

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

James Wesley Hendrix

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

United States District Judge for the Northern District of Texas

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

United States Attorney's Office for the Northern District of Texas  
1100 Commerce Street, Suite 300  
Dallas, Texas 75242

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

1977; Lubbock, Texas

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.

2000 – 2003, University of Texas School of Law; J.D. (with high honors), 2003

1996 – 2000, University of Chicago; B.A. (with honors), 2000

Spring 1998, University of Pisa (study abroad program); no degree

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present

United States Attorney's Office for the Northern District of Texas  
1100 Commerce Street, Suite 300

Dallas, Texas 75242  
Chief, Appellate Division (2012 – present)  
Assistant United States Attorney (2007 – present)

Summers 2001, 2002; 2004 – 2007  
Baker Botts LLP  
2001 Ross Avenue  
Dallas, Texas 75201  
Associate (2004 – 2007)  
Summer Associate (Summers 2001, 2002)

2003 – 2004  
Hon. Patrick E. Higginbotham  
United States Court of Appeals for the Fifth Circuit  
903 San Jacinto Boulevard, Room 400  
Austin, Texas 78701  
Law Clerk

Summer 2002  
Gibson, Dunn & Crutcher LLP  
2100 McKinney Avenue, Suite 1100  
Dallas, Texas 75201  
Summer Associate

Summer 2001; Spring 2002  
Norton Rose Fulbright (formerly Fulbright & Jaworski)  
98 San Jacinto Boulevard, Suite 1100  
Austin, Texas 78701  
Law Clerk (Spring 2002)  
Summer Associate (Summer 2001)

Summer 2000  
Carr, Hunt, Wolfe & Joy LLP (now defunct, merged with Mullin Hoard Brown LLP)  
Wells Fargo Center  
1500 Broadway, Suite 700  
Lubbock, Texas 79401  
Filing Clerk

Other Affiliations (Uncompensated):

2015 – present  
PSC Partners Seeking a Cure  
6900 East Belleview Avenue, Suite 202  
Greenwood Village, Colorado 80111  
Board Member

2014 – present  
Bar Association of the Fifth Federal Circuit  
600 Camp Street, Room 206  
New Orleans, Louisiana 70130  
Governor-at-Large (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 have not served in the military. I timely registered for selective service.

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.

Appellate Chiefs Working Group, Attorney General's Advisory Committee (2015 – present)

Patrick E. Higginbotham American Inn of Court  
Barrister (2014 – present)  
Associate (2005 – 2006)

Fellow, Dallas Bar Foundation (2010 – present)

Appellate Advocacy Faculty, National Advocacy Center (2009 – present)

Commended for excellence by the FBI Director for my work on the trial team in *United States v. Smadi* (2010)

Texas Law Review, Member and Symposium Coordinator (2001 – 2003)

Order of the Coif, University of Texas School of Law (2003)

Chancellors (honor given to top 16 students in the class), University of Texas School of Law (2002)

Student Marshal (honor recognizing top two to three percent of the class), University of Chicago (2000)

Phi Beta Kappa, University of Chicago (2000)

Dean's List, University of Chicago (1996 – 2000)

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.

Bar Association of the Fifth Federal Circuit (2014 – present)  
Governor-at-Large (2014 – present)

Dallas Association of Young Lawyers (2004 – 2007)

Dallas Bar Association (2004 – 2008)

10. **Bar and Court Admission:**

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

Texas, 2003

There has been no lapse in membership.

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

United States Court of Appeals for the Fifth Circuit, 2005  
United States District Court for the Eastern District of Texas, 2007  
United States District Court for the Northern District of Texas, 2004

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.

First United Methodist Church of Richardson (2010 – present)  
Sunday School Teacher (2015 – present)  
LeadershipFirst Participant (2015)  
Group Life Participant (2013 – 2014)

Leukemia & Lymphoma Society (2011, 2005 – 2007)  
Volunteer

Plano Sports Association (2013 – present)  
Head Youth Baseball Coach

PSC Partners Seeking a Cure (2014 – present)  
Board Member (2015 – present)  
Volunteer & Co-Facilitator of breakout sessions, Annual Conference  
(2015)

Spring Valley Athletic Association (2012, 2014, 2015)  
Head Youth Baseball and T-Ball Coach

University of Texas Law Alumni Association (2014 – present)  
Dallas Young Alumni Steering Committee (2014 – present)

YMCA of Richardson (2011 – 2013)  
Head Youth Soccer Coach  
Assistant Youth Soccer Coach

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

To the best of my knowledge, none of the organizations listed above discriminates or previously 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.

*From Good to Great: The Four Stages of Effective Self-Editing*, 14 J. App. Prac. & Process 267 (2013). Copy supplied.

In my role as an Assistant United States Attorney, I edited the following two press releases prior to their release.

Press Release, *U.S. Court of Appeals Affirms Verdicts and Sentences of Last Remaining Defendants in Dallas City Hall Corruption Case*, United States Attorney's Office for the Northern District of Texas (Aug. 7, 2013). Copy supplied (reprinted in multiple outlets).

Press Release, *Man Who Admitted Attempting to Use a Weapon of Mass Destruction to Bomb a Downtown Dallas Skyscraper Is Sentenced to 24 Years in Federal Prison*, United States Attorney's Office for the Northern District of Texas (Oct. 19, 2010). Copy supplied (reprinted in multiple outlets).

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

None.

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

None.

- 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.

In attempting to generate as complete a list as possible, I searched my files, my calendar, public databases, and the internet. It is possible, however, that there are events I have been unable to identify.

September 9, 2015: Presenter, *Ethical Pitfalls in Legal Writing*, Civil Appellate Practice 101 CLE, TexasBarCLE, Austin, Texas. Handout supplied.

August 12, 2015: Moot Court Judge and Lecturer, "The Four Stages of Successful Writing, and the Four Steps of Effective Editing" and "Oral Argument Overview," Criminal Appellate Advocacy Seminar, National Advocacy Center,

Columbia, South Carolina. I served as a moot court judge, providing substantive and stylistic feedback to the students. PowerPoints for presentations supplied.

July 7, 2015: Speaker, Remarks to Judicial Clerks, United States Attorney's Office for the Northern District of Texas, Dallas, Texas. I spoke to judicial clerks interested in learning about our office, the work of Assistant United States Attorneys, and the pathways into the office. I have no notes, transcripts, or recordings. The address of the United States Attorney's Office for the Northern District of Texas is 1100 Commerce Street, Suite 300, Dallas, Texas 75242.

May 6, 2015: Presenter, *Ethical Pitfalls in Legal Writing*, Federal Litigation Update CLE, United States Attorney's Office for the Northern District of Texas, Dallas, Texas. PowerPoint supplied.

January 13, 2015: Presenter, *Ethical Pitfalls in Legal Writing*, Legal Writing to Win CLE, TexasBarCLE, Austin, Texas. Handout supplied.

October 15, 2014: Moderator, *Group 1 Presentation*, Patrick E. Higginbotham American Inn of Court, Dallas, Texas. My Inn of Court group gave a presentation addressing emerging laws governing the use of personal drones. I have no notes, transcript, or recording. The address of the Higginbotham American Inn of Court is 5201 Democracy Drive, Plano, Texas 75024.

October 7, 2014: Presenter, *From Good to Great: The Four Stages of Effective Self-Editing*, Corporate Counsel Section Meeting, Dallas Bar Association, Dallas, Texas. PowerPoint supplied.

August 13, 2014: Moot Court Judge and Lecturer, "The Four Stages of Successful Writing, and the Four Steps of Effective Editing" and "Oral Argument Overview," Criminal Appellate Advocacy Seminar, National Advocacy Center, Columbia, South Carolina. I served as a moot court judge, providing substantive and stylistic feedback to the students. I used the same PowerPoints supplied for the August 12, 2015 presentations.

July 8, 2014: Speaker, Remarks to Judicial Clerks, United States Attorney's Office for the Northern District of Texas, Dallas, Texas. I spoke to judicial clerks interested in learning about our office, the work of Assistant United States Attorneys, and the pathways into the office. I have no notes, transcripts, or recordings. The address of the United States Attorney's Office for the Northern District of Texas is 1100 Commerce Street, Suite 300, Dallas, Texas 75242.

November 5, 2013: Presenter, *From Good to Great: The Four Stages of Effective Self-Editing*, Jackson Lewis LLP, Dallas, Texas. PowerPoint supplied.

August 13, 2013: Presenter, *From Good to Great: The Four Stages of Effective Self-Editing*, Match.com, Dallas, Texas. PowerPoint supplied.

August 7, 2013: Moot Court Judge and Lecturer, “The Four Stages of Successful Writing, and the Four Steps of Effective Editing” and “Oral Argument Overview,” Criminal Appellate Advocacy Seminar, National Advocacy Center, Columbia, South Carolina. I served as a moot court judge, providing substantive and stylistic feedback to the students. PowerPoint supplied for the “Oral Argument Overview” presentation. I used the same “Four Stages of Successful Writing” PowerPoint supplied for the August 12, 2015 presentation.

July 26, 2013: Presenter, *From Good to Great: The Four Stages of Effective Self-Editing*, Baker Botts LLP, Dallas, Texas. PowerPoint supplied.

June 21, 2013: Presenter, *From Good to Great: The Four Stages of Effective Self-Editing*, Annual Meeting, State Bar of Texas, Dallas, Texas. PowerPoint supplied.

May 31, 2013: Speaker, Career Day, Yale Elementary School, Richardson, Texas. The school recruited various speakers to talk to students about their jobs. I spoke about being a lawyer and a prosecutor, as well as how to become a lawyer. I have no notes, transcript, or recording. The address for Yale Elementary School is 1900 East Collins Boulevard, Richardson, Texas 75081.

April 26, 2013: Presenter, *From Good to Great: The Four Stages of Effective Self-Editing*, Exceptional Legal Writing CLE, TexasBarCLE, Austin, Texas. Handout and PowerPoint supplied.

August 8, 2012: Moot Court Judge and Lecturer, “The Four Stages of Successful Writing, and the Four Steps of Effective Editing” and “Oral Argument Overview,” Criminal Appellate Advocacy Seminar, National Advocacy Center, Columbia, South Carolina. I served as a moot court judge, providing substantive and stylistic feedback to the students. PowerPoints for presentations supplied.

July 20, 2012: Panelist, “Ethical Issues and Pitfalls on Appeal,” Appellate Corporate Counsel Seminar, State Bar of Texas, Dallas, Texas. The panel discussed the various ethical issues that may arise during the appellate process. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

May 8, 2012: Presenter, *Nine Practical Tips to Improve Your Writing*, Federal Litigation Update CLE, United States Attorney’s Office for the Northern District of Texas, Dallas, Texas. PowerPoint supplied.

August 3, 2011: Moot Court Judge and Lecturer, “Self-Editing a Brief,” Criminal Appellate Advocacy Seminar, National Advocacy Center, Columbia, South Carolina. PowerPoint supplied.



May 12, 2011: Presenter, *The Path to Better Writing – A Few Simple Steps*, United States General Services Administration, Fort Worth, Texas. PowerPoint supplied.

February 23, 2010: Moot Court Judge and Lecturer, Civil Appellate Advocacy Seminar, National Advocacy Center, Columbia, South Carolina. I gave a demonstration oral argument, followed by remarks and a question-and-answer session about the argument. I also served as a moot court judge, providing substantive and stylistic feedback to the students. I have no notes, transcript, or recording. The address for the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

August 8, 2009: Moot Court Judge and Lecturer, Criminal Appellate Advocacy Seminar, National Advocacy Center, Columbia, South Carolina. I gave a demonstration oral argument, followed by remarks and a question-and-answer session about the argument. I also served as a moot court judge, providing substantive and stylistic feedback to the students. I have no notes, transcript, or recording. The address for the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

May 21, 2009: Presenter, *Lessons from a Serial Fifth Circuit Litigator*, Appellate Law Section Meeting, Dallas Bar Association, Dallas, Texas. PowerPoint supplied.

November 10, 2006: Presenter, *Calling the Tune and Paying the Piper: How to Enforce a 'No Overtime' Policy*, Labor and Employment Conference, Baker Botts LLP, Dallas, Texas. Handout supplied.

April 11, 2006: Speaker, Condemnation Procedures, Dallas Area Paralegal Association, Dallas, Texas. I spoke about Texas condemnation procedures before special commissioners. I have no notes, transcript, or recording. The address for the Dallas Area Paralegal Association is c/o Kristy Geron, Kane, Russell, Coleman & Logan PC, 1601 Elm Street, Suite 3700, Dallas, Texas 75201.

February 8, 2006: Presenter, *The New Rules Governing Ex Parte Temporary Restraining Orders*, Patrick E. Higginbotham American Inn of Court, Dallas, Texas. My Inn of Court group gave a presentation discussing a recently passed local rule governing ex parte temporary restraining orders. I have no notes, transcript, or recording. The address of the Higginbotham American Inn of Court is 5201 Democracy Drive, Plano, Texas 75024.

October 14, 2005: Presenter, *Is the DOL Going to Turn Your White Collars Blue? Recent Applications of the White-Collar Exemptions*, Labor and Employment Conference, Baker Botts LLP, Dallas, Texas. Handout supplied.

September 20, 2002: Speaker, "Precommitment Strategies in Law and

Bioethics,” Texas Law Review, Austin, Texas. As a coordinator of the symposium, I gave brief opening remarks at the beginning of the symposium about the participants and the topic. I have no notes, transcript, or recording. The address of the Texas Law Review is 727 East Dean Keeton Street, Austin, Texas 78705.

May 1996: Speaker, Graduation Ceremony, Lubbock High School, Lubbock, Texas. To the best of my recollection, I spoke about the graduating class’s responsibility to step into its role as society’s rising leaders. I have no notes, transcript, or recording. The address for Lubbock High School is 2004 19th Street, Lubbock, Texas 79401.

Winter 1995: Speaker, American Legion Post, Lubbock, Texas. I spoke about the importance of instilling patriotism and respect for America’s core principles in young people. I have no notes, transcript, or recording of this event, and I do not recall the exact date or which Post sponsored the event.

- 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.

None.

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

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_
  - i. Of these, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the

case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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

I have not served as a judge.

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

taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

None.

- 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.

In 2006, I volunteered briefly in the reelection campaign of Dallas District Court Judge Catharina Haynes, who is now a judge on the U.S. Court of Appeals for the Fifth Circuit. I volunteered to phone bank, calling prospective voters and telling them about the Judge.

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

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

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

From 2003 to 2004, I served as a law clerk to the Honorable Patrick E. Higginbotham, Circuit Judge of the United States Court of Appeals for the Fifth Circuit.

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

I have never 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.

2004 – 2007  
Baker Botts LLP

2001 Ross Avenue  
Dallas, Texas 75201  
Litigation Associate

2007 – present  
United States Attorney's Office for the Northern District of Texas  
1100 Commerce Street, Suite 300  
Dallas, Texas 75242  
Chief, Appellate Division (2012 – present)  
Assistant United States Attorney (2007 – 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.

b. Describe:

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

After finishing my clerkship with Judge Higginbotham, I joined the Dallas office of Baker Botts as a litigation associate. I represented corporate clients in complex commercial litigation. I had primary day-to-day responsibility for civil litigation matters including energy, wage-and-hour, patent, information-technology, real estate, and employment litigation. I litigated cases in state and federal courts, representing both plaintiffs and defendants.

In 2007, I joined the Dallas United States Attorney's Office as an Assistant United States Attorney. I worked in the Appellate Division, representing the United States in cases on appeal before the United States Court of Appeals. I have argued 23 appeals at the Fifth and Seventh Circuits. Appellate Division attorneys handle all aspects of appeals from criminal cases prosecuted in the Northern District of Texas. I have briefed and argued cases involving terrorism, public corruption, child exploitation, organized crime, economic crimes, and fraud. The appeals raised a wide variety of complex issues involving the Constitution, statutory construction, rules of evidence, sentencing, and procedural matters. I also advised trial prosecutors on significant legal issues that arose during investigations, trial preparation, trial, and sentencing. Additionally, I helped ensure that trial prosecutors were kept abreast of changes and developments in the law.

In addition to my appellate practice, I prosecuted cases in the district

court. I have served on various trial teams—trying cases, briefing and arguing dispositive motions, and handling sentencing, revocation, probable-cause, and detention hearings.

In 2012, I was appointed as Chief of the Appellate Division. As Chief, I serve as the office's lead appellate litigator and as a member of the senior management team, advising the United States Attorney on legal, strategic, and administrative matters. I manage an appellate division comprised of ten appellate attorneys and three support staff, coordinating the division's workflow and ensuring high-quality representation before the Fifth Circuit. The Appellate Division, which has the third-largest appellate docket of all 94 United States Attorney offices, handles the great majority of the district's criminal appeals and post-conviction litigation. I provide ongoing legal and strategic advice to trial prosecutors on the district's most complex and high-profile cases. I also coordinate with the Department of Justice's Criminal Division Appellate Section and the Office of the Solicitor General regarding cases appealed to and argued before the U.S. Supreme Court.

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

While in private practice at Baker Botts, my typical clients were corporations involved in complex civil litigation.

As an Assistant United States Attorney, I represent the United States in criminal prosecutions in trial and appellate courts.

- 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.

One hundred percent of my practice has been in litigation. As an Assistant United States Attorney, I appear in court frequently. During my time at Baker Botts, I appeared in court occasionally.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 80%
- 2. state courts of record: 20%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 30%
- 2. criminal proceedings: 70%

- 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 tried two cases to jury verdicts.

- i. What percentage of these trials were:

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

- 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.

*Garcia-Carrillo v. United States*, No. 14-5216, 2014 WL 5399331 (brief for the United States in opposition of certiorari), *cert. denied*, 135 S. Ct. 676 (2014)

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) *Webster v. Lockett*, No. 2:12-CV-86 (S.D. Ind.), *aff'd* by 761 F.3d 764 (7th Cir. 2014), *vacated* by 769 F.3d 1194 (7th Cir. 2014) (en banc), *reheard and reversed* by 784 F.3d 1123 (7th Cir. 2015) (en banc).

In 1996, a jury in the Northern District of Texas found Mr. Webster guilty of kidnapping resulting in death. Following the jury's recommendation, the district court imposed a death sentence. On appeal and in post-conviction litigation pursuant to 28 U.S.C. § 2255, Webster challenged the court's finding that he was not intellectually disabled. The finding was affirmed in each proceeding. Years later, Webster filed a habeas corpus action in his district of confinement, the Southern District of Indiana, pursuant to 28 U.S.C. § 2241. Although not challenging his guilt of the offense, Webster's new counsel argued that newly discovered documents showed that he was intellectually disabled. The

district court denied the petition as failing to meet Section 2241's prerequisites.

In 2014, I argued the case before the Seventh Circuit, which affirmed on all grounds. The Seventh Circuit then granted rehearing en banc, and in 2015, I argued the case on rehearing. The en banc court, by a vote of 6-to-5, held that "there is no categorical bar against resort to Section 2241 in cases where new evidence would reveal that the Constitution categorically prohibits a certain penalty." The court remanded for an evidentiary hearing to determine whether the documents at issue were previously unavailable and whether trial counsel exercised due diligence in trying to obtain them. The parties are now litigating the scope of discovery and preparing for evidentiary hearings in the Southern District of Indiana. I am lead counsel for the government.

Presiding Judge: U.S. District Judge William T. Lawrence  
Panel: U.S. Circuit Judges Easterbrook, Bauer, Sykes

Co-Counsel:

Winfield D. Ong  
United States Attorney's Office  
Ten West Market Street, Suite 2100  
Indianapolis, Indiana 46204  
(317) 226-6333

Jay Weimer  
Tim Funnell  
United States Attorney's Office  
801 Cherry Street, Suite 1700  
Fort Worth, Texas 76102  
(817) 252-5200

Opposing Counsel:

Steven J. Wells  
Dorsey & Whitney LLP  
50 South Sixth Street, Suite 1500  
Minneapolis, Minnesota 55402  
(612) 340-7809

(2) *United States v. Dvorin*, No. 3:12-CR-244 (N.D. Tex.), *aff'd in part, rev'd in part*, \_\_\_ F.3d \_\_\_, 2016 WL 1085744 (5th Cir. Mar. 18, 2016).

From 2014 to 2015, I prosecuted this case in the district court following an agreed remand from the Fifth Circuit, trying it with co-counsel before a jury to a guilty verdict. Over the course of approximately five years, Mr. Dvorin deposited more than 200 worthless checks into an account at a local bank. With each deposit, Dvorin obtained immediate access to the check's face value, allowing him to make use of whatever



portion of the money he wanted, and he covered his overdrafts with more worthless checks. Dvorin perpetuated his scheme with the help of a bank insider. When the fraud was finally discovered, the bank's losses were nearly half a million dollars.

The government charged Dvorin with conspiracy to commit bank fraud, and on November 3, 2014, the case proceeded to a three-day jury trial, during which I was co-counsel. Dvorin claimed that the worthless deposits were really an informal line of credit, so there was no conspiracy to defraud the bank. I assisted during voir dire and examined witnesses. The jury found Dvorin guilty, and the court imposed an 18-month term of imprisonment and two years of supervised release. The court also entered a forfeiture judgment, as well as a restitution order directing Dvorin to pay \$110,940 to the bank. The Fifth Circuit vacated the forfeiture judgment, but affirmed on all other grounds.

Presiding Judge: U.S. District Judge Reed O'Connor

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(3) *United States v. Aldawsari*, 740 F.3d 1015 (5th Cir. 2014).

Mr. Aldawsari, a citizen of Saudi Arabia and resident of Lubbock, Texas, was convicted by a federal jury of attempted use of a weapon of mass destruction in connection with his purchase of chemicals and equipment necessary to make an improvised explosive device and his research of potential U.S. targets. In 2013, Aldawsari challenged the validity of his conviction and life sentence. He argued that the district court improperly denied his motion to suppress evidence, delivered an invalid instruction to the jury, and erred when

calculating his sentence. From 2013 to 2014, I supervised and helped brief this high-profile terrorism appeal, which required coordination with the Fifth Circuit so that the court could conduct an *in camera* and *ex parte* review of classified materials that were submitted to the Foreign Intelligence Surveillance Court in support of the FISA application. The Fifth Circuit affirmed the conviction and sentence.

Panel: U.S. Circuit Judges Reavley, Davis, Higginson

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(4) *United States v. Reagan*, 725 F.3d 471 (5th Cir. 2013).

This appeal stemmed from convictions and sentences imposed in a public corruption case brought against Dallas Mayor Pro Tem Mr. Hill, his wife, Ms. Farrington, former City Plan & Zoning Commissioner Mr. Lee, and Mr. Reagan. The appeal followed a three-month trial that began in June 2009. Hill, Farrington, and Lee were convicted of counts related to bribery, extortion, and money laundering. Reagan was convicted of counts related to extortion. Hill received a sentence of 18 years, Lee and Reagan received 14 years, and Farrington received nine years. On appeal, the Fifth Circuit affirmed the convictions and sentences on all grounds. In 2012 and 2013, I, along with a fellow Assistant United States Attorney, drafted the 237-page brief and argued the case on appeal. The Fifth Circuit affirmed the convictions and sentences on all grounds.

Panel: U.S. Circuit Judges Jones and Clement, U.S. District Judge Kazen

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- (5) *Atehortua-Castro v. United States*, No. 3:11-CV-2780 (N.D. Tex.); *Bejarano v. United States*, No. 3:11-CV-2784 (N.D. Tex.), *aff'd* by 751 F.3d 280 (5th Cir. 2014).

Ms. Atehortua-Castro, her husband Mr. Bejarano, and others were indicted for conspiring to distribute cocaine and conspiring to commit money laundering. Both Atehortua-Castro and Bejarano pleaded guilty to conspiring to commit money laundering and were sentenced to 42 months in prison. Atehortua-Castro and Bejarano moved to vacate their convictions, claiming, among other things, that their lawyers were ineffective by failing to file an appeal. In 2012, I, along with co-counsel, presented the testimony of various witnesses during a lengthy evidentiary hearing. After the hearing, the magistrate judge recommended denying the motions to vacate, and the district court adopted the recommendation. On appeal, the Fifth Circuit affirmed.

Presiding Judges: U.S. Judge Barbara Lynn and U.S. Magistrate Judge Renee H. Toliver  
Panel: U.S. Circuit Judges King, Southwick, and Graves

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(6) *United States v. Smadi*, No. 3:09-CR-294 (N.D. Tex.).

This case involved the attempted use of a weapon of mass destruction in downtown Dallas, and I was a member of the government's trial team from 2009 to 2010. Mr. Smadi knowingly took possession of a truck that contained a bomb. Although the bomb was inert when he took possession of it, it was a readily convertible weapon of mass destruction. Smadi believed that the bomb was an active weapon of mass destruction and intended to blow up a 60-story office building in downtown Dallas. Smadi pleaded guilty in May 2010 to one count of attempted use of a weapon of mass destruction and was sentenced to 24 years. My role on the trial team included developing our trial strategy, refining our legal theories, responding to dispositive motions, helping negotiate and draft the plea agreement, assisting at the sentencing hearing, and monitoring the appeal, which was ultimately dismissed. I was commended by the FBI Director for excellence in prosecuting the case.

Presiding Judge: U.S. District Judge Barbara Lynn

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- (7) *United States v. Gentle*, No. 3:08-CR-30 (N.D. Tex.), *aff'd* by 361 F. App'x 575 (5th Cir. 2010).

From 2008 to 2010, I represented the government in this criminal prosecution and appeal. Mr. Hines robbed a Citibank in Dallas, Texas, and Mr. Gentle served as the getaway driver. The government charged Gentle with bank robbery and aiding and abetting bank robbery. Before trial, Gentle moved to suppress statements he made after his arrest. I responded to the motion and handled the evidentiary hearing that followed, including the cross-examination of the defendant. The district court denied the motion. The case proceeded to a four-day jury trial in July 2008. I, along with co-counsel, tried the case to verdict. The jury found Gentle guilty, and the court sentenced him to a 41-month term of incarceration and a three-year term of supervised release. I also handed the case on appeal before the Fifth Circuit, which affirmed.

Presiding Judge: U.S. District Judge Jane Boyle  
Panel: U.S. Circuit Judges Jones, Smith, and Elrod

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- (8) *United States v. Riedle*, No. 4:07-CR-76 (N.D. Tex.).

In 2008, I represented the government in the sentencing of this defendant. The government charged Mr. Riedle with transporting and shipping child pornography. After he pleaded guilty, the trial prosecutor asked me to assist at the sentencing hearing because the government needed to prepare and present multiple fact witnesses. Specifically, we sought to prove that Riedle had engaged in a pattern of sexual abuse against his former step-daughter, which would significantly enhance his advisory guideline range. Although now a young adult, the step-daughter had never spoken

publicly about the abuse. The court held a lengthy evidentiary hearing, and my colleague and I presented the testimony of various witnesses, including the step-daughter, social workers, and the case agent. Through their testimony, we proved that Riedle sexually abused the step-daughter over a period of many years. The court applied the guidelines enhancement and imposed the statutory maximum sentence of twenty years.

Presiding Judge: U.S. District Judge Terry Means

Co-Counsel:

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- (9) *Fortuna Res. (Sunda) Ltd. f/k/a Paladin Res. (Sunda) Ltd. f/k/a Warrior Oil Co. v. CNOOC Southeast Asia LTD., CNOOC Ltd., CNOOC Int'l Ltd., CNOOC SES LTD., CNOOC Muturi Ltd., CNOOC Wiriagar Overseas, Ltd., and CNOOC Batanghari Ltd.*, No. 04-02686 (Tex. Dist. Ct.—Dallas Cty.), *aff'd in part, rev'd in part*, by *CNOOC Southeast Asia LTD et al. v. Paladin Res. (Sunda) Ltd.*, 222 S.W.3d 889 (Tex. App.—Dallas 2007).

This was an international contract dispute between a Canadian energy company and the China National Offshore Oil Corporation (CNOOC), a Chinese state oil company. Baker Botts LLP represented the plaintiff, Fortuna, and assisted it in enforcing a contractual right to participate in a liquefied natural gas (LNG) project in Indonesia, the Tangguh LNG Project. Fortuna filed suit in Dallas County against various CNOOC entities, alleging that CNOOC acquired exploration rights in the Tangguh LNG Project in Indonesia without giving Fortuna the option to participate. CNOOC strongly resisted the lawsuit, challenging jurisdiction, discovery, and its contractual obligations. The litigation was high stakes because of the value of the Tangguh LNG Project. From 2006 to 2007, I was involved with every aspect of the case, including case development, trial strategy, expert witness preparation and reports, discovery disputes and hearings, summary judgment briefing, and multiple evidentiary hearings. Following extensive litigation, summary judgment proceedings, and negotiations, our client secured rights through settlement to participate in the project.

Presiding Judge: Texas District Judge Martin Hoffman

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(10) *Billings v. Rolling Frito-Lay Sales*, 413 F. Supp. 2d 817 (S.D. Tex. 2006).

The plaintiff, Mr. Billings, was a delivery driver for Frito-Lay, and he brought a putative collective action on behalf of himself and all similarly situated individuals, claiming that Frito-Lay failed to pay them overtime. While at Baker Botts LLP, I represented Frito-Lay from 2005 to 2006, and had primary responsibility for the factual investigation and drafting of our summary judgment motion. The primary issue was whether Billings and similarly situated drivers were engaged in interstate transportation, making him a “motor private carrier” and excluding him from the overtime requirement in the Fair Labor Standards Act. The district court granted Frito-Lay’s summary judgment motion, concluding that the motor carrier exception to the FLSA’s overtime requirements was applicable.

Presiding Judge: U.S. District Judge Samuel Kent

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

As Appellate Chief for the United States Attorney's Office in a large federal district, I manage a docket of hundreds of appeals. With the help of my team, I ensure that the appeals are processed efficiently, fairly, and persuasively. I also regularly advise trial prosecutors regarding complex matters, high-stakes cases, and novel issues. The role requires constant communication and coordination with the Criminal Chief. On particularly important issues or cases, I am often in court with prosecutors, advising them in real time.

Additionally, our district has a tradition of staffing an appellate Assistant United States Attorney on high-profile cases, such as terrorism and public-corruption cases. While the appellate attorney may not appear in these cases, they are an integral part of the trial team.

To expand the Appellate Division's role in the office and to provide more regular advice to trial prosecutors, I created an appellate liaison program. I assign each appellate Assistant United States Attorney as a liaison to one of the Dallas office's litigating divisions or to a branch office. The appellate liaison becomes that group's regular point-of-contact. The program is mutually beneficial—the appellate attorney gains a deeper understanding of that group's cases, and the trial attorneys have help analyzing particularly complex or urgent issues.

While at Baker Botts, I spent a significant amount of time working on a complex information-technology dispute involving more than sixty information technology



systems and complex contractual obligations. The dispute was settled before progressing to litigation.

I have not performed any lobbying activities.

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.

None.

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

None.

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

No.

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

See Financial Disclosure Report.

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

See Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

The judicial appointment for which I am being considered would hear cases from the United States Attorney's Office. As a senior manager from that office, I would need to recuse from those cases for a period of time and from other cases going forward as required by 28 U.S.C. § 455, the Code of Conduct for United States Judges, policies of the district court, and all applicable rules regarding ethics and conflicts of interest.

I might also hear cases from Baker Botts and its lawyers. As a former Baker Botts lawyer, I would need to consider possible recusal in those cases as required by 28 U.S.C. § 455, the Code of Conduct for United States Judges, policies of the district court, and all applicable rules regarding ethics and conflicts of interest.

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

I would consult 28 U.S.C. § 455, the Code of Conduct for United States Judges, policies of the district court, and all applicable rules regarding ethics and conflicts of interest. I would likewise use any conflict-screening system provided by the court and review each case assigned to me for potential conflicts.

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.

While in private practice at Baker Botts, I volunteered through the Dallas Volunteer Attorney Program. The program recruits, trains, and supports volunteer attorneys to provide pro bono legal help to low-income people in Dallas County, Texas. The program matched me with a client that needed counseling related to the possible adoption of her grandchild. I researched that area of law and counseled the client. Also while at Baker Botts, I volunteered at Julius Dorsey Elementary School, a Dallas Independent School District (DISD) school that Baker Botts adopted. Baker Botts employees volunteered their time at Dorsey Elementary in various ways, including tutoring and mentoring disadvantaged and at-risk children, distributing books and other materials, visiting classes, and planning events. I participated in school events, read to children during library time, and answered questions about being a lawyer. For its work, Baker Botts received the DISD's Partner/Volunteer Recognition Award.

While in law school, I was a member of the Housing Law Clinic, which was a collaboration between the law school and Texas RioGrande Legal Aid (TRLA). The TRLA is a non-profit organization that provides free legal services to low-income residents in Southwest Texas. During the spring semester of 2003, I worked at the TRLA's Austin office under the supervision of the Housing Law Group's supervisor, Fred Fuchs, to provide low-income clients with free legal representation in housing

disputes.

Since becoming an Assistant United States Attorney in 2007, legal pro bono opportunities have been limited because, except in very limited circumstances, I am prohibited from practicing law outside of my office. Nonetheless, I have volunteered my time and resources in other ways. I am a mentor to a first-year lawyer as part of the Dallas Bar Association's Transition to Law Practice Program. I have also participated in, and planned events for, the annual Combined Federal Campaign. Additionally, I volunteered and participated in Yale Elementary School's career day, answering the children's questions about being and becoming a lawyer, the United States Attorney's Office, and criminal law. Finally, I regularly volunteer my time to teach lawyers at the National Advocacy Center, TexasBarCLE events, and State Bar of Texas events.

I also serve on the board of directors of PSC Partners Seeking a Cure, a nonprofit volunteer organization dedicated to providing primary sclerosing cholangitis (PSC) patients and their caregivers education and support. It also raises funds to research the origins of, and a cure for, this rare disease.

**26. Selection Process:**

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

On August 1, 2014, I submitted an application to the Federal Judicial Evaluation Committee formed by Senators Cornyn and Cruz for the judicial vacancy in the Northern District of Texas's Dallas Division. On October 24, 2014, the Committee interviewed me in Houston, Texas. On February 2, 2015, I met with Senators Cornyn and Cruz and their counsel in Washington, D.C. On May 8, 2015, I submitted an application to the Committee for the judicial vacancy in the Eastern District of Texas's Sherman Division. On July 9, 2015, Senator Cornyn's office informed me that my name would be submitted to the White House for consideration for the Northern District of Texas position. On July 31, 2015, I interviewed with the Committee in Dallas for the Eastern District of Texas vacancy. On January 16, 2016, the Office of the White House Counsel informed me that I would be vetted for possible nomination. Since that day, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 1, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On March 15, 2016, 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.