

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Justin Reed Walker

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

United States Circuit Judge for the District of Columbia 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.

United States Courthouse
601 West Broadway
Louisville, Kentucky 40202

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

1982; Louisville, Kentucky

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.

2006 – 2009, Harvard Law School; J.D., 2009.

2000 – 2004, Duke University; B.A., 2004.

2003, University of Oxford, New College; 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.

2019 – Present
United States District Court
Western District of Kentucky

601 West Broadway
Louisville, Kentucky 40202
District Judge

2019
Dinsmore & Shohl LLP
101 South 5th Street, Suite 2500
Louisville, Kentucky 40202
Partner of Counsel

2015 – Present
University of Louisville Brandeis School of Law
2301 South 3rd Street
Louisville, Kentucky 40208
Part-Time Associate Professor of Law and Co-Director of Ordered Liberty Program (2020 – present)
Assistant Professor of Law (2015 – 2019)
Associate Professor of Law and Co-Director of Ordered Liberty Program (2019)

2013 – 2019
Justin Walker, Esq.
Home Address
Louisville, Kentucky 40207
Attorney and Advisor

2013 – 2015
EJS Enterprises LLC
600 Yancy Lane
Louisville, Kentucky 40207
Writer

2012 – 2013; 2009 – 2010; Summer 2008
Gibson Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Associate (2012 – 2013; 2009 – 2010)
Summer Associate (Summer 2008)

2011 – 2012
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543
Law Clerk to Honorable Anthony M. Kennedy

2010 – 2011
United States Court of Appeals for the D.C. Circuit

333 Constitution Avenue, N.W.
Washington, D.C. 20001
Law Clerk to Honorable Brett M. Kavanaugh

Summer 2008
Dickstein Shapiro
1825 I St. NW
Washington, D.C. 20006
Summer Associate

Summer 2007
Mintz Levin
One Financial Center
Boston, Massachusetts 02111
Summer Associate

2005 – 2006
Department of Defense
Pentagon – Army Navy Drive and Fern Street
Arlington, Virginia 22202
Speechwriter for the Secretary of Defense

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 U.S. 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.

University of Louisville, Faculty Favorite Nominee (2016; 2017; 2018)

Sacred Heart Model School, Alumnus of the Year (2015)

Forbes, “30 Under 30” List for Law and Public Policy (2011)

Degree from Harvard Law School conferred *magna cum laude* (2009)

Degree from Duke University conferred *summa cum laude* (2004)

Phi Beta Kappa (2004)

Robert Rankin American Government Award for Leadership and Academic Achievement (2004)

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.

District of Columbia Bar Association (2010 – Present)

Federalist Society (2006 – Present)

Executive Committee for International and National Security Law Practice Group (2017 – 2019)

Executive Committee for Louisville Chapter (2016 – 2019)

Kentucky Bar Association (2009 – Present)

Annual Convention Planning Committee (2018 – 2019)

Committee for Continuing Legal Education for Annual Convention (2018 – 2019)

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.

District of Columbia, 2010

Kentucky, 2009

There have been no lapses in membership.

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

United States Court of Appeals for the Sixth Circuit, 2016

United States Court of Appeals for the D.C. Circuit, 2011

United States District Court for the Western District of Kentucky, 2019

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.

Duke Alumni Association (2004 – Present)

Federal Judges Association (2019 – Present)

Global Game Changers Student Empowerment Program
Executive Director (2013 – 2019)
Board Member (2020 – Present)

Harvard Club of Louisville (approximately 2017 – 2018)

Harvard Law School Association (2009 – Present)

Lakeside Swim Club (2018 – Present)

Louisville Lawyers Club (2017 – 2020)

Louisville Tennis Club (approximately 2013 – 2016)

Sacred Heart Model School, Alumni Board (2016 – 2017)

Supreme Court Historical Society (2015 – 2018)

University Club of Louisville (2015 – 2016)

Yale's Bulldogs in the Bluegrass (2015 – 2017)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

The Kavanaugh Court and the Schechter-to-Chevron Spectrum: How the New Supreme Court Will Make the Administrative State More Democratically Accountable, __ Ind. L.

Rev. __ (2020) (working draft). Copy Supplied.

With Alex Van Dyke, *A Nonpartisan Necessity: State Constitutional Law as an Evenhanded Source of Rights*, __ U. Ill. L. Rev. __ (2020) (symposium) (working draft) (formerly title *Less Liberty?*). Copy supplied.

With Kirk Smith, *Lincoln's Lessons*, __ Univ. Louisville L. Rev. __ (2019) (symposium) (forthcoming). Copy supplied.

With Samantha Hall, *Madmen, Whirlybirds, and Mistakes: A Recipe for Good Legal Writing*, Ky. Bench & B. 48, Jan. 2019. Copy supplied.

With Nick Harper, Travis Lenkner, Richard Re & Caroline Van Zile, *Brett Kavanaugh Will Follow in Anthony Kennedy's Collegial Supreme Court Footsteps*, USA Today, Sept. 4, 2018. Copy supplied.

Kavanaugh Is A Great Judge, Good Man, Louisville Courier-Journal, Aug. 6, 2018. Copy supplied.

Judge Brett Kavanaugh: A Warrior for Religious Liberty, Nat'l Rev., July 6, 2018. Copy supplied.

Guest blog: Reflections on Judge Brett Kavanaugh, Brandeis School of Law Dean's Blog, July 5, 2018. Copy supplied.

Brett Kavanaugh Said Obamacare Was Unprecedented and Unlawful, Federalist, July 3, 2018. Copy supplied.

FBI Independence as A Threat to Civil Liberties: An Analogy to Civilian Control of the Military, 86 Geo. Wash. L. Rev. 1011 (2018). Copy supplied.

Guest blog: Reflections on Justice Anthony Kennedy, Brandeis School of Law Dean's Blog, approximately June 2018. Copy supplied.

Guest post: A Wild Ride to Germany, Reflections on Federalism – and More, Brandeis School of Law Dean's Blog, approximately May 31, 2018. Copy supplied.

The FBI Was Dangerous When It Was Independent, Wall Street J., Mar. 25, 2018. Copy supplied.

What Will Guard The Guardians?: Combating Threats to an Independent Judiciary Through Theories of Inherent Executive Power, 85 Univ. Cin. L. Rev. 923 (2018). Copy supplied.

With Leah Spears, *You Can't Write Anything Good If You Haven't Read Anything That's Good*, Ky. Bench & B. 48, July 2017. Copy supplied.

With Caroline Phelps, *Chilled Chambers*, 47 Univ. of Memphis L. Rev. 1169 (2017) (symposium). Copy supplied.

With A.J. Besik, Chelsea Dermody & Devon Skeens, *Brandeis Students Meet with Justice Kennedy, Visit D.C.*, Ky. Bench & B. 30, July 2016. Copy supplied.

Execution of the Innocent in Military Tribunals: Problems from the Past and Solutions for the Future, 119 W. Va. L. Rev. 1 (2016). Copy supplied.

With Anne Walker, *Calling All Kid Superheroes*, Courier-Journal, Aug. 24, 2015. Copy supplied.

Batson v. Kentucky: A Retrospective, Ky. Bench & B. 10 (March 2015). Copy supplied.

Recent Case: Saudi Courts – Women’s Rights – General Court of Qatif Sentences Gang-Rape Victim to Prison and Lashings for Violating “Illegal Mingling” Law, 121 Harv. L. Rev. 2254 (2008). Copy supplied.

Dispatches from the Campaign Trail, Duke Mag., Aug. 1, 2004. Copy supplied.

Justin Walker’s Campaign Diary, Duke University Website (January 2004 to March 2004). Available at <https://today.duke.edu/showcase/mmedia/features/campaigndiary/campaigndiary.html>

Worthless Democrats, Duke Chron., Sept. 26, 2002. Digital copy available at https://issuu.com/dukechronicleprintarchives/docs/the_chronicle_2002-09-26_sm.

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.

July 31, 2019: I testified at my confirmation before the Judiciary Committee of the United States Senate to be a United States District Judge for the Western District of Kentucky. I also answered Questions for the Record presented to me by members of the Committee. Video of the hearing is available at <https://www.judiciary.senate.gov/meetings/07/31/2019/nominations>. My answers to the

questions for the record are supplied.

With former clerks to Justice Kennedy, Letter to Senate Judiciary Committee, August 2, 2018. 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.

March 24, 2020: Discussant, Professor Brian Frye's Professional Responsibility Class (remotely via audio connection), University of Kentucky College of Law, Lexington, Kentucky. I have no notes, transcript, or recordings. I took questions from the class about professional responsibility and my time as a district court judge. The address of University of Kentucky College of Law is 620 South Limestone, Lexington, Kentucky 40508.

March 13, 2020: Speaker, Judicial Investiture of Judge Justin Walker, Kentucky Center for the Arts, Louisville, Kentucky. Video available at <https://www.youtube.com/watch?v=k5iUfudxuM8>

March 11, 2020: Speaker, Louisville Lawyer's Club, Mesh Restaurant, Louisville, Kentucky. My presentation summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

October 10-11, 2019: Instructor, Digital Law, University of Paris Descartes, Paris France. Notes same as notes supplied for April 4-5, 2019, course in Paris.

June 13, 2019: Moderator, Panel Discussion of Current Supreme Court Term, Kentucky Bar Association Annual Convention, Louisville, Kentucky. Notes supplied.

June 8, 2019: Speaker, Discussion of Current Supreme Court Term, Dinsmore & Shohl Partners Retreat, Columbus, Ohio. Notes supplied.

May 10, 2019: Speaker, The Confrontation Clause Since *Crawford*, Commonwealth Attorney's Office, Louisville, Kentucky. Video DVD supplied.

April 13, 2019: Speaker, Symposium on Judge Sutton's *Fifty-One Imperfect Solutions*, Richmond Law School, Richmond, Virginia. My presentation was based on the draft of *A Nonpartisan Necessity: State Constitutional Law as an Evenhanded Source of Rights* (formerly titled *Less Liberty?*), a copy of which is supplied in response to Question 12.a.

April 4-5, 2019: Instructor, Digital Law, University of Paris Descartes, Paris France. Notes supplied.

March 26, 2019: Speaker, Supreme Court Preview for Fifth Third Bank, Cincinnati, Ohio. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

March 18, 2019: Speaker, Supreme Court Preview, Federalist Society, Washington & Lee School of Law. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

March 18, 2019: Speaker, Supreme Court Preview, Federalist Society, Liberty School of Law. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

March 11, 2019: Speaker, Supreme Court Preview for Proctor & Gamble, Cincinnati, Ohio. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

February 25, 2019: Speaker, Delegation Doctrine, Federalist Society, Louisville, Kentucky. Notes supplied.

February 21, 2019: Speaker, Justice Kavanaugh's Impact on the Supreme Court, Daviess County Bar Association, Owensboro, Kentucky. My talk was based on my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

December 4, 2018: Speaker, Brett Kavanaugh's Jurisprudence, Federalist Society, Raleigh, North Carolina. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

December 3, 2018: Speaker, Brett Kavanaugh's Jurisprudence, Federalist Society, Winston-Salem, North Carolina. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

November 30, 2018: Speaker, Supreme Court Preview, Dinsmore & Shohl LLP Continuing Legal Education Conference, Cincinnati, Ohio. Copy of notes provided.

October 24, 2018: Speaker, Due Process, Governor's Equal Employment Opportunity, Diversity and Leadership Conference, Louisville, Kentucky. Copy of notes provided.

October 9, 2018: Speaker, Brett Kavanaugh Confirmation, Jefferson County Republican Party, Louisville, Kentucky. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of the Jefferson County Republican Party is 4545 Bishop Lane, Louisville, Kentucky 40218.

October 3, 2018: Speaker, Supreme Court Review and Preview, Dinsmore & Shohl LLP, Continuing Legal Education, Louisville, Kentucky. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

September 28, 2018: Speaker, Symposium: The Commonwealth, Brandeis School of Law, Louisville, Kentucky. The presentation was based on my essay, co-authored with Kirk Smith, *Lincoln's Lessons*, a copy of which is supplied in response to Question 12.a.

September 27, 2018: Speaker, Church-State Debate, American Constitution Society-Americans United, Louisville, Kentucky. Recording available at http://hwcdn.libsyn.com/p/a/d/2/ad258e9678baca09/224_Episode_224.mp3?c_id=25467701&cs_id=25467701&expiration=1555097884&hwt=08054d750a38aa6fa96016f74ec143a3.

September 18, 2018: Speaker, Brett Kavanaugh Nomination, Indiana University School of Law. A video is available at https://www.youtube.com/watch?v=au-2ZxtgRTo&fbclid=IwAR28zroKvi2gn3kM1Cl-Jc8BrlV9EnfWtTtZrrTDIXrOAx8XQjm_K-C2ELQ

September 11, 2018: Speaker, Brett Kavanaugh Nomination, Columbia Law School, New York, New York. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

August 28, 2018: Speaker, Brett Kavanaugh Nomination, Federalist Society, Cincinnati, Ohio. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

August 21, 2018: Speaker, Brett Kavanaugh Nomination, Federalist Society, Lexington, Kentucky. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

August 16, 2018: Speaker, Brett Kavanaugh Nomination, Federalist Society, Louisville,

Kentucky. Notes Supplied.

August 14, 2018: Speaker, Brett Kavanaugh Nomination, Heritage Foundation, Washington, D.C. A video is available at <https://www.c-span.org/video/?449730-1/judge-kavanaughs-rulings>.

August 13, 2018: Speaker, Brett Kavanaugh Nomination, Federalist Society, Indianapolis, Indiana. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

August 9, 2018: Speaker, Anthony Kennedy, Southeastern Association of Law Schools Conference, Ft. Lauderdale, Florida. A summary of my remarks is supplied.

August 9, 2018: Speaker, FBI Independence, Southeastern Association of Law Schools Conference, Ft. Lauderdale, Florida. My presentation summarized my article, *FBI Independence*, a copy of which is supplied in response to Question 12.a.

July 30, 2018: Evening Event Speaker, Brett Kavanaugh Nomination, Federalist Society, Anchorage, Alaska. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006. Press report supplied.

July 30, 2018: Lunch Event Speaker, Brett Kavanaugh Nomination, Federalist Society, Anchorage, Alaska. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

July 30, 2018: Breakfast Event Speaker, Brett Kavanaugh Nomination, Alaska Family Council, Breakfast event, Anchorage, Alaska. I have no notes, transcript, or recording. The address of the Alaska Family Council is Post Office Box 231425, Anchorage, Alaska 99523.

July 26, 2018: Speaker, Supreme Court Review and Preview, Dinsmore & Shohl LLP, Louisville, Kentucky. Notes Supplied.

July 11, 2018: Teleforum Moderator, Establishment Clause Overseas, Federalist Society. Audio is available at <https://fedsoc.org/events/the-establishment-clause-overseas>.

June 29, 2018: Speaker, Supreme Court Review, Louisville Bar Association/American Constitution Society, Louisville, Kentucky. I described and commented on recently decided Supreme Court cases; the substance was similar to the July 26, 2018, presentation listed above.

June 19, 2018: Speaker, Dangers of FBI Independence, Speed Museum's Rules of the Game, Louisville, Kentucky. My remarks were substantially similar to those offered at

the June 8, 2018, event listed below.

June 8, 2018: Speaker, Dangers of FBI Independence, American Constitution Society National Conference. A video is available at <https://www.youtube.com/watch?v=flyyzNPe1fc&feature=youtu.be>.

May 29, 2018: Lecturer, More or Less Constitutional, Johannes Gutenberg University, Mainz, Germany. I taught a course on the separation of powers. Notes supplied.

April 8, 2018: Speaker, Presentation of Leon Seidman Memorial Award to Leah Spears, Brandeis School of Law, Louisville, Kentucky. Text supplied.

October 30, 2017: Speaker, Kentucky to the World: Global Game Changers Student Empowerment Program, Louisville, Kentucky. A video is available at <https://kentuckytotheworld.org/ket-broadcasting-streaming-ktw-programs/>

October 12, 2017: Speaker, Redistricting and Religious Liberty, Federalist Society, Louisville, Kentucky. With Professor Barry McDonald from Pepperdine, I described and commented on two pending Supreme Court cases, *Gill v. Whitford* and *Masterpiece Cakeshop*. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

September 27, 2017: Speaker, Kentucky to the World, Justin Walker – Values are What Makes Kentucky Great. A video is available at <https://www.youtube.com/watch?v=Xbq1hNXOynQ>.

September 27, 2017: Speaker, Kentucky to the World, Justin Walker on the Root of Kentucky Values. A video is available at <https://www.youtube.com/watch?v=yewLH11-Iss>.

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: The Glories of the World Are for Everyone. A video is available at https://www.youtube.com/watch?v=2r5JULox91A&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=2

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: Sacred Heart Model School and Kentucky Values. A video is available at https://www.youtube.com/watch?v=2L3nLNtKzbg&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=3

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: Global Game Changers Empowerment Equation. A video is available at https://www.youtube.com/watch?v=H9Qo_jrI8gI&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=4

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: Empowering Children for the Rest of Their Lives. A video is available at https://www.youtube.com/watch?v=omaAA5PB29g&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=5

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: Collaborating with the Muhammed Ali Center. A video is available at https://www.youtube.com/watch?v=FhhMGgGbLU4&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=7

September 26, 2017: Speaker, Kentucky to the World Presents Global Game Changers. A video is available at <https://www.youtube.com/watch?v=kG7w0ZB19T8>.

September 14, 2017: Speaker, Religious Liberty, Federalist Society, Frankfort, Kentucky. Notes supplied.

September 8, 2017: Speaker, Supreme Court, Louisville Forum (Retirement Home), Louisville, Kentucky. Notes supplied.

August 1, 2017: Speaker, Judicial Independence, Southeastern Association of Law Schools Conference, Boca Raton, Florida. My presentation summarized my article, *What Will Guard the Guardians*, a copy of which is supplied in response to Question 12.a.

July 19, 2017: Panelist, Supreme Court Clerkships, Federal Bar Association, Jackson, Tennessee. I described my clerkship with Justice Kennedy. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

June 29, 2017: Speaker, Supreme Court Review, Louisville Bar Association/American Constitution Society, Louisville, Kentucky. I described and commented on recently decided Supreme Court cases. I have no notes, transcript, or recording. The address of the Louisville Bar Association is 600 West Main Street, Suite 110, Louisville, Kentucky 40202.

June 22, 2017: Speaker, Supreme Court Review, Kentucky Bar Association, Owensboro, Kentucky. I described and commented on recently decided and pending Supreme Court cases. I have no notes, transcript, or recording. The address of the Kentucky Bar Association is 514 West Main Street, Frankfort, Kentucky 40601.

June 13, 2017: Speaker, Supreme Court Review, Summer Law Institute, Louisville, Kentucky, Sponsored by the Louisville Bar Association. I described and commented on recently decided and pending Supreme Court cases. I have no notes, transcript, or recording. The address of the Louisville Bar Association is 600 West Main Street, Suite 110, Louisville, Kentucky 40202.

April 24-28, 2017: Lecturer, More or Less Constitutional, University of Turku, Turku,

Finland. I taught a course on the separation of powers. Notes supplied.

April 7, 2017: Speaker, Symposium: Judicial Independence, Memphis School of Law, Memphis, Tennessee. The presentation was based on my essay, *Chilled Chambers*, a copy of which is supplied in response to Question 12.a.

April 1, 2017: Speaker, Judicial Independence, Emory School of Law, Atlanta, Georgia. My presentation summarized my article, *What Will Guard the Guardians*, a copy of which is supplied in response to Question 12.a.

February 27, 2017: Speaker, Supreme Court Clerkships, Federalist Society, Louisville, Kentucky. Notes supplied.

February 24, 2017: Speaker, Legal Writing for the Governor's Cabinet, Continuing Legal Education, Frankfort, Kentucky. I provided advice on legal writing skills. I have no notes, transcript, or recording. The address for the Governor's Cabinet, Continuing Legal Education is 514 West Main Street, Frankfort, Kentucky 40601.

January 23, 2017: Speaker, Judicial Independence, University of Kentucky College of Law. My presentation summarized my article, *What Will Guard the Guardians*, a copy of which is supplied in response to Question 12.a.

December 2, 2016: Speaker, Supreme Court Review, Dinsmore & Shohl LLP Conference, Continuing Legal Education, Cincinnati, Ohio. Notes supplied.

November 5, 2016: Speaker, NSA Surveillance, Filson Historical Society, Louisville, Kentucky. Notes supplied.

October 24, 2016: Discussion Co-Moderator for Justice Elena Kagan Interview for Brandeis School of Law, Interview at Papa John's Cardinal Stadium B&W Club, Louisville, Kentucky. Text of my questions supplied.

October 16, 2016: Discussion Moderator of "Judicial Philosophy" for State Supreme Court Candidates, Federalist Society, Lexington, Kentucky. Text of my questions supplied.

August 11, 2016: Discussion Moderator, Orientation Discussion Group on Milgram Experiment, Brandeis School of Law. Text of my questions supplied.

June 30, 2016: Speaker, Supreme Court Review, Louisville Bar Association/American Constitution Society, Louisville, Kentucky. I described and commented on pending and recently decided Supreme Court cases. I have no notes, transcript, or recording. The address of the Louisville Bar Association is 600 West Main Street, Suite 110, Louisville, Kentucky 40202.

June 14, 2016: Speaker, Supreme Court Review, Summer Law Institute for High School

Students, Louisville, Kentucky, Sponsored by the Louisville Bar Association. With Leah Spears, I described and commented on pending and recently decided Supreme Court cases. I have no notes, transcript, or recording. The address of the Louisville Bar Association is 600 West Main Street, Suite 110, Louisville, Kentucky 40202.

April 26, 2016: Speaker, Louisville's Newest Global Game Changers Superheroes In-Residence at Muhammad Ali Center. A video available at <https://www.youtube.com/watch?v=zJpnCHsEUyo>.

April 1, 2016: Speaker, Supreme Court Vacancy, Louisville Bar Association/American Constitution Society, Louisville, Kentucky. Notes Supplied.

February 11, 2016: Speaker, Global Game Changers Superheroes Unite!, Louisville, Kentucky. A video is available at <https://www.youtube.com/watch?v=c67Pdu3DfTw>.

January 28, 2016: Speaker, Global Game Changers Executive Director Justin Walker Talks about MLK Day of Service, Louisville, Kentucky. A video is available at https://www.youtube.com/watch?v=_PB9WGqKQhE.

January 13, 2016: Speaker, Press Conference Announcing "Discover Your Superpower" Afterschool Program by Global Game Changers, Muhammed Ali Center, Louisville, Kentucky. I gave remarks similar to my November 17, 2015, remarks. I have no notes, transcript, or recording. The address of Global Game Changers is 201 East Main Street, Suite 104, Louisville, Kentucky 40202.

December 4, 2015: Speaker, Supreme Court Review, Dinsmore & Shohl LLP Conference, Continuing Legal Education, Cincinnati, Ohio. Notes supplied.

November 19, 2015: Interviewed by Neil Barton, Meeting of Harlan Scholars, Brandeis School of Law, Louisville, Kentucky. Notes supplied.

November 17, 2015: Speaker, Press Conference Announcing Grant by Kosair Charities to Global Game Changers Student Empowerment Program. Text supplied.

October 27, 2015: Speaker, *Batson*, Louisville Inn of Court, Brandeis School of Law. My presentation summarized my article, *Batson v. Kentucky: A Retrospective*, a copy of which is supplied in response to Question 12.a.

September 23, 2015: Speaker, Recipient of Sacred Heart Model School Alumnus of the Year, Louisville, Kentucky. Text supplied.

September 15, 2015: Speaker, Supreme Court Review, Federalist Society, Louisville, Kentucky. Notes supplied.

August 1, 2015: Speaker, Military Tribunals, Southeastern Association of Law Schools Conference, Boca Raton, Florida. My presentation summarized my article, *Execution of*

the Innocents, a copy of which is supplied in response to Question 12.a.

July 13, 2015: Speaker, Supreme Court Review, Dinsmore & Shohl LLP, Louisville, Kentucky. Notes supplied.

June 30, 2015: Speaker, Supreme Court Review, Louisville Bar Association/American Constitution Society, Louisville, Kentucky, Louisville Bar Association. Notes supplied.

June 10, 2015: Speaker, Global Game Changers, Heart of Gold Series, Louisville, Kentucky. A video is available at <https://www.youtube.com/watch?v=JsJRCukGZYs>.

May 20, 2015: Speaker, Military Tribunals, University of Kentucky College of Law. My presentation summarized my article, *Execution of the Innocents*, a copy of which is supplied in response to Question 12.a.

February 13, 2015: Podcast Presenter, Wartime Suspension of Limitations Act, Federalist Society. Text supplied, and audio is available at <https://fedsoc.org/commentary/podcasts/kellogg-brown-root-services-inc-v-united-states-ex-rel-carter-post-argument-scutuscast>.

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Approximately Feb-April 2004: Speaker, Lion's Club, Durham, North Carolina. I described my blog, "Justin Walker's Campaign Diary." I have no notes, transcript, or recording. The address of the Lion's Club is 1850 Hillandale Road, Durham, North Carolina 27705.

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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 served as a District Judge for the Western District of Kentucky since October 30, 2019.

a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have not presided over any cases that have gone to verdict or judgment.

i. Of these, approximately what percent were:

| | |
|-----------------------|----|
| jury trials: | 0% |
| bench trials: | 0% |
| civil proceedings: | 0% |
| criminal proceedings: | 0% |

b. Provide citations for all opinions you have written, including concurrences and dissents.

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Smith v. Management Network U.S.A., Inc., Case No. 3:17-cv-300, Dkt. 80 (W.D. Ky. Mar. 31, 2020). Copy supplied.

United States v. Perkins, 2020 WL 1492896 (W.D. Ky. Mar. 27, 2020)

TAJ Graphics Enterprises, LLC v. Sills, 2020 WL 1480725 (W.D. Ky. Mar. 26, 2020)

Milburn v. Watts, 2020 U.S. Dist. LEXIS 47737 (W.D. Ky. Mar. 17, 2020)

Mroz v. Esper, Case No. 3:17-cv-647, Dkt. 37 (W.D. Ky. Mar. 11, 2020). Copy supplied.

Martin & Bayley, Inc. v. O'Bryan Brown & Toner PLLC, 2020 WL 520593 (W.D. Ky. Jan. 31, 2020)

United States v. Uriarte, Case No. 3:18-cr-95, Dkt. 102 (W.D. Ky. Jan. 17, 2020). Copy supplied.

United States v. Anderson, 2020 WL 247196 (W.D. Ky. Jan. 15, 2020)

Mays v. Kentucky Department of Corrections, 2019 U.S. Dist. LEXIS 215818 (W.D. Ky. Dec. 16, 2019)

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).

1. *United States v. Anderson*, 2020 WL 247196 (W.D. Ky. Jan. 15, 2020)

Police found guns and cash at the Defendant's home during the execution of a search warrant. The Defendant was charged with drug trafficking and with being a felon in possession of a firearm. He moved to suppress the evidence and to suppress a statement he made to police. After a hearing at which officers testified about *Mirand*-izing Anderson and about Anderson consenting to answer questions, the Court denied the motion. The search was valid because the search warrant was based on an affidavit that provided a "nexus" between the evidence sought and the place to be searched. The Defendant's statements were admissible because he "voluntarily, knowingly, and intelligently" waived his right to remain silent.

Counsel for the United States:

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502-582-5911

Counsel for the Defendant:

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2. *United States v. Perkins*, 2020 WL 1492896 (W.D. Ky. Mar. 27, 2020)

Police searched the Defendant's home after obtaining a search warrant. They found a gun, a spent shell casing, a metal pipe, drugs, instrumentalities of drug dealing, and a stolen bike. The Defendant was charged with drug trafficking and with being a felon in possession of a firearm. He moved to suppress the evidence from his house, or in the alternative to obtain a *Franks* hearing to challenge the veracity of the affidavit supporting the warrant. After a non-evidentiary hearing, the Court denied the motion. The Defendant did not make a substantial preliminary showing that the affidavit included a false statement

or a statement made with reckless disregard for the truth. Nor did the Defendant demonstrate that without the allegedly false statement, there could be no finding of probable cause.

Counsel for the United States:

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502-625-7061

Counsel for the Defendant:

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502-582-2020

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3. *United States v. Uriarte*, Case No. 3:18-cr-95, Dkt. 102 (W.D. Ky. Jan. 17, 2020). Copy supplied.

During a search of a home executed pursuant to a warrant, police found a suitcase containing \$3,660 in the bathroom where the Defendant was showering. The Defendant was charged with drug trafficking. The Defendant moved to suppress the evidence on the grounds that the search of the suitcase exceeded the scope of the warrant. After holding a non-evidentiary hearing, the Court denied the motion. The search warrant authorized the search of the home for the kind of items that could have been found in the suitcase.

Counsel for the United States:

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Mac Shannon
U.S. Attorney's Office for the Western District of Kentucky

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Counsel for the Defendant:

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4. *Martin & Bayley, Inc. v. O'Bryan Brown & Toner PLLC*, 2020 WL 520593 (W.D. Ky. Jan. 31, 2020)

The Court dismissed some of the counter-lawsuits between some of the defendants after deciding that the counter-lawsuits couldn't go forward. The Court ordered the parties to participate in a settlement conference to resolve their remaining issues.

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513-721-4532

Matthew A. Rich
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5. *Mroz v. Esper*, Case No. 3:17-cv-647, Dkt. 37 (W.D. Ky. Mar. 11, 2020).
Copy supplied.

The Court dismissed the lawsuit in full. The plaintiff retired from the Army after he groped a co-worker and signed a contract saying he wouldn't sue the Army. The plaintiff violated that contract by suing the Army.

Counsel for the Petitioner:
Pro se

Counsel for the Defendant:

Timothy D. Thompson
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717 West Broadway
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502-582-6238

Counsel for the Respondent:

Stephen Fung
Merit Systems Protection Board
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202-254-4483

Counsel for the United States:

L. Jay Gilbert
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502-625-7103

6. *Coffey v. Equian, LLC*, 2020 WL 1543541 (W.D. Ky. Mar. 31, 2020)

The Court dismissed the plaintiff's employment discrimination lawsuit in full. Her age and gender discrimination allegations against her employer were implausible, and she wasn't entitled to go forward with the lawsuit.

Counsel for Coffey:

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Samuel G. Hayward
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Counsel for Equian, LLC:

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Sarah T. Laren
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859-288-4635

7. *TAJ Graphics Enterprises, LLC v. Sills*, 2020 WL 1480725 (W.D. Ky. Mar. 26, 2020)

The Court dismissed the lawsuit in full. The original plaintiff who filed the lawsuit couldn't show that the Court had the authority under the statute passed by Congress to decide the case.

Counsel for Plaintiff:

Pro se

Counsel for Defendants:

C. Tyson Gorman
Jake Eldemire Smith
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502.589.5235

Counsel for Third-Party Defendants:

Lea Pauley Goff
Adam T. Goebel
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(502) 333-6000

8. *Wirthwein v. Portfolio Recovery Associates, Inc.*, Case No. 3:19-cv-335 (W.D. Ky. Apr. 3, 2020). Copy supplied.

The Court dismissed the plaintiff's lawsuit in full. The plaintiff violated 3 court orders and stopped participating in the lawsuit.

Counsel for the Plaintiff:

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Counsel for the Defendant:

Margaret Jane Brannon

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Thanh-Thuy T. Luong
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949-851-3939

9. *Milburn v. Watts*, 2020 U.S. Dist. LEXIS 47737 (W.D. Ky. Mar. 17, 2020)

The Court sent the wrongful death case back to state court. The defendant couldn't show that the Court had the authority under the statute passed by Congress to decide the case.

Counsel for Plaintiffs:

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Kristopher G. Bates
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Counsel for Defendants:

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Cornelius E. Coryell, II

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Sean G. Williamson
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10. *Smith v. Management Network U.S.A., Inc., et al.*, Case No. 3:17-cv-300 (W.D. Ky. Mar. 31, 2020). Copy supplied.

The plaintiff paid the defendant to avoid losing her home, but the defendant merely pocketed the money. The plaintiff lost her home and sued the defendant, which effectively failed to defend the action. The Court explained why it had jurisdiction, granted the plaintiff's default judgment motion, and explained why it was awarding the plaintiff the \$38,781.16 in damages she was seeking.

Counsel for the Plaintiff:

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Michele Henry
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Counsel for the Defendants:

Counsel for the Defendants withdrew before I was assigned to this case.

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.

1. *United States v. Anderson*, 2020 WL 247196 (W.D. Ky. Jan. 15, 2020)

Counsel for the United States:

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Counsel for the Defendant:

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2. *United States v. Perkins*, 2020 WL 1492896 (W.D. Ky. Mar. 27, 2020)

Counsel for the United States:

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Counsel for the Defendant:

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3. *United States v. Uriarte*, Case No. 3:18-cr-95, Dkt. 102 (W.D. Ky. Jan. 17, 2020). Copy supplied.

Counsel for the United States:

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4. *Martin & Bayley, Inc. v. O'Bryan Brown & Toner PLLC*, 2020 WL 520593 (W.D. Ky. Jan. 31, 2020)

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Matthew A. Rich
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513-751-4532

5. *Mroz v. Esper*, Case No. 3:17-cv-647, Dkt. 37 (W.D. Ky. Mar. 11, 2020).
Copy supplied.

Counsel for the Petitioner:

Pro se

Counsel for the Defendant:

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6. *Coffey v. Equian, LLC*, 2020 WL 1543541 (W.D. Ky. Mar. 31, 2020)

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7. *TAJ Graphics Enterprises, LLC v. Silis*, 2020 WL 1480725 (W.D. Ky. Mar. 26, 2020)

Counsel for Plaintiff:

Pro se

Counsel for Defendants:

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8. *Wirthwein v. Portfolio Recovery Associates, Inc.*, Case No. 3:19-cv-335 (W.D. Ky. Apr. 3, 2020). Copy supplied.

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Counsel for the Defendant:

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9. *Milburn v. Watts*, 2020 U.S. Dist. LEXIS 47737 (W.D. Ky. Mar. 17, 2020)

Counsel for Plaintiffs:

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10. *Smith v. Management Network U.S.A., Inc., et al.*, Case No. 3:17-cv-300 (W.D. Ky. Mar. 31, 2020). Copy supplied.

Counsel for the Plaintiff:

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Michele Henry
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Counsel for the Defendants:

Counsel for the Defendants withdrew before I was assigned to this case.

- e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, none of my cases has been the subject of a petition for certiorari.

- 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.

To the best of my knowledge, none of my cases has been reversed, and none has been affirmed with significant criticism of my substantive or procedural rulings.

- 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.

All of my opinions, memoranda, and orders are publicly docketed on the Court's Electronic Case Management System and are generally available through PACER. Some of my opinions are available through Lexis and Westlaw; a search of those databases shows that one of those opinions so far has further been designated for publication in the Federal Supplement.

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.

United States v. Anderson, 2020 WL 247196 (W.D. Ky. Jan. 15, 2020)

United States v. Perkins, 2020 WL 1492896 (W.D. Ky. Mar. 27, 2020)

United States v. Uriarte, Case No. 3:18-cr-95, Dkt. 102 (W.D. Ky. Jan. 17, 2020). Copy supplied.

None of these opinions has been appealed.

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.

I have not sat by designation on a federal court of appeals.

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:

- 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.

I have recused from all cases in which my former law firm, Dinsmore & Shohl LLP, represents a party. I have also recused from all cases in which one of the parties is the University of Louisville, where I taught full-time before my judicial appointment and where I now teach part-time. I have also recused in cases that involve employees or affiliates of the University of Louisville, even if the university itself is not a party. In no case has a litigant or a party requested that I recuse.

I recused myself sua sponte in the following cases:

Bowling Green-Warren County Community Hospital Corporation et al v. Purdue Pharma L.P., et al, Case No. 1:19-cv-00148-JRG-HBB (W.D. Ky.). Dinsmore & Shohl LLP signed notice of removal on behalf of Teva Pharmaceutical Industries, Ltd.

Warren County v. Teva Pharmaceutical Industries Ltd. et al, Case No. 1:20-cv-00012-RGJ (W.D. Ky.). Dinsmore & Shohl LLP represented Teva Pharmaceutical Industries, Ltd. in 1:19-cv-148.

USA v. Whittle et al, Case No. 3:13-cr-00170-JHM (W.D. Ky.). Dinsmore & Shohl LLP represented defendant Jescell Whittle.

Snipes et al v. Tropical Express, LLC et al, Case No. 3:16-cv-00249-TBR-LLK (W.D. Ky.). Dinsmore & Shohl LLP represented defendant United Parcel Service, Inc.

Helm v. Ratterman et al, Case No. 3:16-cv-00771-GNS-LLK (W.D. Ky.). The defendants are University of Louisville employees.

Hargrove et al v. Jefferson County Board of Education et al, Case No. 3:16-cv-00806-DJH-RSE (W.D. Ky.). One of the attorneys talked to me about this case before I became a judge.

Mohnsam v. Nemes et al, Case No. 3:17-cv-00427-CRS-CHL (W.D. Ky.). Dinsmore & Shohl LLP represented defendant Nemes.

Watkins v. Jefferson County Board of Education et al, Case No. 3:17-cv-00778-DJH-CHL (W.D. Ky.). One of the attorneys talked to me about this case before I became a judge.

Newton v. Air Systems, Inc., Case No. 3:18-cv-00497-RGJ (W.D. Ky.). Dinsmore & Shohl LLP represents defendants Air Systems, Inc.

Maker's Mark Distillery, Inc. v. Spalding Group, Inc. et al, Case No. 3:19-cv-00014-GNS-LLK (W.D. Ky.). In high school, I briefly worked for the owner of Spalding Group.

Fireman's Fund Insurance Company et al v. J Reynolds Inc., Case No. 3:19-cv-00073-RGJ-RSE (W.D. Ky.). Dinsmore & Shohl LLP represents third-party defendant Strata Solar, LLC.

Schroerlucke v. Jefferson Capital Systems, LLC et al, Case No. 3:19-cv-00148-RGJ-RSE (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Jefferson Capital Systems, LLC.

Whittle v. USA, Case No. 3:19-cv-00290-JHM (W.D. Ky.). Dinsmore & Shohl LLP represented defendant Jescell Whittle.

Galleria of St. Matthews, LLC v. Koppers, Inc. et al, Case No. 3:19-cv-00626-CRS (W.D. Ky.). The outcome of the case had the potential to affect the financial interest of members of my family.

Galleria of St. Matthews, LLC v. Nationwide Mutual Insurance Co., Case No. 3:19-cv-00837-CHB (W.D. Ky.). The outcome of the case had the potential to affect the financial interest of members of my family.

Scott v. Haier US Appliance Solutions, Inc., Case No. 3:19-cv-00844-CRS-CHL (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Haier US Appliance Solutions, Inc.

Davis v. University of Louisville et al, Case No. 3:19-cv-00849-CRS-CHL (W.D. Ky.). University of Louisville is a party.

Eitel v. PNC Bank, NA et al, Case No. 3:20-cv-00012-RGJ (W.D. Ky.). Dinsmore & Shohl LLP represents defendant PNC Bank, NA.

Palmer v. Norton Healthcare, Inc., Case No. 3:20-cv-00047-CHB-RSE (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Norton Healthcare, Inc.

Thornton v. Himler et al, Case No. 3:20-cv-00060-RGJ (W.D. Ky.). Defendants Compton & Coleman are University of Louisville employees.

Davis v. Biomet, Inc. et al, Case No. 3:20-cv-00097-CHB (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Biomet, Inc.

Barnett v. Fifth Third Bank, National Association, Case No. 3:20-cv-00112-DJH-RSE (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Fifth Third Bank, National Association.

McDonald v. The Kroger Co., Case No. 3:20-cv-00120-CHB (W.D. Ky.). Dinsmore & Shohl LLP represents defendant The Kroger Company.

Aperture Credentialing, LLC v. Centretech Healthcare Systems Management Services, LLC, Case No. 3:20-cv-00127-CHB (W.D. Ky.). One of my colleagues at University of Louisville Law represents the plaintiff.

The Honorable Order of Kentucky Colonels, Inc. v. Kentucky Colonels International et al, Case No. 3:20-cv-00132-RGJ (W.D. Ky.). At the time of my recusal, the Court's CM/ECF docket showed an attorney at Dinsmore & Shohl LLP, my former firm, as one of the attorneys representing the plaintiff, Honorable Order of the Kentucky Colonels, Inc. In addition, the attorney had represented the plaintiff in matters that preceded the litigation but that were at issue in the litigation. The attorney is now at a different firm.

Sadler v. Ocwen Loan Servicing, LLC et al, Case No. 3:20-cv-00147-RGJ (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Select Portfolio Servicing, Inc.

Leavell et al v. Wal-Mart Stores, Inc., Case No. 5:18-cv-00073-GNS-LLK (W.D. Ky.). Dinsmore & Shohl LLP represents Walmart Stores, Inc.

McIntosh v. Wal-Mart Stores East, Limited Partnership et al, Case No. 5:19-cv-00064-GNS-

LLK (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Walmart Stores East, Limited Partnership.

Laws v. Wal-Mart Stores East, Limited Partnership, Case No. 5:19-cv-00077-GNS-LLK (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Walmart Stores East, Limited Partnership.

Teague v. Walmart Inc. et al, Case No. 5:19-cv-00080-GNS-LLK (W.D. Ky.). Dinsmore & Shohl LLP represents Wal-Mart Inc.

Clark et al v. Walmart Inc., Case No. 5:19-cv-00110-GNS-LLK (W.D. Ky.). Dinsmore & Shohl LLP represents Wal-Mart Inc.

Long v. Wal-Mart Stores East, L.P., Case No. 5:19-cv-00133-GNS-LLK (W.D. Ky.). Dinsmore & Shohl LLP represents Wal-Mart Stores East, L.P.

Hopper v. Baptist Healthcare System, Inc., Case No. 5:19-cv-00134-TBR-LLK (W.D. Ky.). Dinsmore & Shohl LLP represents Baptist Healthcare System, Inc.

Vient v. Paxton Media Group, Case No. 5:19-cv-00141-GNS (W.D. Ky.). Dinsmore & Shohl LLP represents Paxton Media Group.

Billett v. Ulta Salon, Cosmetics & Fragrance, Inc., Case No. 5:19-cv-00170-TBR-LLK (W.D. Ky.). Dinsmore & Shohl LLP represents Ulta Salon, Cosmetics & Fragrance, Inc.

Knowles v. Walmart Inc. et al, Case No. 5:20-cv-00026-GNS-LLK (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Walmart Inc.

Schall v. Suzuki Motor of America, Inc. et al, Case No. 4:14-cv-00074-JHM-HBB (W.D. Ky.). Dinsmore & Shohl LLP represents defendant Nissin Kogyo Co., LTD.

15. Public Office, Political Activities and Affiliations:

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

I have not held public office, nor have I had an unsuccessful candidacy for elective office or unsuccessful nomination for 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.

I served as an intern in the communications department of the Bush/Cheney presidential campaign from September 2004 to November 2004. In that role, I helped collect newspaper articles and television transcripts about the campaign.

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 2010 to 2011, I served as a law clerk to the Honorable Brett M. Kavanaugh, United States Court of Appeals for the D.C. Circuit.

From 2011 to 2012, I served as a law clerk to the Honorable Anthony M. Kennedy, United States Supreme Court.

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

From 2013 through 2019, I practiced law alone at my home address.

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.

2012 – 2013; 2009 – 2010
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Associate

2013 – 2015
EJS Enterprises LLC
600 Yancy Lane
Louisville, Kentucky 40207
Writer

2013 – 2019
Justin Walker, Esq.
Home Address
Louisville, Kentucky 40207
Attorney and Advisor

2019

Dinsmore & Shohl LLP
101 South 5th Street, Suite 2500
Louisville, Kentucky 40202
Partner of Counsel

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator. As described in the fifth case listed in response to Question 17, I provided legal assistance to Judge David Levi, an arbitrator for FedArb, a group of more than fifty former federal judges and distinguished neutrals, in *Carrollton Family Clinic, LLC v. eClinicalWorks, LLC*, FEDARB No. F18-A-DL-1010.

b. Describe:

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

Before and after my clerkships for then-Judge Brett Kavanaugh and Justice Anthony Kennedy, I worked in private practice by representing parties in large, often complex civil litigation matters in federal and state courts across the country. I did not specialize in a particular area of law but rather practiced in a variety of areas including constitutional law, administrative law, tax law, tort law, securities, and intellectual property.

From July 2015 until my appointment to the District Court in 2019, I was a full-time professor at the University of Louisville Brandeis School of Law in Louisville, Kentucky, where I taught litigation skills such as legal writing, legal research, motions practice, and oral argument. During that time, I researched and wrote about constitutional law, national security law, criminal procedure, and administrative law, and I helped litigate matters in state and federal court. As before, I did not specialize in a particular area of law, but my litigation practice included work on federal civil procedure, trusts and estates, remedies, and constitutional law. I also assisted Judge David Levi with his work arbitrating a dispute between doctors and an electronic medical records provider. After my appointment to the District Court, I resigned my full-time professorship but remain a part-time associate professor.

Beginning in January 2019, I became a partner of counsel at Dinsmore & Shohl LLP, where I practiced in a variety of areas including labor law, property law, federal civil procedure, franchise law, constitutional law, federal statutory interpretation, and federal criminal law.

ii. your typical clients and the areas at each period of your legal career, if any, in

which you have specialized.

At Gibson Dunn & Crutcher, I primarily represented corporations facing civil litigation in federal and state courts. At Dinsmore & Shohl LLP, my typical clients were corporations and individuals facing federal and state civil litigation. I also maintained a substantial pro bono practice, which recently included representation of a criminal defendant facing a federal jury trial.

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.

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: 90%
2. criminal proceedings: 10%

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 not served as sole or chief counsel in any case tried to verdict or judgment. However, I have been associate counsel at a federal criminal jury trial. I have also been involved in trials in various other capacities, including at mediation and as the counsel who took an expert deposition.

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.

Although I was not listed on most of the filings, I drafted or assisted with the following briefs:

Brief for Petitioners, *Mayo Found. for Med. Educ. and Research v. United States*, 562

U.S. 44 (2011) (No. 09-837). Brief available at 2010 WL 4111636.

Reply Brief for Petitioners, *Mayo Found. for Med. Educ. and Research v. United States*, 562 U.S. 44 (2011) (No. 09-837). Brief available at 2010 WL 1775871.

Petition for Writ of Certiorari, *Mayo Found. for Med. Educ. and Research v. United States*, 562 U.S. 44 (2011) (No. 09-837). Brief available at 2010 WL 146474.

Petition for Writ of Certiorari, *Green v. Campbell*, 559 U.S. 1059 (2010) (No. 09-986). Brief available at 2010 WL 619542.

Brief in Opposition, *United States v. Philip Morris USA Inc.*, 561 U.S. 1025 (2010). (Nos. 09-978, 09-994). Brief available at 2010 WL 2101776

Brief of Amicus Curiae Bluegrass Institute in Support of Petitioner, *Ashland Specialty Co. Inc. v. Steager*, – U.S. –, 2019 WL 536929 (June 17, 2019) (No. 18-1053). Brief available at 2019 WL 1240049

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. *United States v. Todd*, 3:17-cr-77 (W.D. Ky.).

I represented a defendant who was accused of conspiring to possess with intent to distribute heroin and methamphetamine. My client was indigent, and I represented him pro bono in a federal criminal trial. I worked with his Criminal Justice Act–appointed attorney on all aspects of the case, including drafting evidentiary motions, consulting with the client, investigating open questions of fact, selecting the jury, preparing for the cross-examination of government witnesses, preparing for opening and closing arguments, raising objections, and researching legal questions before and during trial. The jury decided not to convict my client of conspiring to possess with intent to distribute heroin; however, it convicted him of conspiring to possess with intent to distribute methamphetamine. He was sentenced to fifteen years in prison and has appealed. I helped with the preparation for his appeal, but I did not draft it. I was appointed to the District Court before his appellate brief was submitted.

Presiding judge: Rebecca Grady Jennings

Dates of representation: 2019

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2. *Vance v. McDonald's Corp.*, 15-CI-00623 (Ky. Cir. Ct.).

I represented the defendant in a lawsuit filed by a plaintiff who alleged that she slipped and fell at the restaurant. Among the issues was causation, in particular whether her fall caused back and hand pain, or whether her condition preceded the fall by many years. The plaintiff retained a neurosurgeon as an expert witness, and I deposed him. In the deposition, he conceded that the fall likely did not cause the plaintiff's back pain, contradicting his expert report, and that it is also possible the fall did not cause her hand pain, again contradicting his expert report. The case is still pending.

Presiding judge: Rodney Burress

Dates of representation: 2019

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3. *Rockwell Mining, LLC v. NLRB*, Civil Case 18-1329, 19-10 (D.C. Cir.).

I served as appellate counsel to a corporation that was challenging the NLRB's certification of a union election held approximately three weeks after an agent of the union threatened and lied to the company's workers. The challenge raising the pressing question whether the court should invalidate a NLRB rule that precludes consideration of conduct before a petition for a union election. My client argued that the rule is outdated because the NLRB has shortened the time between petition and election, thus making conduct shortly before the petition more relevant. After I was appointed to the District Court and withdrew from the case, the D.C. Circuit denied my client's petition.

Panel: Garland, C.J., Katsas, J., Randolph, J.

Dates of representation: 2019

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Counsel for United Mine Workers of America International Union, Intervenor for Respondent NLRB

4. *Osborn v. Griffin*, 865 F.3d 417 (6th Cir. 2017).

I served as appellate counsel to the plaintiffs, who successfully sued the defendants, their brothers, over an inheritance dispute. The district court awarded the plaintiffs approximately \$584 million in wrongful profits disgorgement and prejudgment interest, one of the largest judgments in Kentucky federal court history. The defendants appealed, and I assisted with all aspects of the appeal. Although I was not listed on the brief, I helped plan all of it, edited all of it, and drafted a portion of it. I also assisted the counsel of record with multiple moots before oral argument. My clients prevailed on appeal.

Panel: Clay, J., Bachelder, J., Merritt, J.

Dates of representation: 2016 – 2017

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5. *Carrollton Family Clinic, LLC v. eClinicalWorks, LLC*, FEDARB No. F18-A-DL-1010
(Arbitration under FedArb).

I provided legal assistance to Judge David Levi, an arbitrator for FedArb, a group of more than fifty former federal judges and distinguished neutrals. The arbitration was ordered by the United States District Court for the District of Massachusetts and concerned a question of statutory interpretation and contract interpretation related to a then-open question of whether the Federal Arbitration Act requires bilateral arbitration when the parties' arbitration clause is ambiguous with respect to class arbitration. Judge Levi held that it does, and several weeks later the United States Supreme Court resolved a circuit split by adopting the same position. I assisted Judge Levi with all aspects of the matter.

Presiding judge: Hon. David F. Levi (arbitrator)

Dates of representation: 2018 – 2019

Arbitrator

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6. *Mayo Found. for Med. Educ. and Research v. United States*, 562 U.S. 44 (2011).

I served as appellate counsel to the petitioners. They successfully petitioned for a writ of certiorari after an adverse decision in the Eighth Circuit that created a 4-1 circuit split regarding whether medical residents must pay Social Security taxes, or whether they are instead statutorily exempted as “students.” The suit implicated \$700 million in taxes per year. Although I was not listed on the briefing, I drafted the petition for certiorari, the reply to the opposition to certiorari, and the petitioners’ merits brief. The United States prevailed at the Supreme Court.

Dates of representation: 2009 – 2010

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Supreme Court of the United States
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7. *Green v. Campbell*, 09-986 (U.S.).

I served as appellate counsel to the petitioners. At issue was whether the Free Exercise Clause requires courts to give legal effect to the trust provisions in a general church's canons. The lower courts were divided on the question, which affects church property nationwide. That property is valued at approximately \$150 billion. Although I was not listed on the briefing, I drafted the petition for certiorari. The parties then settled before the Supreme Court decided whether to grant certiorari, and the Court dismissed the petition.

Dates of representation: 2009 – 2010

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Counsel for Protestant Episcopal Church in Diocese of South Carolina

Stephen Blake Kinnaird
1772 Eye Street, N.W.
Washington, D.C. 20006
Counsel for W. Russell Campbell, et al.

8. *Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286 (Fed. Cir. 2014).

I served as appellate counsel to Intel, which filed an amicus brief in a patent dispute between Apple and Motorola. Among the issues was the question of “hold-ups,” when patent holders use an imbalance in bargaining power to block new technology products from the market. According to the FTC, the problem is “particularly acute” in the context of our dispute, where a patent holder can “hold-up” an “entire industry.” Intel argued that the district court correctly denied Motorola an injunction for infringement of a patent and it correctly excluded testimony by Motorola’s damages expert. Although I was not listed on the briefing, I drafted the amicus brief. The Federal Circuit affirmed the denial of the injunction. It also partially affirmed and partially reversed the district court’s decision regarding Motorola’s expert witness. *Williamson v. Citrix Online, LLC* later overruled a holding of the panel not addressed by Intel’s brief. 792 F.3d 1339 (Fed. Cir. 2015) (en banc).

Panel: Rader, C.J., Prost, J., Reyna, J.

Dates of representation: 2013

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9. *Lucent Techs., Inc. v. Gateway, Inc.*, Civil Cases 2008-1485, -1487, -1495, 580 F.3d 1301 (Fed. Cir. 2009).

I served as appellate counsel to Intel, which filed an amicus brief with other technology companies supporting Microsoft's petition for rehearing en banc. The panel had affirmed in part, and reversed in part, a damages award of \$357 million against Microsoft. At issue was the Federal Circuit's clear-and-convincing standard for claims of patent invalidity when the PTO never considered evidence that may invalidate the patent. The Federal Circuit's standard conflicted with the pre-1982 decisions of all twelve regional circuits, had been the target of multiple congressional reform proposals, and was considered so consequential that the U.S. Supreme Court granted cert on the question in a similar case a year later. Although I was not listed on the briefing, I drafted the amicus brief. The Supreme Court ultimately affirmed the Federal Circuit's standard. In *Lucent*, the court denied en banc review.

Panel: Michel, C.J., Newman, J., Lourie, J.

Dates of representation: 2009

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10. *United States v. Philip Morris USA Inc.*, 561 U.S. 1025 (2010).

I served as appellate counsel to respondent Philip Morris for a successful brief in opposition to the United States' petition for certiorari. At issue was whether the D.C. Circuit correctly held that disgorgement is unavailable under the civil RICO statute, 18 U.S.C. § 1964(a). The United States argued for a theory that could have resulted in a \$742 billion disgorgement award.

Although I was not listed on the briefing, I drafted the brief in opposition to certiorari. The Supreme Court denied certiorari.

Dates of representation: 2009 – 2010.

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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.)

In addition to litigation, my legal career has consisted of my teaching, my academic scholarship, my clerking, and my service to the legal community.

My teaching has covered topics such as trial tactics, legal writing, separation of powers, federalism, free speech, criminal procedure, and digital law. In my role as a law professor, I frequently mentor students, in particular the fourteen research assistants I have worked with over the past four years, frequently seeking opportunities for them that will bridge the divide between campus and the bar. Although most of my teaching has been at the University of Louisville, I have also taught courses in Finland, France, and Germany.

My academic scholarship has covered topics such as the separation of powers, the judiciary, criminal procedure, and national security. The *Indiana Law Journal*, the *George Washington Law Review*, *Illinois Law Review*, and the *University of Cincinnati* are among the journals that either have published or are publishing my work.

My service to the legal community includes service on the Kentucky Bar Association's Annual Convention Planning Committee, service on its Continuing Legal Education Subcommittee, and uncompensated presentations regarding legal writing, due process within administrative agencies, and the Supreme Court.

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 taught Lawyering Skills I at the University of Louisville Brandeis School of Law during the fall semester of 2015, 2016, 2017, 2018, and 2019. In 2015, 2017, 2018, and 2019, I taught two sections of the course. The course teaches litigation skills, including legal writing, legal research, client counseling, co-counsel collaboration, and oral argument. Syllabi attached.

I taught Lawyering Skills II at the University of Louisville Brandeis School of Law during the spring semester of 2016, 2017, 2018, 2019, and 2020. In 2016, 2018, 2019, 2020, I taught two sections of the course. This is the companion course to Lawyering Skills I, and it continues to teach litigation skills, including legal writing, legal research, client counseling, co-counsel collaboration, negotiation, and oral argument. Syllabi attached.

I taught, with Ben Beaton, a seminar on the Confrontation Clause at the University of Louisville Brandeis School of Law during the spring semester of 2020. The course explores criminal procedure, the role of judges and juries, and the tension between rules and standards. Syllabus attached.

I taught Writing for Practice at the University of Louisville Brandeis School of Law during the spring semester of 2014 and 2017. This is an upper-level course about how to write documents in litigation, such as complaints and motions to dismiss. Syllabi attached.

I taught four independent study classes on Federalism (fall 2019), Legal Writing (fall 2019) Animal Law (summer 2018), Prosecutorial Discretion (fall 2017 and spring 2018), and the Confrontation Clause (fall 2016). Syllabi attached.

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.

With the permission of the Chief Judge of the Sixth Circuit, I currently teach part-time with compensation at the University of Louisville's Law School. If I am confirmed, and if the Chief Judge of the D.C. Circuit approves, I will continue to teach part-time.

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

When my nomination is formally transmitted to the Senate, I will file my mandated financial disclosure report and will supply a copy to this Committee.

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, the cases most likely to present conflicts issues would be those related to my prior service as a private practitioner. I would recuse in any matter in which, during my time in private practice, either I or a lawyer with whom I was then practicing, had participated. *See* 28 U.S.C. § 455(b)(2). I would also recuse in any matter involving my former firm for an appropriate number of years following my appointment.

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 would evaluate any potential conflicts of interest under the standards set forth in 28 U.S.C. § 455 and Canon 3C of the Code of Conduct for United States Judges, both of which address the question whether federal judges must disqualify themselves due to conflicts. In considering those rules, I would further consult any judicial decisions or Judicial Conference opinions applying the rules to particular cases or circumstances.

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

I have spent a great deal of time working to improve equal access to justice through my community activities. For the past six years, until I was confirmed, I was the volunteer executive director, and legal counsel, for the Global Game Changers Student Empowerment Program (GGC). Our non-profit organization has received more than a million dollars in grant funding to teach elementary school children that no matter how young they are and no matter where they come from, they can make a difference in the world. As part of my service to the Global Game Changers, I have presented to South-by-Southwest EDU, Louisville's Mayor, and the Director of the Corporation for National and Community Service. I now serve on the Global Game Changers' Board of Directors.

Among my pro bono legal work was a representation in 2019 of an indigent federal criminal defendant. His jury trial lasted nearly a week, and the case involved an extensive time commitment.

For four years, I led the University of Louisville School of Law's "Writing Skills" program for the pre-law program at Central High School, an inner-city school that educates an underserved population. I supervised between eight and twelve law students who teach writing skills to high school juniors every other Friday during the school year. In those four years, I attended most of the classes.

I am also involved in numerous other charitable endeavors.

26. **Selection Process:**

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

In early September 2018, I was contacted by the White House Counsel's Office to inquire whether I would be interested in interviewing for the vacancy on the D.C. Circuit that would be created by then-Judge Kavanaugh's elevation to the Supreme Court. On September 10, 2018, I interviewed with attorneys from the White House Counsel's Office for that vacancy, which was ultimately filled by Judge Neomi Rao. In 2019, I interviewed for, was nominated to, and confirmed to a seat on the U.S. District Court for the Western District of Kentucky. (That process is described in my answer to Question 26 of my previously submitted Senate Judiciary Questionnaire.) In late 2019, in anticipation of a long-rumored upcoming vacancy on the D.C. Circuit, Senate Majority Leader Mitch McConnell contacted me to gauge my continued interest in serving on the D.C. Circuit. On January 8, 2020, I subsequently met with President Donald Trump to discuss the vacancy, in a White House meeting also attended by Leader McConnell. On April 2, 2020, an attorney from the White House Counsel's Office called and told me the White House intended to move forward with my nomination. Since that date, I have been in contact with officials from the White House Counsel's Office and Office of Legal Policy regarding my nomination.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.