Neb. Op. Att'y Gen. No. 95037 (May 8, 1995); 1995 WL 275787. Copy supplied.

LB 337 - Constitutionality of Legislation Regulating the Initiative and Referendum Petition Process: Impact of LR6CA on LB 337, Neb. Op. Att'y Gen. No. 95031 (April 18, 1995); 1995 WL 230996. Copy supplied.

Constitutionality of a Two-Tiered Signature Requirement for Initiative and Referendum Petitions, Neb. Op. Att'y Gen. No. 95005 (January 26, 1995); 1995 WL 35771. Copy supplied.

Authorization of Settlement Payments, Neb. Op. Att'y Gen. No. 94101 (December 21, 1994); 1994 WL 712710. Copy supplied.

Copying of Public Records, Neb. Op. Att'y Gen. No. 94089 (November 18, 1994); 1994 WL 652707. Copy supplied.

Application of the Nebraska Corn Checkoff to Corn Grown in Nebraska But Sold to a First Purchaser Outside Nebraska, Neb. Op. Att'y Gen. No. 94090 (November 17, 1994); 1994 WL 652708. Copy supplied.

Electioneering; Voter Challenging, Neb. Op. Att'y Gen. No. 94084 (November 4, 1994); 1994 WL 605554. Copy supplied.



Whether Write-In Candidates for Governor Must Have a Lieutenant Governor Running Mate, Neb. Op. Att’y Gen. No. 94082 (October 19, 1994); 1994 WL 580010. Copy supplied.

Confidentiality of Senators’ Phone Records, Neb. Op. Att’y Gen. No. 94080 (October 14, 1994); 1994 WL 580009. Copy supplied.

Constitutionality of Open Burning Ban as Applied to Ceremonial Sweat Lodge Fires, Neb. Op. Att’y Gen. No. 94049 (June 24, 1994); 1994 WL 383205. Copy supplied.

Neb. Rev. Stat. §29-2290 – Definition of “Conviction,” Neb. Op. Att’y Gen. No. 94038 (May 19, 1994); 1994 WL 199643. Copy supplied.

Parochial School Access to Telecomputing Services Provided by Educational Service Units, Neb. Op. Att’y Gen. No. 94027 (April 12, 1994); 1994 WL 137868. Copy supplied.

Constitutionality of a Statutory Ban on Smoking in State Facilities, Neb. Op. Att’y Gen. No. 94014 (March 10, 1994); 1994 WL 76532. Copy supplied.

Constitutionality of Proposed Change to the Nebraska Waste Reduction and Recycling Act, Neb. Op. Att’y Gen. No. 94003 (January 10, 1994); 1994 WL 6793. Copy supplied.

Ability of the Nebraska School Accountability Commission to Consider Legislative Intent in Developing Curriculum Frameworks and Standards for Nebraska Public Schools, Neb. Op. Att’y Gen. No. 93079 (September 29, 1993); 1993 WL 403347. Copy supplied.

Necessity of Legislative Approval of Appointee to Office of Lieutenant Governor, Neb. Op. Att’y Gen. No. 93076 (September 24, 1993); 1993 WL 374192. Copy supplied.

Graduation Invocations and Benedictions at the Nebraska Law Enforcement Training Center, Neb. Op. Att’y Gen. No. 93056 (July 23, 1993); 1993 WL 292824. Copy supplied.

Expenditure of Economic Development Funds for Salaries, Neb. Op. Att’y Gen. No. 93048 (June 24, 1993); 1993 WL 224112. Copy supplied.

Distribution of In Lieu of the Tax Funds Pursuant to LB 348, Neb. Op. Att’y Gen. No. 93046 (June 10, 1993); 1993 WL 206519. Copy supplied.

LB 790 - A Proposal to Restrict Public Issue Picketing and Prohibit "Interference" with Medical Facilities, Personnel, and Patients," Neb. Op. Att'y Gen. No. 93015 (March 15, 1993: Neb. A.G.), 1993 WL 143406. Copy supplied.

Constitutionality of LB 579, a Proposal to Restrict the Authority of the Auditor of Public Accounts, Neb. Op. Att'y Gen. No. 93012 (March 4, 1993); 1993 WL 143412. Copy supplied.

Nebraska Corn Board Authority for Funding Research, Neb. Op. Att'y Gen. No. 93007 (February 9, 1993); 1993 WL 143403. Copy supplied.

Constitutionality of LB 601 – Restricting Former Senators from Lobbying Activity, Neb. Op. Att'y Gen. No. 93006 (February 8, 1993); 1993 WL 143394. Copy supplied.

Constitutionality of Proposed Change to Nebraska Waste Reduction and Recycling Act, Neb. Op. Att'y Gen. No. 93004 (February 2, 1993); 1993 WL 143392. Copy supplied.

Refund of Nebraska Checkoff Tax on Corn Subject to a Checkoff Tax in Another State, Neb. Op. Att'y Gen. No. 93003 (January 28, 1993); 1993 WL 143397. Copy supplied.

Constitutionality of LB 396, the "Hate Crimes Bill", Neb. Op. Att'y Gen. No. 92123 (December 7, 1992); 1992 WL 473501. Copy supplied.

Authority of the Attorney General to Discuss the State's Legal Business with Members of the Legislature and the News Media, Neb. Op. Att'y Gen. No. 92106 (August 26, 1992); 1992 WL 473487. Copy supplied.

Scope of Governor's Special Session Call, LB 15 – Redistricting, Neb. Op. Att'y Gen. No. 92100 (August 7, 1992); 1992 WL 473478. Copy supplied.

The Authority of Commodity Boards to Expend Funds for the Construction of a Research Center, Neb. Op. Att'y Gen. No. 92095 (July 27, 1992); 1992 WL 473473. Copy supplied.

Compensation for Public Power District Board Members, Neb. Op. Att'y Gen. No. 92084 (June 23, 1992); 1992 WL 473463. Copy supplied.

Constitutionality of LB 396, the "Hate Crimes Bill," Neb. Op. Att'y Gen. No. 92078 (June 3, 1992); 1992 WL 473456. Copy supplied.

Eligibility of Retired Grain Sorghum Grower for Position on Sorghum Board, Neb. Op. Att'y Gen. No. 92065 (April 29, 1992); 1992 WL 473443. Copy supplied.

Constitutionality of LB 1240 – Enterprise Zones, Neb. Op. Att’y Gen. No. 92061 (April 16, 1992); 1992 WL 473442. Copy supplied.

Constitutionality of LB 424, an Act Changing the Requirement for Certain Petitions and Petition Circulators, Neb. Op. Att’y Gen. No. 92050 (March 24, 1992); 1992 WL 473428. Copy supplied.

Formula for Determining Payments by Racetracks to the Track Distribution Fund, Neb. Op. Att’y Gen. No. 92028 (February 21, 1992); 1992 WL 473404. Copy supplied.

Constitutionality of Leasing Classrooms in Nonpublic School Buildings, Neb. Op. Att’y Gen. No. 92021 (February 10, 1992); 1992 WL 473400. Copy supplied.

Separation of Powers Between the Executive and Legislative Branches of Government in Relation to LB 228 – Position of Counsel to the Legislature, Neb. Op. Att’y Gen. No. 92004 (January 9, 1992); 1992 WL 473385. Copy supplied.

Application of Surcharge Imposed Under LB 829, § 20(2), to Depreciation Taken on Semi-Trailers and Trailers, Neb. Op. Att’y Gen. No. 91078 (November 4, 1991); 1991 WL 496759. Copy supplied.

Nebraska Nutrients Project – Encumbrance of Funds, Neb. Op. Att’y Gen. No. 91077 (October 29, 1991); 1991 WL 496758. Copy supplied.

Validity of Neb. Rev. Stat. § 85-994(6) and Neb. Rev. Stat. § 85-9,152(6) - State Scholarship Award Program, Neb. Op. Att’y Gen. No. 91066 (September 5, 1991); 1991 WL 496747. Copy supplied.

Nebraska Wheat Board – Scope of Authority, Neb. Op. Att’y Gen. No. 91060 (July 10, 1991); 1991 WL 496741. Copy supplied.

Motor Vehicle Window Tinting, Neb. Rev. Stat. §§ 39-6,136.01 to 39-6,136.05, Neb. Op. Att’y Gen. No. 91058 (July 1, 1991); 1991 WL 496739. Copy supplied.

Scope of Practice of Chiropractors, Neb. Op. Att’y Gen. No. 91055 (June 17, 1991); 1991 WL 569490. Copy supplied.

Constitutionality of Legislative Act Providing Tax Credits to Producers of Certain Ethanol and Ethanol Coproduct Fuels (LB 754), Neb. Op. Att’y Gen. No. 91047 (May 24, 1991); 1991 WL 496725. Copy supplied.

Constitutionality of Postsecondary Education Award Program Act, Neb. Op. Att’y Gen. No. 91037 (May 8, 1991); 1991 WL 496732. Copy supplied.

LB 818 – Amendments to Neb. Rev. Stat. §§ 28-1317 and § 1318 Relating to Offenses of Unlawful and Mass Picketing, Neb. Op. Att’y Gen. No. 91035 (May 2, 1991); 1991 WL 496724. Copy supplied.

Constitutionality of Legislative Act Providing State Income Tax Deductions for Certain Educational Expenses Incurred by Individuals Whose Dependent(s) Attend Nonprofit Public or Private Elementary or Secondary Schools in Nebraska, Neb. Op. Att’y Gen. No. 91018 (March 20, 1991); 1991 WL 496800. Copy supplied.

Interpretation of Neb. Rev. Stat. § 2-3612 as it Relates to the Filling of a Vacated Member-at-large Position on the Nebraska Corn Development, Utilization and Marketing Board, Neb. Op. Att’y Gen. No. 91012 (February 12, 1991);, 1991 WL 496797. Copy supplied.

Confidentiality of Birth and Death Records, Neb. Op. Att’y Gen. No. 91004 (January 25, 1991); 1991 WL 496795. Copy supplied.

- 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.

June 26, 2017: Moderator, “Levee and Flood Protection Forum: Navigating the Change,” Husch Blackwell LLP, Lincoln, Nebraska. I moderated a forum regarding the evolving federal regulatory framework for flood control. I have no notes, transcript or recording. The address for Husch Blackwell LLP is 13330 California Street, Suite 200, Omaha, Nebraska 68154.

November 12, 2009: Speaker, “A Stimulating Review of the Recovery Act,” Husch Blackwell LLP, Omaha, Nebraska. Notes supplied.

May 7, 2008: Speaker, “Ethanol – America’s Leading Alternative Fuel,” National Association of Attorneys General President’s Initiative on Energy, Coeur d’Alene, Idaho. Notes supplied.

October 22, 1999: Panelist, “Livestock Confinement Facilities: A Rose by Any Other Name?” Natural Resources and Environmental Law Section of the Nebraska State Bar Association, Ashland, Nebraska. My presentation was on regulatory issues related to livestock confinement facilities. I have no notes, transcript or recording, other than the materials supplied. The address for the

Nebraska State Bar Association is 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508.

- 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.

Television and Radio:

August 15, 2016: Television interview with KPTM, Omaha, Nebraska. The interview concerned reaction to a study on the costs of capital punishment in Nebraska. I have no clips or transcript of the interview. The address of KPTM is 4625 Farnam Street, Omaha, Nebraska 68132.

August 15, 2016: Television interview with KMTV, Omaha, Nebraska. Copy supplied.

June 3, 2015: Interview with KETV television, Omaha, Nebraska. Copy supplied.

June 1, 2015: Television interview with WOWT, Omaha, Nebraska. The interview concerned my client's referendum petition to place the repeal of the death penalty before Nebraska voters. I have no clips or transcript of the interview. The address of WOWT is 3501 Farnam Street, Omaha, Nebraska 68131.

September 9, 2014: Television interview with Nebraska Educational Television, Lincoln Nebraska. Recording available at <http://netnebraska.org/article/news/937328/heidemmann-quits-lt-gov-and-candidate-over-domestic-violence-order-ricketts-wants>.

October 31, 2005: Television interview with KPTM, Omaha, Nebraska. Copy supplied.

September 14, 2005: Television interview with an unknown local station, Omaha, Nebraska. The interview concerned my support of Chief Justice John Roberts's nomination to the United States Supreme Court. I have no clips or transcript of the interview.

September 13, 2005: Television interview with KPTM, Omaha, Nebraska. Copy supplied.

July 26, 2005: Radio interview with KKR, Omaha, Nebraska. The interview concerned my support of Chief Justice John Roberts' nomination to the United States Supreme Court. I have no clips or transcript of the interview. The address for KKR is 5011 Capitol Avenue, Omaha, Nebraska 68132.

July 25, 2005: Nebraskans for Judge Roberts Press Conference, Omaha, Nebraska. The press conference concerned Chief Justice John Roberts's nomination to the United States Supreme Court. I have no clips or transcripts of the press conference. Nebraskans for Judge Roberts had no physical address.

July 1, 2005: Radio interview with Nebraska Public Radio, Lincoln, Nebraska. The interview concerned the vacancy created on the United States Supreme Court by the retirement of Justice Sandra Day O'Connor. I have no clips or transcript of the interview. The address for Nebraska Public Radio is 1800 North 33rd Street, Lincoln, Nebraska 68503.

May 13, 2005: Television interview with KETV, Omaha, Nebraska. The interview concerned a district court opinion striking down the Nebraska constitutional provision defining marriage to prohibit same-sex unions. I have no clips or transcript of the interview. The address of KETV is 1001 South 10th Street, Omaha, Nebraska 68108.

In addition to the above-listed interviews, I conducted a number of television and radio interviews regarding cases while serving as Chief Deputy Attorney General. Despite my best efforts, I have been unable to specifically identify these interviews.

Educational Video Documentary:

2007: "Stenberg v. Carhart, 530 U.S. 914 (2000)," Voices of American Law, Duke University School of Law. Copy supplied.

Newspaper Articles:

May 6, 2017: "In Ruling That Some Judicial Records Are Public, Judges Set Precedent," *Omaha World Herald*. Copy supplied.

May 5, 2017: "Judges' Training Documents Are Public," *Lincoln Journal Star*. Copy supplied.

February 2, 2016: "Death Penalty Foes Lose Legal Battle on Ricketts' Support" *Omaha World Herald*. Copy supplied.

January 15, 2016: "Court Orders Release of Training Documents for Judges in Child-Custody Cases," *Lincoln Journal Star*. Copy supplied (reprinted in multiple outlets).

September 24, 2015: "Suit Seeks Look at Judges' Educational Materials," *Omaha World Herald*. Copy supplied.

July 5, 2015: "Case May Stir Debate on Openness in Government," *Omaha World Herald*. Copy supplied.

September 6, 2014: "Horse Racing Measure Taken Off Ballot," *Lincoln Journal Star*. Copy supplied.

September 1, 2014: "Supreme Court Hears Arguments on Horse Racing Measure," *The Daily Record*. Copy supplied.

August 29, 2014: "Nebraska Court to Decide on Instant Racing," *U.S. Official News*. Copy supplied.

July 29, 2014: "Lawsuit Targets Nebraska Horseracing Measure," Associated Press. Copy supplied.

December 4, 2013: "Review of Omaha's Charter Ends With a Bang," *Omaha World Herald*. Copy supplied.

April 23, 2013: "Anti-Suttle Ads Brought to You by ... Who Knows?" *Omaha World Herald*. Copy supplied.

May 10, 2012: "Former State Attorney Urges Overhaul of Judge Selection System," *Lincoln Journal Star*. Copy supplied (reprinted in multiple outlets).

May 9, 2012: "A Call to Reform How Judges Are Chosen," *Omaha World Herald*. Copy supplied.

February 11, 2012: "Legal Experts Raise Questions About Whiteclay Lawsuit," *Lincoln Journal Star*. Copy supplied.

October 11, 2011: "U.S. Supreme Court Declines Nebraska Political Case," *Lincoln Journal Star*. Copy supplied.

September 26, 2011: "High Court Rules on Referendum," *Lexington Clipper-Herald*. Copy supplied.

September 1, 2011: "Nebraska Tea Party Leader Says Emails Show He Was Harassed," *Lincoln Journal Star*. Copy supplied.

February 25, 2011: "3 North Platte Men Want Vote on Golden Spike Funds," Associated Press. Copy supplied.

December 23, 2009: "Stitt Agrees to 60-Day Suspension," *Lincoln Journal Star*. Copy supplied.

December 23, 2009: "State Panel Gives Stitt a 60-Day Suspension," *Omaha World Herald*. Copy supplied.

December 22, 2009: "Stitt to Seek Board's Vote of Confidence," *Omaha World Herald*. Copy supplied.

December 22, 2009: "Director to Seek Vote of Confidence," *Omaha World Herald*. Copy supplied.

December 21, 2009: "Board Delays Meeting on Director a Day," *Omaha World Herald*. Copy supplied.

December 16, 2009: "City Considers New Towing Firm," *Omaha World Herald*. Copy supplied.

December 2, 2009: "Foster Review Chief Stays," *Lincoln Journal Star*. Copy supplied.

November 24, 2009: "Filing Seeks Stitt's Firing," *Omaha World Herald*. Copy supplied.

November 23, 2009: "Feds Ask for Firing of Foster Care Official," Associated Press. Copy supplied.

November 3, 2008: "State Supreme Court to Hear Vokal Appeal of Election Fine," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

December 4, 2007: "Councilman Spent Thousands Fighting \$100 State Fine," Associated Press. Copy supplied.

July 7, 2007: "Term Limits' Win May End Fight," *Omaha World Herald*. Copy supplied.

July 7, 2007: "Court Upholds Term Limits Law," *Lincoln Journal Star*. Copy supplied.

January 26, 2007: "Initiative 300 Order Leaves Questions," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

January 26, 2007: "Farming Law May Be History," *Lincoln Journal Star*. Copy supplied.

January 25, 2007: "Corporate Farm Ban Can't Be Enforced," *Omaha World Herald*. Copy supplied.



December 13, 2006: "Corporate Farm Ban Is Unconstitutional," Associated Press. Copy supplied (reprinted in multiple outlets).

September 29, 2006: "Judges Hear Arguments on I-300," *Lincoln Journal Star*. Copy supplied.

September 28, 2006: "Initiative 300 in Court Today," *Lincoln Journal Star*. Copy supplied.

May 31, 2006: "Corporate Farming Ban Faces New Foe," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

April 2, 2006: "Stenberg Counts on True Grit to Win Race," *Omaha World Herald*. Copy supplied.

March 19, 2006: "Casino Petition Drives Already Stir Debate," *Omaha World Herald*. Copy supplied.

February 23, 2006: "Decision on Casino Initiatives to Come Soon," *Omaha World Herald*. Copy supplied.

January 27, 2006: "Appeal to Be Heard on Initiative 300," *Omaha World Herald*. Copy supplied.

January 23, 2006: "Appeals Court Will Hear I-300 Arguments," *Lincoln Journal Star*. Copy supplied.

December 30, 2005: "Corporate Farm Ban Ruling is Appealed," *Omaha World Herald*. Copy supplied.

December 29, 2005: "Nebraska Appeals Initiative 300 Ruling," *Lincoln Journal Star*. Copy supplied.

December 29, 2005: "Bruning Outlines Arguments in Appeal of Corporate Farming Ruling," Associated Press. Copy supplied (reprinted in multiple outlets).

October 4, 2005: "New Coalition, Nebraska For Justice Miers, Calls for Support of Harriet Miers' Nomination to U.S. Supreme Court," Press Release. Copy supplied.

January 30, 2005: "State Responds to Initiative 300 Suit," *Omaha World Herald*. Copy supplied.

January 29, 2005: "Officials Answer I-300 Suit," *Lincoln Journal Star*. Copy supplied.

October 23, 2004: "Byrd Must Prove Legal Bills Were Tied to Politics," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

August 19, 2004: "Casino Initiative Seems Bound for Nov. 2 Ballot," *Omaha World Herald*. Copy supplied.

June 21, 2004: "Rivals on Gambling Issue Chip at Detail," *Lincoln Journal Star*. Copy supplied.

January 26, 2004: "Petitioners Will Seek 3 Signatures," *Omaha World Herald*. Copy supplied.

November 13, 2003: "Slots Issue to Land in Court," *Omaha World Herald*. Copy supplied.

November 12, 2003: "Gambling Foes Turn Focus to Veterans Slot Petition," *Omaha World Herald*. Copy supplied.

October 25, 2003: "Court Kills Gambling Petition," *Omaha World Herald*. Copy supplied.

October 24, 2003: "High Court Keeps Slots Off Ballot," *Omaha World Herald*. Copy supplied.

October 19, 2003: "Olde South's Failed Investments Spur Investigation," *The Tennessean*. Copy supplied.

September 4, 2003: "Future Use of Petitions at Stake," *Omaha World Herald*. Copy supplied.

February 9, 2003: "Walkaway Risks Don't End Push for Change," *Omaha World Herald*. Copy supplied.

February 9, 2003: "Crime War's Costly Legacy," *Omaha World Herald*. Copy supplied.

October 27, 2002: "Language Proposal Comes at a Key Time," *Omaha World Herald*. Copy supplied.

September 25, 2002: "Judge Rejects Latest Video Slots Appeal," Associated Press. Copy supplied.

September 25, 2002: "Gambling Supporters Plead Case in Federal Court," Associated Press. Copy supplied.

September 24, 2002: "Gambling Supporters File Federal Lawsuit," *Lincoln Journal Star*. Copy supplied.

September 24, 2002: "Gambling Backers File Suit," *Columbus Telegram*. Copy supplied.

September 20, 2002: "Slot Petition Effort Stalls Before Debate," Associated Press. Copy supplied.

September 20, 2002: "Court Keeps Gambling Initiative Off Ballot," *Daily Nebraskan*. Copy supplied.

September 18, 2002: "Nebraska Gambling Debate Continues," *Daily Nebraskan*. Copy supplied.

September 14, 2002: "Court to Consider Allowing Gambling on Ballot," *Lincoln Journal Star*. Copy supplied.

September 14, 2002: "Court May Hear Case on Slot Bid," *Omaha World Herald*. Copy supplied.

September 13, 2002: "Slot Backers Roll Dice with State High Court," *Omaha World Herald*. Copy supplied.

September 13, 2002: "Judge Won't Delay Ruling Against Gambling Initiative," *Lincoln Journal Star*. Copy supplied.

September 11, 2002: "Video Slot Supporters Launch Legal Attack," Associated Press. Copy supplied.

September 10, 2002: "Video Slot Vote Now in Doubt," *Lincoln Journal Star*. Copy supplied (reprinted in multiple outlets).

September 10, 2002: "Gambling Petition May Get Revived," Associated Press. Copy supplied.

August 22, 2002: "Slot Foes Call Proposal Too Cluttered," *Omaha World Herald*. Copy supplied.

July 23, 2002: "Group Files Suit Against Video Slot Petition," *Omaha World Herald*. Copy supplied.

March 30, 2002: "Morning-After Pill Policy Is Challenged," *Omaha World Herald*. Copy supplied.

March 28, 2002: "Leaving AG's Office for Private Practice," *Times-Herald*. Copy supplied (reprinted in multiple outlets).

March 27, 2002: "Grasz Leaving Attorney General's Office," Associated Press. Copy supplied.

March 18, 2002: "ACLU Will Not Push Gay Adoption Case," Associated Press. Copy supplied.

March 10, 2002: "Court Shuns Lesbian Bid to Adopt Woman's Son," *Miami Herald*. Copy supplied.

March 9, 2002: "Couple's Adoption Plea Denied," *Lincoln Journal Star*. Copy supplied (reprinted in multiple outlets).

March 6, 2002: "AG Candidates: Legislature Doesn't Need Lawyer," *Lincoln Journal Star*. Copy supplied.

January 16, 2002: "Bicyclist's Brother Files Complaint Against Lacey," *Lincoln Journal Star*. Copy supplied.

December 22, 2001: "Reader Wonders About Warning Labels on Christmas Lights," *York News Times*. Copy supplied.

November 5, 2001: "All Quiet Year After Voters Approve Same-Sex Marriage Ban," Associated Press. Copy supplied.

October 19, 2001: "Lincoln Attorney Nominated for Federal Judgeship," *Daily Nebraskan*. Copy supplied.

October 17, 2001: "State Continues Fight Against Nuke Waste Dump," *Greenwire*. Copy supplied (reprinted in multiple outlets).

October 6, 2001: "High Court Considers Adoption," *Lincoln Journal Star*. Copy supplied.

October 3, 2001: "Court to Tackle Gay-Adoption Question," *Omaha World Herald*. Copy supplied.

August 29, 2001: "Bruning Campaigns for Attorney General," *Daily Nebraskan*. Copy supplied.

August 18, 2001: "Alleged Scheme's Ties to Nebraska Not Clear," *Omaha World Herald*. Copy supplied.

August 18, 2001: "Iowa Seizes Cattle Business," *Omaha World Herald*. Copy supplied.

July 6, 2001: "Bruning Backed in Run for Post," *Lincoln Journal Star*. Copy supplied.

July 4, 2001, "Stenberg Aide Says He'll Back Bruning for Post," *Omaha World Herald*. Copy supplied.

June 12, 2001: "State Senator Bruning Will Run for Attorney General," *Associated Press*. Copy supplied.

June 1, 2001: "Teacher Sickout, Strike Receive Spattering Support," *Associated Press*. Copy supplied (reprinted in multiple outlets).

May 4, 2001: "Limiting Uranium Levels in Drinking Water Could Prove Costly," *Associated Press*. Copy supplied.

May 1, 2001: "Stenberg Settles Lawsuit Against Christensen Family Farms," *Associated Press*. Copy supplied.

April 11, 2001: "Fetal Tissue Bill Nears Vote," *Lincoln Journal Star*. Copy supplied.

February 13, 2001: "Christian Group's Access Debated in Elkhorn," *Omaha World Herald*. Copy supplied.

December 21, 2000: "AG's Office Retracts Prior Legal Opinion," *Lincoln Journal Star*. Copy supplied.

December 12, 2000: "Nebraska, Wyoming Still Hammering Out Deal Over North Platte," *Associated Press*. Copy supplied.

November 19, 2000: "ACLU Will Challenge Initiative 416 in Court," *Lincoln Journal Star*. Copy supplied.

November 1, 2000: "Web Site That Buys, Sells Votes Still Running," *Akron Beacon*. Copy supplied (reprinted in multiple outlets).

October 24, 2000: "Nelson Answers Questions About Appointment of Lawyer in Waste Case," *Associated Press*. Copy supplied.

September 15, 2000: "Lawsuit Looms If Voters OK Amendment," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

September 15, 2000: "'Misleading' Amendment Will Not Be on Ballot," *Lincoln Journal Star*. Copy supplied (reprinted in multiple outlets).

July 21, 2000: "State Files Suit Against Farming Firm," *Omaha World Herald*. Copy supplied.

June 30, 2000: "Foes of Abortion Start New Effort After Court Loss," *New York Times*. Copy supplied.

June 24, 2000: "Court Says Minnesota Company Can Sell Nebraska Ethanol Credits," *Lincoln Journal Star*. Copy supplied.

June 10, 2000: "Waste Case Spills Over Into Senate Race," *Lincoln Journal Star*. Copy supplied.

May 2, 2000: "Small Schools File Appeal of Federal Court Ruling," Associated Press. Copy supplied.

April 24, 2000: "High Court to Hear Arguments in Abortion Case," *Los Angeles Times*. Copy supplied.

April 23, 2000: "Narrow Abortion Case Before Court Leads to a Wider Debate," *New York Times*. Copy supplied.

April 13, 2000: "Senators Urge Stenberg: Make Judge Follow Law," *Omaha World Herald*. Copy supplied.

April 13, 2000: "Senators Question Grand Jury Ruling," *Lincoln Journal Star*. Copy supplied.

April 13, 2000: "State Tried to Hinder Waste Site, Court Rules," *Lincoln Journal Star*. Copy supplied.

April 13, 2000: "Ruling Could Leave Nebraska Open to Lawsuits," *Daily Nebraskan*. Copy supplied.

March 8, 2000: "Handicapped Ruling Cheered," *Omaha World Herald*. Copy supplied.

February 25, 2000: "Fetal-Tissue Bill Called Too Vague," *Omaha World Herald*. Copy supplied.

February 21, 2000: "In-Custody Deaths Law Challenged," *Omaha World Herald*. Copy supplied.

February 9, 2000: "Carhart Says Disputed Abortion Law Really a Total Ban," *Omaha World Herald*. Copy supplied.

February 4, 2000: "Court Throws Out Newest Campaign Finance Law," Associated Press. Copy supplied (reprinted in multiple outlets).

February 3, 2000: "Stenberg OK's Bill Banning Aborted Fetal Tissue Research," *Daily Nebraskan*. Copy supplied.

January 23, 2000: "Neb. Abortion Ban Faces High Court Test," *Daytona News*. Copy supplied.

January 20, 2000: "Health Insurance Practice Legal," *Lincoln Journal Star*. Copy supplied.

January 15, 2000: "Supreme Court to Hear Nebraska Abortion Case," *Omaha World Herald*. Copy supplied.

January 5, 2000: "Erased E-Mail Was Accident. Report Says," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

December 22, 1999: "Nelson Says His Staff Saved E-Mails," *Lincoln Journal Star*. Copy supplied (reprinted in multiple outlets).

December 18, 1999: "E-Mail Search Deepens," *Omaha World Herald*. Copy supplied.

December 17, 1999: "Judge Wants Deleted E-Mail Found," *Lincoln Journal Star*. Copy supplied.

December 15, 1999: "\$14.7 Million First Installment on Tobacco Settlement Arrives," *Lincoln Journal Star*. Copy supplied.

December 7, 1999: "Suit Aimed at Farms Dismissed," *Omaha World Herald*. Copy supplied.

December 7, 1999: "Judge Dismisses Initiative 300 Suit," *Lincoln Journal Star*. Copy supplied.

December 6, 1999: "Nebraska Plays Role in Supreme Court School Prayer Case," *Daily Nebraskan*. Copy supplied.

November 19, 1999: "Partial-Birth Abortion Bans Heading to Top Court," *The Record* (Bergen County, New Jersey). Copy supplied.

November 19, 1999: "Committee Hears Testimony on Who Should Control State Lawyers," Associated Press. Copy supplied.

November 17, 1999: "Missouri Defends Its Tobacco Settlement in Appeals Court Hearing," Associated Press. Copy supplied.

November 16, 1999: "Stenberg to Offer Insurance Opinion," *Omaha World Herald*. Copy supplied.

November 13, 1999: "Big Checks Due Soon From Big Tobacco," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

October 29, 1999: "Stenberg Asks for Reconsideration in Grain Merger's Approval," *Daily Nebraskan*. Copy supplied.

October 28, 1999: "Abortion Procedure Fight Likely Headed for High Court," *Baltimore Sun*. Copy supplied (reprinted in multiple outlets).

October 27, 1999: "Appellate Court OKs Late-Term Abortion Bans," *Lincoln Journal Star*. Copy supplied (reprinted in multiple outlets).

October 27, 1999: "State Officials Planning How to Use Forthcoming Tobacco Settlement Funds," *Daily Nebraskan*. Copy supplied.

October 7, 1999: "Johanns Commits to Clearing Up 'Ridiculous' Health Insurance Situation," *Daily Nebraskan*. Copy supplied.

September 11, 1999: "People, Groups Make Pleas for Share of Tobacco Funds," *Lincoln Journal Star*. Copy supplied.

September 9, 1999: "State Urged to Press Ahead on Ag Law," *Omaha World Herald*. Copy supplied.

September 1, 1999: "The Partial-Birth Abortion War," *World and I*. Copy supplied.

August 21, 1999: "Seven of 16 Farms Cleared in Investigation," *Lincoln Journal Star*. Copy supplied.

August 13, 1999: "Iron Horse Controversy," *Omaha World Herald*. Copy supplied.

August 13, 1999: "Disability Ruling's Impact Debated," *Omaha World Herald*. Copy supplied.



August 13, 1999: "Disabilities Ruling Called State Victory," *Lincoln Journal Star*. Copy supplied.

August 12, 1999: "Disability Law's Future Doubted," *Omaha World Herald*. Copy supplied.

August 10, 1999: "Nebraska Joins Texas to Seek Prayer Ruling," *Omaha World Herald*. Copy supplied.

August 9, 1999: "Chambers Disputes Price Opinion," *Omaha World Herald*. Copy supplied.

August 4, 1999: "Chambers Says Stenberg Left Out Suit Possibility in Packer Opinion," *Lincoln Journal Star*. Copy supplied.

August 3, 1999: "16 Farms May Violate Ban on Corporations," *Omaha World Herald*. Copy supplied.

August 3, 1999: "Apparent Violations of Corporate Farming Law Sent to Attorney General," Associated Press. Copy supplied.

August 3, 1999: "16 May Have Skirted Corporate Farm Ban," *Lincoln Journal Star*. Copy supplied.

July 28, 1999: "Kerrey Praises Livestock Ruling," *Omaha World Herald*. Copy supplied.

July 28, 1999: "Stenberg Defends Barger Appointment," *Omaha World Herald*. Copy supplied.

July 15, 1999: "Hog-Farm Firms Face Court Fight," *Omaha World Herald*. Copy supplied.

July 15, 1999: "State to Sue to Enforce Farming Law," *Lincoln Journal Star*. Copy supplied.

July 15, 1999: "Stenberg Plans To File Initiative 300 Lawsuit," Associated Press. Copy supplied.

July 15, 1999: "Attorney General Will Not Answer IBP's Questions About Law," Associated Press. Copy supplied.

July 15, 1999: "Attorney General to Examine Packer Law," *Lincoln Journal Star*. Copy supplied.

July 14, 1999: "State to Sue Hog-Farm Firms," *Omaha World Herald*. Copy supplied.

July 11, 1999: "Ethanol Producer Must Repay State \$5 Million," *Lincoln Journal Star*. Copy supplied.

July 10, 1999: "Indian Activists Call Their Arrests at Protest Unlawful," *Omaha World Herald*. Copy supplied.

July 1, 1999: "Nebraska Will Refile Lawsuit Over Required Copper Testing," *Lincoln Journal Star*. Copy supplied.

June 30, 1999: "Lawmakers Struggle with State Secrets," *Lincoln Journal Star*. Copy supplied.

June 19, 1999: "Borders Still Block Attorneys After a Nebraska Supreme Court ruling," *Omaha World Herald*. Copy supplied.

June 18, 1999: "Educational Charity Still Faces Scrutiny," *Omaha World Herald*. Copy supplied.

June 12, 1999: "Evolution Teaching to Remain the Same," *Lincoln Journal Star*. Copy supplied.

June 11, 1999: "State Board of Education Agrees, Says Evolution Should Be Taught as Theory," Associated Press. Copy supplied.

May 20, 1999: "Bond Vote Amendment Seems Legal," *Omaha World Herald*. Copy supplied.

May 14, 1999: "Senators Say Police Cheating Schools Out of Drug-Seizure Money," Associated Press. Copy supplied.

May 9, 1999: "Student Loan Firm, Charity's Ties Probed," *Omaha World Herald*. Copy supplied.

May 8, 1999: "Evolution Debate Fuels State Review," *Omaha World Herald*. Copy supplied.

March 19, 1999: "State Gets More Time to Reply to River Suit," *Lincoln Journal Star*. Copy supplied.

March 10, 1999: "Johanns Selects Leaders for Two Agencies," *Lincoln Journal Star*. Copy supplied.

March 4, 1999: "Attorney General to Look at Student-Loan Agency," *Omaha World Herald*. Copy supplied.

March 4, 1999: "State Is Still Examining Sale of Nonprofit Student-Loan Firm," *Lincoln Journal Star*. Copy supplied.

March 4, 1999: "UNL Still Questioning if NebHELP Aid Could be Granted," *Daily Nebraskan*. Copy supplied.

February 24, 1999: "Spending Plan Outpaces Flow of Tobacco Money," *Omaha World Herald*. Copy supplied.

January 30, 1999: "State View in ADA Case Elicits Protest for Disabled," *Omaha World Herald*. Copy supplied.

January 16, 1999: "Bootleg Cigarettes May Enter Nebraska Soon," *Omaha World Herald*. Copy supplied.

November 28, 1998: "States OK Tobacco Agreement," *Omaha World Herald*. Copy supplied.

November 17, 1998: "Foundation Elects to Make Future Scholarship Fund Unavailable to UNL Students," *Daily Nebraskan*. Copy supplied.

November 15, 1998: "Tobacco Deal May Net \$1 Billion," *Lincoln Star Journal*. Copy supplied.

November 14, 1998: "It's a \$206 Billion Deal, Nebraska Could Get \$1 Billion," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

November 12, 1998: "Companies, State Close to Agreement," *Lincoln Journal Star*. Copy supplied.

September 25, 1998: "Disabilities Act Abused?" *USA Today*. Copy supplied.

September 17, 1998: "Court to Rule on Incentives for Business," *Omaha World Herald*. Copy supplied.

September 4, 1998: "Supreme Court Says State Must Pay for Education of State Wards," Associated Press. Copy supplied.

September 2, 1998: "State Says Atokad Sale isn't Valid," *Omaha World Herald*. Copy supplied.

September 2, 1998: "Horsemen Seek Racing's Return at Atokad Park," *Omaha World Herald*. Copy supplied.

August 14, 1998: "High Court Overturns Disputed Malice Ruling," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

August 13, 1998: "Atokad Sale Comes Under Investigation," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

August 12, 1998: "Stenberg Told: Enforce Ruling on Abortion," *Omaha World Herald*. Copy supplied.

August 11, 1998: "Doctor Awarded Attorney Fees in Abortion Lawsuit," Associated Press. Copy supplied.

August 11, 1998: "Challenge to Tax Limit Dismissed," *Omaha World Herald*. Copy supplied.

August 10, 1998: "Judge Dismisses Petition Lawsuit," Associated Press. Copy supplied.

July 16, 1998: "Candidate Again Goes to Stenberg," *Omaha World Herald*. Copy supplied.

July 14, 1998: "Petitions Mean Work for Clerks," *Omaha World Herald*. Copy supplied.

July 2, 1998: "'Partial-Birth' Law Overturned," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

July 1, 1998: "Stenberg Fights River Suit," *Omaha World Herald*. Copy supplied.

June 26, 1998: "Board Seeks Group Home Access," *Omaha World Herald*. Copy supplied.

June 21, 1998: "Panhandle Ponders Joining Wyoming," *Lincoln Journal Star*. Copy supplied.

May 23, 1998: "Group's Mailing Legal, Officials Say," *Lincoln Journal Star*. Copy supplied.

May 9, 1998: "Who Pays for Wards' Schooling?" *Omaha World Herald*. Copy supplied.

May 1, 1998: "11 States Back Vermont's Same-Sex 'Marriage' Ban," *Washington Times*. Copy supplied.

March 3, 1998: "Ruling May Not Affect Nebraska," *Omaha World Herald*. Copy supplied.

February 24, 1998: "Term-Limits Groups to Help Pay Legal Fees," *Omaha World Herald*. Copy supplied.

February 20, 1998: "Tobacco Settlement Dwindles," *Omaha World Herald*. Copy supplied.

February 20, 1998: "State Warned Not to Bank on Tobacco Money," *Lincoln Journal Star*. Copy supplied.

January 6, 1998: "Federal Court to Ponder Election Spending," *Lincoln Journal Star*. Copy supplied.

July 17, 1997: "Hog-Lot Moratorium Not in Cards," *Omaha World Herald*. Copy supplied.

June 26, 1997: "Judge Grants Delay in Hearing on Late-Term Abortion Law," *Omaha World Herald*. Copy supplied.

June 17, 1997: "Abortion Ban Stalled by District Court Ruling," *Lincoln Journal Star*. Copy supplied.

May 21, 1997: "Court Dismisses Appeal for Write-In Candidates," *Lincoln Journal Star*. Copy supplied.

May 16, 1997: "U.S. Judge Says State Can't Issue Term Limits," *Lincoln Journal Star*. Copy supplied.

May 16, 1997: "Ruling Halts Term-Limits Procedures," *Omaha World Herald*. Copy supplied.

December 14, 1996: "Stenberg Urges Lynch Inquiry by Legislature," *Omaha World Herald*. Copy supplied.

October 19, 1996: "Ballot Bid a Long Shot After Judge's Ruling," *Omaha World Herald*. Copy supplied.

October 19, 1996: "Casino Measure Won't Be on Ballot," *Lincoln Journal Star*. Copy supplied.

October 12, 1996: "Ruling Dims Ballot Hopes For Initiatives," *Omaha World Herald*. Copy supplied.

October 3, 1996: "Ex-Congressman Protests State Payment to Ethanol Plant," *Omaha World Herald*. Copy supplied.

August 16, 1996: "Ballot Apt to Include Initiatives After Ruling," *Lincoln Journal Star*. Copy supplied.

June 12, 1996: "Amendment Ruling to Be Appealed," *Omaha World Herald*. Copy supplied.

April 21, 1996: "Abortion Law Focus is Viability," *Omaha World Herald*. Copy supplied.

March 28, 1996: "Mixed Effects Seen in Ruling on Gambling," *Omaha World Herald*. Copy supplied.

December 15, 1995: "Foster Mom with AIDS to Get Boy Back," *Omaha World Herald*. Copy supplied.

December, 1, 1995: "Lincoln Woman Who Was Fired During Pregnancy Wins Lawsuit," *Omaha World Herald*. Copy supplied.

October 12, 1995: "Nelson Didn't Know of Action by Stenberg in Gay-Rights Case," *Omaha World Herald*. Copy supplied.

September 23, 1995: "State Must Respond to Myers Suit for Pay," *Omaha World Herald*. Copy supplied.

August 27, 1995: "\$428,438 Added to Tax Coffers," *Omaha World Herald*. Copy supplied.

August 18, 1995: "State Commission Turns Away Reinstated Bias Investigators," *Omaha World Herald*. Copy supplied.

August 4, 1995: "Vote Boosts Nebraska Abortion Fight," *Omaha World Herald*. Copy supplied.

July 25, 1995: "State Treasurer Questions Meeting on Pay for Myers," *Omaha World Herald*. Copy supplied.

July 20, 1995: "Treasurer Calls Myers Settlement Illegal," *Omaha World Herald*. Copy supplied.

June 12, 1995: "Crime Bill Strategy Irks Nelson," *Omaha World Herald*. Copy supplied.

May 17, 1995: "Political Disclosure Changes Considered," *Omaha World Herald*. Copy supplied.

February 24, 1995: "Department Controls Defended," *Omaha World Herald*. Copy supplied.

February 23, 1995: "Property Tax Jurisdiction Is Up in Air," *Omaha World Herald*. Copy supplied.

February 23, 1995: "Hot Tax Potato Could End up in Local Hands," *Omaha World Herald*. Copy supplied.

January 31, 1995: "Legal Options on Water Suits Are Proposed," *Omaha World Herald*. Copy supplied.

January 4, 1995: "1994 National Champions Ties That Bind: Devotion, Passion, Loyalty," *Omaha World Herald*. Copy supplied.

November 17, 1994: "Stenberg Says Abortion Ruling to Be Appealed," *Omaha World Herald*. Copy supplied.

November 8, 1994: "Brief Supports Ex-Wife's Bid for Benefits," *Omaha World Herald*. Copy supplied.

October 1, 1994: "Accusation Called 'Unfounded,'" *Omaha World Herald*. Copy supplied.

September 3, 1994: "Battle for Life or Death," *Omaha World Herald*. Copy supplied.

July 19, 1994: "Nebraska Joins Suit Challenging U.S. on Nuclear-Waste Storage," *Omaha World Herald*. Copy supplied.

June 8, 1994: "Attorney Asks Judge to Remove Himself From Case," *Omaha World Herald*. Copy supplied.

May 5, 1994: "Court Upholds Crane Trust Role," *Omaha World Herald*. Copy supplied.

April 20, 1994: "Phone Ruling Doesn't Stop Feuding," *Omaha World Herald*. Copy supplied.

April 9, 1994: "Corn Growers Accept Conditions," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

April 5, 1994: "Nebraska Corn Board Request Brings Check of Growers Group," *Omaha World Herald*. Copy supplied.

December 18, 1993: "Attorney General's Office OK's Ex-Lt. Governor's Moving Bill," *Omaha World Herald*. Copy supplied.

November 16, 1993: "Nebraska Law Seen as Solid," *Omaha World Herald*. Copy supplied.

November 3, 1993: "Baack Need Not Resign, Professor at UNL Says," *Omaha World Herald*. Copy supplied.

March 14, 1993: "Power Plant Fears Success of Crane Suit," *Omaha World Herald*. Copy supplied.

January 1, 1993: "Review Delays Decision on Child Support," *Omaha World Herald*. Copy supplied.

October 14, 1992: "Charges Filed, Motive Sought in Gun Incident," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).

August 14, 1992: "Errors May Set Back Cigarette Tax Plan," *Omaha World Herald*. Copy supplied.

August 7, 1992: "Police Official's Suit Alleges Harassment," *Omaha World Herald*. Copy supplied.

March 10, 1992: "Stenberg: Lobbying By Platte River Trust Violates Agreement," *Omaha World Herald*. Copy supplied.

October 6, 1991: "States Do Well to Resist Expanded Casino Option," *Omaha World Herald*. Copy supplied.

September 5, 1991: "I'm Very Disappointed, Nelson Says," *Omaha World Herald*. Copy supplied.

August 27, 1991: "Abboud Avoids Move Out of District 12," *Omaha World Herald*. Copy supplied.

August 23, 1991: "Governor Says Waste Site Vote Worth a Look," *Omaha World Herald*. Copy supplied.

August 22, 1991: "Board in Boyd County Opposed to Waste Site," *Omaha World Herald*. Copy supplied (reprinted in multiple outlets).



August 15, 1984: "Land Bank Will Raise Interest Rates 1 Point," *Omaha World Herald*. 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 held no judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_
- i. Of these, approximately what percent were:
- |                       |                      |
|-----------------------|----------------------|
| jury trials:          | _____ %              |
| bench trials:         | _____ % [total 100%] |
| civil proceedings:    | _____ %              |
| criminal proceedings: | _____ % [total 100%] |
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues,

together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have held no 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 an elective public office. Since law school, I have held the following appointed positions:

Chief Deputy Attorney General, State of Nebraska, 1991 – 2002. Appointed in January 2001 by then-Nebraska Attorney General Don Stenberg.

I have never run for public office, nor have I been nominated to any other appointed office.

- b. List all memberships and offices held in and services rendered, whether

compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

To the best of my recollection, I have held the following memberships and offices in a political party:

Nebraska Republican Party

General Counsel, 2007 – 2013

Chair, National Delegate Allocation Committee, 2015 – 2016

Chair, State Constitutional Revision Committee, 1997

State Convention Delegate, 1990, 1992, 2016

Member, State Convention Rules Committee, 2008, 2015

Member, State Central Committee, 1996 – 1997

Member, Douglas County Central Committee, 1992 – 1993

President, College Republicans - University of Nebraska-Lincoln, 1983

To the best of my recollection, I have held the following positions in a political campaign:

Pete Ricketts for Governor

Director, March 2017 to Present

Treasurer, September 2013 to Present

Secretary, 2013 to 2017.

Legal Counsel, Jean Stothert for Mayor (Omaha, Nebraska), 2013 and 2017

State Coordinator, Don Stenberg for Attorney General, 1986

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

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

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

I have not served as a clerk to a judge.

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

I have not practiced 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.

May 1987 to August 1987

Cline, Williams, Wright, Johnson and Oldfather  
233 South 13th Street  
Lincoln, Nebraska 68508  
Summer Law Clerk

May 1988 to August 1988  
Knudsen Law Firm  
*Formerly Knudsen, Berkheimer, Richardson and Endacott*  
3800 VerMaas Place, Suite 200  
Lincoln, Nebraska 68502  
Summer Associate

September 1989 to January 1991  
Kutak Rock  
*Formerly Kutak Rock and Campbell*  
1650 Farnam Street  
Omaha, Nebraska 68102  
Associate

January 1991 to May 2002  
Nebraska Department of Justice, Office of the Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
Chief Deputy Attorney General

May 2002 to Present  
Husch Blackwell LLP  
13330 California, Suite 200  
Omaha, Nebraska 68154  
Of Counsel (2002 – 2004)  
Partner (2005 – 2012)  
Senior Counsel (2013 to 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 not served as a mediator or arbitrator in alternate dispute proceedings.

b. Describe:

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

Since 2002, my law practice has consisted of civil and appellate litigation in state and federal courts, as well as administrative law and government relations in a large regional firm (currently 700 attorneys). From 1991 to

2002, my practice included civil and appellate litigation in state and federal courts, researching and writing Attorney General Opinions and representation of government agencies and officials as Nebraska's Chief Deputy Attorney General. Between graduation from law school and 1991, my practice consisted of legal research and commercial civil litigation for local and national businesses in state and federal courts as an associate in Nebraska's largest law firm.

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

Clients currently include a natural resources district (the largest political subdivision, by population, in Nebraska), a statewide healthcare professional association, a national clothing retailer, a logistics and warehousing company, a manufacturer of agricultural equipment, and an accounting services firm, as well as various non-profit entities and individuals. I have litigated numerous high-profile constitutional and statutory construction cases involving election law, separation of powers, tax law, securities law, initiative and referendum law, insurance law, healthcare scope of practice, the Commerce Clause, and the First Amendment. From 1991 to 2002 I represented the State of Nebraska as well as numerous state departments and agencies, provided advice to state legislators and managed the Civil Division of Nebraska's Department of Justice (26 attorneys). I reviewed over 100 written legal opinions of other attorneys each year for over ten years. Much of my practice involved statutory construction and constitutional law, both in the context of drafting Attorney General Opinions and in defending or challenging statutes in court. I participated in litigating major interstate water disputes and authored briefs in the United States Supreme Court. Between graduation from law school and 1991, my typical clients were local and national businesses.

- 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.

The majority of my practice has been in litigation. During my time at Kutak Rock (1989 – 1991), all my work was in litigation. While serving as Chief Deputy Attorney General (1991 – 2002), my time was split between litigation, drafting and reviewing Attorney General Opinions, and management of the Civil Division of Nebraska's Department of Justice, including the civil litigation section. At Husch Blackwell (2002 – Present), my practice has been approximately half litigation and half governmental relations and legal consultation for firm clients. As much of my litigation practice has involved appellate litigation, bench trials and motion practice, my court appearances are occasional.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 30% |
| 2. state courts of record:  | 60% |
| 3. other courts:            | <1% |
| 4. administrative agencies: | 10% |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 98% |
| 2. criminal proceedings: | 2%  |

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 tried to verdict, judgment or final decision nearly three dozen cases as sole or lead counsel and more than a dozen additional cases as co-counsel.

i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 0%   |
| 2. non-jury: | 100% |

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 represented state governments as well as individuals before the Supreme Court of the United States. Most of the representation was in my capacity as Chief Deputy Attorney General for the State of Nebraska. Two cases were in private practice. I have been counsel of record in one case on the merits:

*Stenberg v. Carhart*, 530 U.S. 914 (2000). Counsel of record for Petitioner State of Nebraska.

I have been counsel of record for *amicus curiae* in two cases on the merits:

*Cook v. Gralike*, 531 U.S. 510 (2001). Counsel of record for *amicus curiae* State of Nebraska.

*U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995). Counsel of record for *amici curiae* States of Nebraska, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Massachusetts, Montana, New Hampshire, Ohio, South Dakota, Tennessee, and Wyoming.

I have been counsel of record for parties or *amicus curiae* in four cases at the certiorari stage:

*Gale v. Jones*, 549 U.S. 1328 (2007). Counsel of record for Respondents.

*Leavitt v. Jane L.*, 520 U.S. 1274 (1997). Counsel of record for *amicus curiae* States of Nebraska, Alabama, California, Mississippi, South Carolina and South Dakota.

*Lambert v. Wicklund*, 520 U.S. 292 (1997). Counsel of record for *amici curiae* States of Nebraska, California, Georgia and Virginia.

*Arkansas v. Donovan*, 519 U.S. 1149 (1997). Counsel of record for *amici curiae* States of Nebraska, Colorado, South Carolina and South Dakota.

*Nelson v. Orr*, 516 U.S. 1074 (1996). Counsel of record for Petitioner State of Nebraska.

I have been supporting counsel in five matters before the Supreme Court, for both parties and *amici curiae*, and at both the certiorari and merits stages:

*Bennie v. Munn*, 137 S. Ct. 812 (2017). Co-counsel for Petitioner.

*Kansas v. Nebraska*, (Orig. Case No. 126). Consulting counsel for State of Nebraska.

*Nebraska v. Wyoming*, 534 U.S. 40 (2001). Consulting counsel for State of Nebraska.

*Nebraska ex rel. Stenberg v. United States*, 533 U.S. 929 (2001). Consulting counsel for Petitioner.

*Nebraska Dep't of Revenue v. Loewenstein*, 513 U.S. 123 (1994). Consulting counsel for State of Nebraska.

I have supplied copies of all briefs on which I worked that I was able to locate in my records or that were readily available from public sources.

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. *Hargesheimer v. Gale*, 294 Neb. 123, 881 N.W.2d 589 (2016); *Hargesheimer v. Gale*, Case No. CI 15-3476 (District Court of Lancaster County 2016).

This case involved a challenge to the validity of a referendum petition seeking to place the Nebraska Legislature's repeal of the State's capital punishment statutes before the

voters. I served as lead trial counsel for the referendum sponsor in the District Court of Lancaster County. I also served as lead appellate counsel for the referendum sponsor and argued the case before the Nebraska Supreme Court. The Court held the Governor's support of the referendum did not make him an undisclosed sponsor of the referendum for purposes of the required sworn statement of sponsors. The validity of the referendum was upheld, and Nebraska voters reinstated capital punishment in Nebraska.

Judges:

Nebraska Supreme Court: Chief Justice Mike Heavican; Justices Lindsey Miller-Lehrman, John Wright, William Cassel, Max Kelch; Retired Justice Michael McCormack; and Judge Everett Inbody.

District Court of Lancaster County, Nebraska: Judge Lori A. Maret.

Co-Counsel:

J.L. Spray  
Mattson Ricketts  
134 South 13th Street, Suite 1200  
Lincoln, Nebraska 68508  
(402) 475-8433

Counsel for Christy and Richard Hargesheimer:

Alan E. Peterson  
625 South 14th Street  
Lincoln, Nebraska 68508  
(402) 474-5837

Counsel for John Gale:

L. Jay Bartel  
Assistant Attorney General  
Office of the Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
(402) 471-2685

2. *State ex rel. Loontjer v. Gale*, 288 Neb. 973, 853 N.W.2d 494 (2014).

In this case I successfully petitioned the Nebraska Supreme Court, on behalf of a non-profit grass roots organization, to exercise original jurisdiction in a mandamus action challenging placement of a constitutional amendment on the ballot to legalize "historic horse racing" electronic gaming. At issue was whether the proposed amendment contained more than one subject in violation of the separate vote requirement of Article XVI, § 1 of the Nebraska Constitution. The Court held the proposed amendment was invalid and it was not placed on the ballot. I served as lead counsel for the plaintiff and argued the case before the Nebraska Supreme Court.



Judges:

Nebraska Supreme Court: Chief Justice Mike Heavican and Justices John Wright, Kenneth Stephan, Michael McCormick, Lindsey Miller-Lerman and William Cassel.

Co-Counsel:

Mark D. Hill  
Husch Blackwell LLP  
13330 California Street  
Omaha, Nebraska 68154  
(402) 964-5000

Counsel for Secretary of State Gale:

L. Jay Bartel  
Assistant Attorney General  
Office of the Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
(402) 471-2685

3. *Jones v. Gale*, 470 F.3d 1261 (8th Cir. 2006); *Jones v. Gale*, 405 F.Supp.2d 1066 (D. Neb. 2005).

This case involved a Commerce Clause challenge to a state constitutional restriction on ownership of farmland and livestock by non-family farm corporations. I represented the plaintiff livestock producers. I served as lead trial counsel in the United States District Court. I also served as lead appellate counsel in the Eighth Circuit Court of Appeals, where I was the primary author of the appellate brief and argued the case. The Eighth Circuit held the state provisions violated the Dormant Commerce Clause by discriminating against out-of-state economic interests.

Judges:

United States Court of Appeals for the Eighth Circuit: Judges Morris S. Arnold, Kermit E. Bye and Michael J. Melloy.

United States District Court for the District of Nebraska: Judge Laurie Smith Camp.

Co-Counsel:

David Bracht  
Director, Nebraska Energy Office  
521 South 14th Street, Suite 300  
Lincoln, Nebraska 68508  
(402) 471-2867

Counsel for John Gale:

Katherine Spohn  
Bruning Law Group  
1201 Lincoln Mall, Suite 100  
Lincoln, Nebraska 68508  
(402) 261-3475

4. *Loontjer v. Robinson*, 266 Neb. 902, 670 N.W.2d 301 (2003); *Gambling With the Good Life v. Committee for Local Option Gaming*, Case No. CI 02-2675 (District Court of Lancaster County 2002).

This case involved a challenge to a proposed constitutional amendment authorizing video slot machines. At issue was whether the amendment sponsors had complied with the statutory requirement to submit a sworn statement of sponsors and whether the petition contained more than one subject in violation of the state constitution. The amendment was declared ineligible for the ballot due to the lack of legally sufficient sworn statement of sponsors. I served as lead counsel in the trial court and also as lead appellate counsel. I authored all briefs and argued the case before Nebraska Supreme Court.

Judges:

Nebraska Supreme Court: Chief Justice John Hendry and Justices John Wright, John Melvin Gerrard, William Connolly, Kenneth Stephan, Michael McCormack and Lindsey Miller-Lerman.

District Court of Lancaster County, Nebraska: Judge Paul D. Merritt.

Co-Counsel:

Michael Degan  
Kutak Rock LLP  
1650 Farnam Street  
Omaha, Nebraska 68102  
(402) 346-6000

Counsel for Greg Robinson, et al:

Patrick T. O'Brien  
Butler Galter O'Brien & Boehm  
811 South 13th Street  
Lincoln, Nebraska 68508  
(402) 475-0811

5. *Cook v. Gralike*, 531 U.S. 510 (2001); *Miller v. Moore*, 169 F. 3d 1119 (8th Cir. 1999); *Miller v. Moore*, Case No. 4:CV97-3007 (D. Neb. 1998); *Duggan v. Moore*, Case No. 4: CV97-3074 (D. Neb. 1998).

This case involved a challenge to Nebraska's state constitutional provision regarding term limits on members of Congress. I served as lead trial attorney for the State in the United States District Court for the District of Nebraska. I also served as lead appellate counsel. I authored all appellate briefs and argued the case before the Eighth Circuit in St. Paul, Minnesota. The United States Supreme Court later granted certiorari on the issue in this case in *Cook v. Gralike*, 531 U.S. 510 (2001). I then served as counsel of record for the State of Nebraska as *amicus curiae* and authored the State's brief in support of the petitioners. The provision was declared to be unconstitutional under Article V of the U.S. Constitution as an impermissible interference with the prescribed method of amendment.  
Judges:

United States Supreme Court: Chief Justice William Rehnquist and Justices John Paul Stevens, Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen Breyer.

United States Court of Appeals for the Eighth Circuit: Judges C. Arlen Beam, Frank J. Magill, and Morris S. Arnold.

United States District Court for the District of Nebraska: Judge Warren K. Urbom.

Co-Counsel:

Don Stenberg  
Nebraska State Treasurer  
*Formerly Nebraska Attorney General*  
2005 State Capitol  
Lincoln Nebraska 68509  
(402) 471-2455

Counsel for Andrew Miller, et al:

W. Scott Davis  
Baylor Evnen Curtiss Gruit & Witt LLP  
1248 O Street, Suite 600  
Lincoln, Nebraska 68508  
(402) 475-1075

6. *Stenberg v. Carhart*, 530 U.S. 914 (2000); *Carhart v. Stenberg*, 192 F.3d 1142 (8th Cir. 1999); *Carhart v. Stenberg*, 11 F. Supp. 2d 1134 (D. Neb. 1998); *Carhart v. Stenberg*, 11 F. Supp. 2d 1099 (D. Neb. 1998); *Carhart v. Stenberg*, 972 F.Supp.507 (D. Neb. 1997).

I represented the State of Nebraska in the lawsuit challenging its partial-birth abortion statute. The statute made performing a partial-birth abortion, defined as partially delivering vaginally a living unborn child before killing the unborn child and completing the delivery, punishable as a felony unless the procedure was necessary to save the mother's life. Ultimately, the Supreme Court held the statute unconstitutional because it caused doctors who perform abortions to "fear prosecution, conviction, and imprisonment" and failed to include an exception for cases of threatened health. The

Supreme Court later upheld the more-narrowly drafted, federal Partial-Birth Abortion Ban Act in *Gonzales v. Carhart*, 550 U.S. 124 (2007).

I served as lead counsel at the trial court and court of appeals, and was counsel of record and the principal drafter of briefing at the Supreme Court.

Judges

United States Supreme Court: Chief Justice William Rehnquist and Justices John Paul Stevens, Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen Breyer.

United States Court of Appeals for the Eighth Circuit: Judges Richard S. Arnold, Roger L. Wolman, and Paul Magnuson (sitting by designation).

United States District Court for the District of Nebraska: Judge Richard G. Kopf.

Co-Counsel:

Don Stenberg  
Nebraska State Treasurer  
*Formerly Nebraska Attorney General*  
2005 State Capitol  
Lincoln Nebraska 68509  
(402) 471-2455

James D. Smith  
Office of the Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
(402) 471-3835

Counsel for Leroy Carhart:

Simon Heller, Esq.  
441 Carroll Street, Apartment 2  
Brooklyn, New York 11215  
(646) 549-3881

7. *Stenberg v. Moore*, 258 Neb. 199, 602 N.W.2d 465 (1999); *Stenberg v. Moore*, Doc. 570, Page 115 (District Court of Lancaster County 1998).

This case concerned a challenge under Neb. Const. art. I, §§ 2-4 to legislation placing "exact match" restrictions on the initiative petition process. I served as lead trial counsel for the Attorney General in the district court and also as lead appellate counsel. I authored the briefs and argued the case before the Nebraska Supreme Court. The district court upheld the statute. However, I was able to obtain a reversal from the Supreme Court, which declared the statute invalid as an infringement on citizens' constitutional

petition rights. The Court held the statute imposed requirements that hindered rather than facilitated the petition process.

Judges

Nebraska Supreme Court: Chief Justice John Hendry and Justices John Wright, John Melvin Gerrard, William Connolly, Kenneth Stephan, Michael McCormack and Lindsey Miller-Lerman.

District Court of Lancaster County, Nebraska: Honorable Steven D. Burns.

Co-Counsel:

Don Stenberg  
Nebraska State Treasurer  
*Formerly Nebraska Attorney General*  
2005 State Capitol  
Lincoln Nebraska 68509  
(402) 471-2455

Counsel for Scott Moore:

Michael Coyle  
Fraser Stryker PC  
409 South 17th Street  
Omaha, Nebraska 68102  
(402) 341-6000

8. *Nebraska v. RJ Reynolds Tobacco Co, et al.*, Doc. 573, Page 277 (Dist. Ct. of Lancaster Co. 1998).

I represented the State of Nebraska in nationwide tobacco litigation. I was tasked by the Attorney General to represent the State in national strategy meetings, as well as in local litigation pursuant to consumer protection statutes. The litigation and settlement resulted in annual payments to the state to compensate for tobacco-related healthcare costs and restrictions on tobacco sponsorships and advertising, including on targeting youths. The \$1.165 billion received by the State is largest settlement in Nebraska history. The Lancaster County proceeding is referenced in the Master Settlement Agreement. I also subsequently worked with the Nebraska Legislature on legislation dealing with the settlement funds.

Judge:

District Court of Lancaster County, Nebraska: Honorable Steven D. Burns

Co-Counsel:

Don Stenberg  
Nebraska State Treasurer

*Formerly Nebraska Attorney General*  
2005 State Capitol  
Lincoln NE 68509  
(402) 471-2455

Counsel for RJ Reynolds Tobacco:  
Charles F. Gotch  
Cassem Tierney Adams Gotch & Douglas  
9290 West Dodge Road  
Omaha, Nebraska 68114  
402-390-03300

9. *F.A.I.R. v. Dept. Social Services*, 111 F.3d 1408 (8th Cir. 1997) (*en banc*).

This case involved the Free Speech Clause. Plaintiffs alleged a state welfare office violated the First and Fourteenth Amendments by denying their organization access to the lobby to distribute material and speak with welfare recipients. The Court held the welfare office lobby was not a designated public forum and the access policy was not unconstitutionally vague. I served as lead counsel for the Department of Social Services before the *en banc* Eighth Circuit. The Eighth Circuit's decision clarified the applicable appellate standard of review in Free Speech Clause cases.

Judges:

United States Court of Appeals for the Eighth Circuit: Judges Richard S. Arnold, Gerald W. Heaney, Theodore McMillian, George G. Fagg, Pasco Bowman, Roger L. Wollman, Frank J. Magill, C. Arlen Beam, James B. Loken, David R. Hansen, Morris S. Arnold, and Diana E. Murphy.

Co-Counsel:  
Royce Harper  
Assistant Attorney General  
Office of the Attorney General  
*Deceased*

Counsel for F.A.I.R.:  
Sharon Lindgren  
P.O. Box 94661  
Lincoln, NE 68509  
*Phone Number Unknown*

10. *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 544 N.W.2d 344 (1996).

The Nebraska Legislature enacted a bill purporting to nullify any anti-crime legislation enacted by future legislatures that did not have a cost estimate for increased inmate population and a separate appropriation. The Attorney General directed the filing of a

challenge to the constitutionality of the bill. I served as lead counsel. I successfully petitioned the Nebraska Supreme Court to take original jurisdiction of the case, authored the appellate briefs, and argued the case before the Court. The Court held the statute violated the power of succeeding legislatures to legislate under Article III of the Nebraska Constitution.

Judges:

Nebraska Supreme Court: Chief Justice C. Thomas White and Justices David Lanipher, D. Nick Caporale, Dale Farnbuch, William Connolly, and John Gerrard.

Co-Counsel:

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Nebraska State Treasurer  
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2005 State Capitol  
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(402) 471-2455

Counsel for Scott Moore:

Patrick O'Brien  
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Lincoln, Nebraska 68508  
(402) 475-0811

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

As Chief Deputy Attorney General, I researched and wrote more than 80 published Attorney General's Opinions as well as many unpublished confidential opinions. I also managed the Civil Division of the Nebraska Department of Justice. In private practice, in addition to my litigation work, I also advocate for businesses and individuals before government agencies and policy-making bodies. This includes advice and assistance in working effectively with local and state government agencies, public officials, and regulatory decision makers.

In addition, I have undertaken the following lobbying activities:

Papio-Missouri River Natural Resources District: For this client, I have attended meetings with Nebraska State Senators and given testimony to the Nebraska Legislature Natural Resources Committee on district bonding authority, rehabilitation of Offutt Airforce Base levees, and other natural resources issues.

Nebraska Chiropractic Physicians Association: For this client, I have attended meetings with Nebraska State Senators and given testimony to the Nebraska Legislature Health and Human Services Committee on scope of practice issues.

Nebraska Intergovernmental Risk Management Association: For this client, I have attended meetings with Nebraska State Senators in support of LB 188, legislation to amend Nebraska's police chase liability statute to prevent recovery of damages by fleeing felons.

Jasper Stone Partners LLC: For this client, I attended the public hearing on LB 960 – Transportation Innovation Act. I also spoke with senators and others in favor of the bill subsequent to the hearing.

Nebraska Indoor Tanning Association: For this client, I testified before the Health and Human Services Committee of the Nebraska Legislature against LB 132 on January 25, 2013 and in favor of LB 749 on February 1, 2012.

Conreco: For this client, I lobbied Omaha City Council for amendment to city code to allow largest recycling business in Nebraska to maintain and improve its urban location. I testified in favor of the ordinance amendment on October 23, 2012.

Heartland Towing Company: For this client, I testified before the Omaha City Council on December 15, 2009 regarding a city towing contract award dispute.

Husch Blackwell LLP: I am registered as a lobbyist for my law firm and I appear on lobbying reports as such. These reports list all matters involving Husch Blackwell clients regardless of my involvement. To the best of my recollection and a review of Nebraska Accountability and Disclosure reports, the above list is an accurate representation of the clients for whom I have personally performed lobbying work.

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 held no teaching position.

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.

I have no deferred income arrangements, stock, options, uncompleted contracts or other



future benefits which I expect to derive.

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 no plans, commitments, or agreements to pursue outside employment in the future. I would consider, however, teaching a law school course on an adjunct basis.

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. I will evaluate recusal in cases involving Husch Blackwell LLP and any clients that I represented while at Husch Blackwell LLP. I would also recuse myself in matters involving my family, close friends, and my own financial interests, including matters involving First National Bank of Omaha, my wife's employer. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, with the advice of parties and their counsel, including recusal where necessary.

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

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

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

I occasionally provide free legal services to lower income or elderly individuals, but do not keep records of time devoted to this work. I also provide extensive legal services each year to various non-profit entities on a pro bono basis, including Concordia Lutheran Schools of Omaha (bylaw revisions, liability advice and contract review) and Gambling With the Good Life (research and legal analysis). Beyond legal work, I have volunteered for numerous civic and non-profit organizations.

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.

I expressed an interest in serving as a judge on the U.S. Court of Appeals for the Eighth Circuit to Senator Deb Fischer via letter on January 17, 2017, and to Senator Ben Sasse via letter on February 8, 2017. Both Senators Fischer and Sasse encouraged me to apply for the position via the formal, online process that the Senators set up for the purpose of accepting and reviewing applications. I did so on March 15, 2017. Since April 13, 2017, I have been in contact with attorneys from the White House Counsel's Office. On April 20, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy of the Department of Justice in Washington, D.C. On May 5, 2017, I interviewed with Senator Fischer and Senator Sasse at Senator Fischer's office in Omaha, Nebraska. On May 23, 2017, Senator Fischer telephoned to inform me that she and Senator Sasse were recommending me to the White House for the vacancy. On August 3, 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.