

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Gregory George Katsas

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

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

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

Office: Office of the White House Counsel
1600 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20500

Residence: Falls Church, Virginia

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

1964; Boston, Massachusetts

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.

1986 – 1989, Harvard Law School; J.D., 1989

1982 – 1986, Princeton University; A.B., 1986

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.

2017 – present
Office of the White House Counsel
1600 Pennsylvania Avenue, N.W.

Washington, District of Columbia 20500
Deputy Assistant to the President (2017 – present)
Deputy Counsel to the President (2017 – present)

2009 – 2017; 1992 – 2001

Jones Day

51 Louisiana Avenue, N.W.

Washington, District of Columbia 20001

Partner (1999 – 2001, 2009 – 2017)

Associate (1992 – 1998)

2001 – 2009

United States Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, District of Columbia 20530

Assistant Attorney General, Civil Division (2008 – 2009)

Acting Associate Attorney General (2007 – 2008)

Principal Deputy Associate Attorney General (2006 – 2008)

Deputy Assistant Attorney General, Civil Division (2001 – 2006)

1991 – 1992

Supreme Court of the United States

One First Street, N.E.

Washington, District of Columbia 20543

Law Clerk to Hon. Clarence Thomas

1990 – 1991

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

333 Constitution Avenue, N.W.

Washington, District of Columbia 20001

Law Clerk to Hon. Clarence Thomas

1989 – 1990

United States Court of Appeals for the Third Circuit

601 Market Street

Philadelphia, Pennsylvania 19106

Law Clerk to Hon. Edward Becker

Summer 1989

Ropes & Gray

800 Boylston Street

Boston, Massachusetts 02199

Summer Associate

Summer 1988

Patterson, Belknap, Webb & Tyler

1133 Avenue of the Americas
New York, New York 10036
Summer Associate

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 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.

American Academy of Appellate Lawyers – Elected to membership (2016)

Edmund Randolph Award for Outstanding Service – Highest DOJ award (2009)

Department of Defense Medal for Exceptional Public Service (2009)

Attorney General’s Distinguished Service Award (2006)

Rated “outstanding” as DOJ employee – Highest possible rating (2001 – 2008)

Harvard Law School – Graduated *cum laude* (1989)

Harvard Law Review – Executive Editor (1988 – 1989); Editor (1987 – 1988)

Princeton University – Graduated *cum laude* (1986)

Groton School – Graduated *summa cum laude* (1982)

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

Advisory Committee on Appellate Rules, U.S. Judicial Conference (2013 – 2017)

Advisory Committee on Civil Rules, U.S. Judicial Conference (Member *ex officio*) (2008 – 2009)

D.C. Circuit Judicial Conference (2004, 2006, and 2017)

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.

Pennsylvania, 1993
District of Columbia, 1995
Florida, 2011

There have been no lapses in membership. I elected inactive status in the Pennsylvania bar in 1997.

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

Supreme Court of the United States, 1997
U.S. Court of Appeals for the D.C. Circuit, 1996
U.S. Court of Appeals for the First Circuit, 1996
U.S. Court of Appeals for the Second Circuit, 2002
U.S. Court of Appeals for the Third Circuit, 1996
U.S. Court of Appeals for the Fourth Circuit, 1998
U.S. Court of Appeals for the Fifth Circuit, 2011
U.S. Court of Appeals for the Sixth Circuit, 1999
U.S. Court of Appeals for the Seventh Circuit, 1995
U.S. Court of Appeals for the Eighth Circuit, 1997
U.S. Court of Appeals for the Ninth Circuit, 1998
U.S. Court of Appeals for the Tenth Circuit, 2004
U.S. Court of Appeals for the Eleventh Circuit, 2010
U.S. Court of Appeals for the Federal Circuit, 1997
U.S. District Court for the District of Columbia, 1996
U.S. District Court for the Northern District of Florida, 2012
U.S. District Court for the Middle District of Florida, 2013
U.S. District Court for the Eastern District of Wisconsin, 2014
District of Columbia Court of Appeals, 1995
Supreme Court of Florida, 2011
Supreme Court of Pennsylvania, 1995 (inactive status)

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees,

conferences, or publications.

Federalist Society for Law and Public Policy Studies (1989 – present)
Executive Committee, Federalism & Separation of Powers Practice Group
(2009 – 2017)
Executive Committee, International & National Security Law Practice
Group (2009 – 2017)
Vice Chair, Executive Committee, Litigation Practice Group (1996 –
2001)

- 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.

Justice Clarence Thomas: 25 Years Later, REAL CLEAR POL., July 2, 2016. Copy supplied.

With Hashim M. Mooppan, Anthony J. Dick, and Jacob M. Roth, *Supreme Court Limits Extraterritorial Application of Rico*, MONDAQ, June 29, 2016. Copy supplied.

Targeted Drone Killings: Legal Justifications Under the Bush and Obama Administrations, 38 HARV. J. OF L. & PUB. POL'Y 251 (2015). Copy supplied.

With Brian J. Murray and Anthony J. Dick, *The Skeptics are wrong: Rauner's 401(k)-style pension idea will work*, CRAIN'S CHI. BUS., May 12, 2015. Copy supplied.

With Jeffrey A. Mandell, *Defendants Missing Opportunities to Remove Class*

Actions to Federal Court, A.B.A. LITIG. SEC., June 20, 2013. Copy supplied.

Letter to the Editor, *Diligently Pursuing Fraud at Justice*, WASH. POST, July 13, 2008. Copy supplied.

Intellectual Property Rights and State Sovereign Immunity: The Recent Supreme Court Decisions, INTELL. PROP. PRAC. GRP. NEWSL., vol. 3, issue 2, summer 1999. Copy supplied.

Congressional Control over State Sovereign Immunity: The Recent Supreme Court Decisions, FEDERALISM & SEPARATION OF POWERS PRAC. GRP. NEWSL., vol. 3, issue 1, spring 1999. Copy supplied.

With Timothy B. Dyk, *How to Oppose Certiorari in Supreme Court Business Cases*, JONES DAY COMMENTS., Dec. 1995, reprinted in Timothy B. Dyk & Gregory G. Katsas, *Certiorari in Business Cases*, PRAC. LITIGATOR, Nov. 1996. Copy supplied.

With Glen D. Nager, *Retroactive Civil Rights: Back to the Future*, LEGAL TIMES, Aug. 1, 1994. Copy supplied (reprinted in multiple outlets).

Supreme Court Highlights, FEDERALIST PAPER, Jan. 1993. Copy supplied.

Recommended Reading: Chief Justice Rehnquist's Grand Inquests, FEDERALIST PAPER, Oct. 1992. Copy supplied.

Case Comment, *Wheat v. United States*, 102 HARV. L. REV. 180 (1988). Copy supplied.

During the fall of 1983, I wrote an article for *Prospect* magazine on a lawsuit challenging the male-only admissions policies of certain Princeton eating clubs. I have been unable to locate copies of this article.

- 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.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 7, 2016. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 18, 2016. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 14, 2015. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 4, 2015. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 15, 2014. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 8, 2014. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 16, 2013. Copy supplied.

Advisory Committee on Civil Rules, *Report of the Advisory Committee on Civil Rules*, Dec. 9, 2008. Copy supplied.

Advisory Committee on Civil Rules, *Report of the Advisory Committee on Civil Rules*, May 9, 2008. Copy supplied.

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

Letter to Sens. Grassley, Leahy, and Feinstein, Nomination of Senator Jeff Sessions to be Attorney General, Dec. 12, 2016. Copy supplied.

Minutes of Fall 2016 Meeting of Advisory Committee on Appellate Rules (Oct. 18, 2016) (statements made as member of Committee). Copy supplied.

Letter to Sen. Orrin Hatch on Justice Clarence Thomas, Cong. Rec. Sept. 22, 2016, at S5979.

Minutes of Spring 2016 Meeting of Advisory Committee on Appellate Rules (Apr. 5, 2016) (statements made as member of Committee). Copy supplied.

Minutes of Fall 2015 Meeting of Advisory Committee on Appellate Rules (Oct. 29–30, 2015) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2015 Meeting of Advisory Committee on Appellate Rules (Apr. 23–24, 2015) (statements made as member of Committee). Copy supplied.

Minutes of Fall 2014 Meeting of Advisory Committee on Appellate Rules (Oct. 20, 2014) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2014 Meeting of Advisory Committee on Appellate Rules (Apr. 28–29, 2014) (statements made as member of Committee). Copy supplied.

Letter to Sens. Leahy and Grassley, Nomination of Stuart Delery, May 1, 2013. Copy supplied.

Hearing on the Department of Justice's Actions Related to the New Black Panther Party Litigation and Its Enforcement of Section 11(b) of the Voting Rights Act, U.S. Commission on Civil Rights, Apr. 23, 2010 (testimony given as former Acting Associate Attorney General, Department of Justice). Copy supplied.

Statement of Gregory G. Katsas, *DOJ Handling of the New Black Panther Party Litigation*, U.S. Commission on Civil Rights, Apr. 23, 2010. Copy supplied.

Open Access to Courts Act of 2009: Hearing on H.R. 4115 Before the Subcomm. On Courts and Competition Pol'y of the H. Comm. on the Judiciary, 111th Cong. (2009) (testimony given as former Assistant Attorney General, Civil Division, Department of Justice). Copy supplied.

Access to Justice Denied: Ashcroft v. Iqbal: Hearing Before the Subcomm. on the Const., Civil Rights, & Civil Liberties of the H. Comm. on the Judiciary, 111th Cong. (2009) (testimony given as former Assistant Attorney General, Civil Division, Department of Justice). Copy supplied.

Implications of the Supreme Court's Boumediene Decision for Detainees at Guantanamo Bay, Cuba: Administration Perspectives: Hearing Before the H. Comm. on Armed Services, 110th Cong. (2008) (testimony given as Assistant Attorney General, Civil Division, Department of Justice). Copy supplied.

Minutes of Spring 2008 Meeting of Advisory Committee on Civil Rules (Apr. 7-8, 2008) (statements made as *ex officio* member of Committee). Copy supplied.

Confirmation Hearings on Federal Appointments: Hearing Before the S. Comm. on the Judiciary, 110th Cong. (2008) (testimony given as nominee to be Assistant Attorney General, Civil Division, Department of Justice). Copy supplied.

Upholding the Principle of Habeas Corpus for Detainees: Hearing Before the H. Comm. on Armed Services, 110th Cong. (2007) (testimony given as Principal Deputy Associate Attorney General, Department of Justice). Copy supplied.

Habeas Corpus and Detentions at Guantanamo Bay: Hearing Before the Subcomm. on the Const., Civil Rights, & Civil Liberties of the H. Comm. on the Judiciary, 110th Cong. (2007) (testimony given as Principal Deputy Associate Attorney General, Department of Justice). Copy supplied.

The Native Hawaiian Government Reorganization Act of 2007: Hearing on S. 310 Before the S. Comm. on Indian Affairs, 110th Cong. (2007) (testimony given as Principal Deputy Associate Attorney General, Department of Justice). Copy supplied.

Implementation of the USA Patriot Act: Prohibition of Material Support Under Sections 805 of the USA Patriot Act and 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004: Hearing Before the Subcomm. on Crime, Terrorism, & Homeland Sec. of the H. Comm. on the Judiciary, 109th Cong. (2005) (testimony given as Deputy Assistant Attorney General, Civil Division, Department of Justice). 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.

Mar. 2, 2017: Speaker, "Work of the White House Counsel's Office," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Notes supplied.

Oct. 26, 2016: Presenter, "Toast for Justice Thomas," Heritage Foundation, Washington, District of Columbia. Notes supplied.

Oct. 25, 2016: Panelist, "25 Years of Justice Thomas," Claremont Institute, Washington, District of Columbia. Video supplied.

Oct. 11, 2016: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Mineola, New York. Notes supplied.

Sept. 30, 2016: Panelist, "Supreme Court Preview," Pacific Legal Foundation & National Review Online, Washington, DC. Video available at <https://www.c-span.org/video/?416133-1/pacific-legal-foundation-previews-upcoming-supreme-court-term>. Press coverage supplied.

Sept. 22, 2016: Speaker, "Supreme Court Roundup," University of Connecticut Law School, Hartford, Connecticut. Notes supplied as notes from October 11, 2016 event.

Sept. 13, 2016: Speaker, "Supreme Court Roundup," University of Indiana Law School, Bloomington, Indiana. Notes supplied as notes from October 11, 2016

event.

Sept. 7, 2016: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Morristown, New Jersey. Notes supplied as notes from October 11, 2016 event.

July 12, 2016: Participant, "Teleforum: *McDonnell* Decision," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Recording supplied.

June 28, 2016: Participant, "Teleforum: 25 Years of Justice Thomas," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Recording supplied.

June 27, 2016: Participant, "Teleforum: End-Of-Term Decisions," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Recording supplied.

Mar. 24, 2016: Speaker, "Treatment of Wartime Detainees," Notre Dame Law School, South Bend, Indiana. Notes supplied.

Feb. 11, 2016: Panelist, "Mid-Term Roundup," Washington Legal Foundation, Washington, District of Columbia. Recording supplied.

Nov. 17, 2015: Speaker, "Guantanamo, Drones, and Laws of War," Yale Law School, New Haven, Connecticut. Notes supplied as notes from March 24, 2016 event.

Sept. 9, 2015: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Morristown, New Jersey. Notes supplied.

Aug. 27, 2015: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Tampa, Florida. Notes supplied as notes from September 9, 2015 event.

July 16, 2015: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Rochester, New York. Notes supplied as notes from September 9, 2015 event. Press coverage supplied.

Feb. 28, 2015: Panelist, "Originalism," Federalist Society for Law & Public Policy Studies, Orlando, Florida. Notes supplied.

Nov. 21, 2014: Speaker, "Supreme Court Roundup," Martin County Bar Association, Stuart, Florida. Notes supplied.

Oct. 30, 2014: Speaker, "Supreme Court Roundup," Federalist Society for Law &

Public Policy Studies, Charleston, West Virginia. Notes supplied as notes from November 21, 2014 event.

Oct. 16, 2014, Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Milwaukee, Wisconsin. Notes supplied as notes from November 21, 2014 event.

Aug. 21, 2014: Panelist, "Preparing for and Delivering an Effective Oral Argument," Eleventh Circuit Appellate Practice Institute, Montgomery, Alabama. I have no notes, transcript, or recording. The Eleventh Circuit Appellate Practice Institute is co-sponsored by the Appellate Practice Sections of the Alabama, Florida, and Georgia State Bars. The address of the Alabama State Bar is 415 Dexter Avenue, Montgomery, Alabama 36104.

Aug. 20, 2014: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Tallahassee, Florida. Notes supplied as notes from November 21, 2014 event.

July 28, 2014: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Morristown, New Jersey. Notes supplied as notes from November 21, 2014 event.

July 21, 2014: Panelist, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Notes supplied as notes from November 21, 2014 event.

Mar. 8, 2014: Panelist, "Drones and Presidential Authority," University of Florida Law School, Gainesville, Florida. Recording supplied.

Dec. 11, 2013: Panelist, "Public-Sector Pension Reform," Federalist Society for Law & Public Policy Studies, Chicago, Illinois. My remarks addressed Contract Clause limitations on various initiatives to reform public-sector pensions. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 Eye Street, N.W., Suite 300, Washington, District of Columbia 20006.

Mar. 28, 2013: Debater, "NFIB Decision," University of Michigan Law School, Ann Arbor, Michigan. Notes supplied.

Mar. 6, 2013: Debater, "NFIB Decision," University of Texas Law School, Austin, Texas. Notes supplied as notes from March 28, 2013 event.

Feb. 27, 2013: Speaker, "NFIB Decision," Vanderbilt Law School, Nashville, Tennessee. Notes supplied as notes from March 28, 2013 event.

Feb. 19, 2013: Debater, "NFIB Decision," Cornell Law School, Ithaca, New York. Recording supplied. Press coverage supplied.

Jan. 29, 2013: Speaker, “*NFIB* Decision,” University of Pittsburgh Law School, Washington, District of Columbia. Notes supplied as notes from March 28, 2013 event.

Jan. 28, 2013: Debater, “*NFIB* Decision,” University of Pennsylvania Law School, Philadelphia, Pennsylvania. Notes supplied as notes from March 28, 2013 event.

Jan. 24, 2013: Speaker, “*NFIB* Decision,” Federalist Society for Law & Public Policy Studies, Morristown, New Jersey. Notes supplied as notes from March 28, 2013 event.

Nov. 28, 2012: Debater, “*NFIB* Decision,” Georgetown Law School, Washington, District of Columbia. Notes supplied as notes from March 28, 2013 event. Press coverage supplied.

Nov. 16, 2012: Panelist, “Supreme Court,” American Bar Association, Washington, District of Columbia. Notes supplied.

Nov. 8, 2012: Speaker, “Presidential Election and the Supreme Court,” Federalist Society for Law & Public Policy Studies, Indianapolis, Indiana. Notes supplied.

Oct. 25, 2012: Panelist, “*NFIB* Decision,” American Bar Association, Administrative Law Conference, Washington, District of Columbia. Notes supplied as notes from March 28, 2013 event.

Aug. 24, 2012: Debater, “*NFIB* Decision,” Minnesota State Bar Association, St. Paul, Minnesota. Notes supplied as notes from March 28, 2013 event.

July 26, 2012: Debater, “*NFIB* Decision,” National Organization of Life and Health Insurers, Boston, Massachusetts. Notes supplied as notes from March 28, 2013 event.

July 23, 2012: Speaker, “*NFIB* Decision,” Rotary Club, Atlanta, Georgia. Notes supplied as notes from March 28, 2013 event.

June 26, 2012: Panelist, “Healthcare Reform and the Supreme Court,” American Health Lawyers Association, Chicago, Illinois. Notes supplied.

May 15, 2012: Panelist, “Constitutionality of Affordable Care Act,” National Federation of Independent Business, Washington, District of Columbia. Notes supplied as notes from June 26, 2012 event.

Apr. 21, 2012: Speaker, “Constitutionality of Affordable Care Act,” Federalist Society for Law & Public Policy Studies, New York, New York. Notes supplied

as notes from June 26, 2012 event.

Apr. 20, 2012: Speaker, "Constitutionality of Affordable Care Act," Americans For Prosperity, Scotch Plains, New Jersey. Notes supplied as notes from June 26, 2012 event.

Apr. 17, 2012: Speaker, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, Des Moines, Iowa. Recording supplied.

Apr. 16, 2012: Panelist, "Constitutionality of Affordable Care Act," University of Texas Law School, Austin, Texas. Notes supplied as notes from June 26, 2012 event.

Apr. 12, 2012: Speaker, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, Memphis, Tennessee. Notes supplied as notes from June 26, 2012 event.

Apr. 10, 2012: Speaker, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, Charlotte, North Carolina. Notes supplied as notes from June 26, 2012 event.

Apr. 9, 2012: Debater, "Constitutionality of Affordable Care Act," Duke University School of Law, Durham, North Carolina. Recording supplied.

Apr. 5, 2012: Debater, "Constitutionality of Affordable Care Act," University of Michigan Law School, Ann Arbor, Michigan. Notes supplied as notes from June 26, 2012 event.

Apr. 4, 2012: Debater, "Constitutionality of Affordable Care Act," Emory University Law School, Atlanta, Georgia. Notes supplied as notes from June 26, 2012 event.

Feb. 9, 2012: Speaker, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, Houston, Texas. Notes supplied as notes from June 26, 2012 event.

Jan. 20, 2012: Speaker, "Constitutionality of Affordable Care Act," Martin County Bar Association, Stuart, Florida. Notes supplied as notes from June 26, 2012 event.

Jan. 19, 2012: Debater, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, Miami, Florida. Notes supplied as notes from June 26, 2012 event.

Dec. 6, 2011: Speaker, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, Cincinnati, Ohio. Notes supplied as

notes from June 26, 2012 event.

Nov. 15, 2011: Speaker, "Constitutionality of Affordable Care Act," University of Mississippi Law School, Oxford, Mississippi. Notes supplied as notes from June 26, 2012 event.

Nov. 3, 2011: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, San Francisco, California. Notes supplied.

Nov. 2, 2011: Speaker, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, Palo Alto, California. Notes supplied as notes from June 26, 2012 event.

Oct. 27, 2011: Debater, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, St. Louis, Missouri. Notes supplied as notes from June 26, 2012 event.

Oct. 13, 2011: Speaker, "Supreme Court Roundup," Boston College Law School, Boston, Massachusetts. Notes supplied as notes from November 3, 2011 event.

Oct. 6, 2011: Debater, "Constitutionality of Affordable Care Act," Dole Institute of Politics, Lawrence, Kansas. Recording supplied.

Sept. 15, 2011: Speaker, "Constitutionality of Affordable Care Act," American Enterprise Institute, Washington, District of Columbia. Notes supplied as notes from June 26, 2012 event.

Aug. 26, 2011: Speaker, "Constitutionality of Affordable Care Act," Federalist Society for Law & Public Policy Studies, Dallas, Texas. Notes supplied as notes from June 26, 2012 event.

Aug. 18, 2011: Speaker, "Defending the Defense of Marriage Act," Federalist Society for Law & Public Policy Studies, Indianapolis, Indiana. Recording supplied.

Aug. 16, 2011: Speaker, "The Obamacare Litigation: An Insider's Account," Federalist Society for Law & Public Policy Studies, Milwaukee, Wisconsin. Notes supplied as notes from June 26, 2012 event.

July 19, 2011: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Winston Salem, North Carolina. Notes supplied as notes from November 3, 2011 event.

July 19, 2011: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Raleigh, North Carolina. Recording supplied.

June 15, 2011: Speaker, "Constitutionality of Affordable Care Act," Florida State University College of Law, Tallahassee, Florida. Notes supplied as notes from June 26, 2012 event.

May 10, 2011: Panelist, "Appellate Argument," National Association of Attorneys General, Washington, District of Columbia. I participated in a panel discussion about preparing for and giving oral argument. I have no notes, transcript, or recording. The address of the National Association of Attorneys General is 1850 M Street, N.W., 12th Floor, Washington, District of Columbia 20036.

Mar. 31, 2011: Speaker, "Obama Counterterrorism Strategy," University of Michigan Law School, Ann Arbor, Michigan. Notes supplied.

Mar. 2, 2011: Speaker, "Obama Counterterrorism Strategy," Harvard Law School, Cambridge, Massachusetts. Notes supplied as notes from March 31, 2011 event.

Feb. 26, 2011: Panelist, "Federalism and Interstate Competition," University of Virginia Law School, Charlottesville, Virginia. Recording supplied.

Dec. 17, 2010: Speaker, "War on Terrorism," Martin County Bar Association, Stuart, Florida. Notes supplied as notes from March 31, 2011 event.

Aug. 6, 2010: Panelist, "Priorities and Perspectives on the Civil Division," American Bar Association, San Francisco, California. Notes supplied. Press coverage supplied.

Apr. 29, 2010: Speaker, "War on Terrorism," Federalist Society for Law & Public Policy Studies, Baltimore, Maryland. Notes supplied.

Apr. 22, 2010: Panelist, "*Twombly* and *Iqbal* Decisions," American Bar Association, New York, New York. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Avenue, N.W., Suite 400, Washington, District of Columbia 20036.

Apr. 19, 2010: Panelist, "Legislating the War On Terror," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Notes supplied.

Apr. 7, 2010: Panelist, "Treatment of Wartime Detainees," New York City Bar Association, New York, New York. Notes supplied.

Mar. 5, 2010: Speaker, "Detainee Law and Policy," Federalist Society for Law & Public Policy Studies, Columbus, Ohio. Notes supplied.

Nov. 5, 2009: Speaker, "Detainee Litigation," University of Michigan Law

School, Ann Arbor, Michigan. Notes supplied.

July 28, 2009: Speaker, "Detainee Litigation," Federalist Society for Law & Public Policy Studies, Rochester, New York. Notes supplied as notes from November 5, 2009 event.

Apr. 13, 2009: Speaker, "The War on Terror and the *Boumediene* Case," Lewis & Clark Law School, Portland, Oregon. Notes supplied as notes from November 5, 2009 event.

Apr. 4, 2009: Speaker, "Legal Aspects of War on Terrorism," Amherst College, Amherst, Massachusetts. Notes supplied.

Apr. 1, 2009: Debate, "Constitutionality of the Pledge of Allegiance," United States Military Academy, West Point, New York. Notes supplied.

Dec. 4, 2008: Speaker, Civil Division Awards Ceremony, Department of Justice, Washington, District of Columbia. Notes supplied.

Nov. 21, 2008: Panelist, "Civil Litigation under the Roberts Court," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Recording supplied.

Oct. 17, 2008: Speaker, "Supreme Court Roundup," Martin County Bar Association, Stuart, Florida. Notes supplied.

Oct. 16, 2008: Speaker, "Supreme Court Roundup," Florida Bar Association, Orlando, Florida. Notes supplied as notes from October 17, 2008 event.

Oct. 15, 2008: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Tallahassee, Florida. Notes supplied as notes from October 17, 2008 event.

Sept. 29, 2008: Debater, "Constitutionality of the Pledge of Allegiance," Federalist Society for Law & Public Policy Studies, New York, New York. Notes supplied as notes from April 1, 2009 event.

Aug. 8, 2008: Panelist, "*Boumediene* Decision," American Bar Association, New York, New York. Notes supplied as notes from October 17, 2008 event.

July 1, 2008: Speaker, "*Boumediene* and *Medellin*: The Supreme Court's 2008 International Law Opinions," District of Columbia Bar and the American Society of International Law, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the District of Columbia Bar is 1101 K Street, N.W., Suite 200, Washington, District of Columbia 20005.

June 12, 2008: Speaker, "False Claims Act," American Bar Association, Washington, District of Columbia. I gave prepared remarks at a luncheon summarizing enforcement of the Act by the Department of Justice. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Avenue, N.W., Suite 400, Washington, District of Columbia 20036.

Apr. 17, 2008: Remarks, "Experiences at the Department of Justice," American Bar Association, Washington, District of Columbia. These were informal remarks regarding my experiences at the Department. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Avenue, N.W., Suite 400, Washington, District of Columbia 20036.

Mar. 25, 2008: Speaker, "GTMO Detainee Litigation," University of Michigan Law School. Notes supplied as notes from November 5, 2009 event.

Dec. 6, 2007: Speaker, Civil Rights Division Anniversary, Department of Justice, Washington, District of Columbia. Speech supplied.

Dec. 5, 2007: Speaker, Civil Division Awards Ceremony, Department of Justice, Washington, District of Columbia. I gave introductory remarks at an awards ceremony. I have no notes, transcript, or recording. The address for the Civil Division is 950 Pennsylvania Avenue, N.W., Washington, District of Columbia 20530.

Nov. 9, 2007: Panelist, "Habeas Corpus and Judicial Review," Roger Williams University Law School, Bristol, Rhode Island. Notes supplied as notes from November 5, 2009 event.

Oct. 30, 2007: Speaker, Combined Federal Campaign Kickoff, Department of Justice, Washington, District of Columbia. Speech supplied.

Oct. 24, 2007: Speaker, Introduction of Acting Attorney General, Department of Justice, Washington, District of Columbia. Speech supplied.

Oct. 19, 2007: Speaker, "Supreme Court Roundup," Martin County Bar Association, Stuart, Florida. Notes supplied.

Oct. 18, 2007: Speaker, "Supreme Court Roundup," Barry University Dwayne O. Andreas School of Law, Orlando, Florida. Notes supplied as notes from October 19, 2007 event.

Oct. 18, 2007: Speaker, "Supreme Court Roundup," Florida State University College of Law, Tallahassee, Florida. Notes supplied as notes from October 19, 2007 event.

Oct. 15, 2007: Speaker, Opening Remarks, National Association of Medical Examiners, Savannah, Georgia. Speech supplied.

Sept. 27, 2007: Speaker, 2007 National Conference on Human Trafficking, Office of Justice Programs, Department of Justice, Chicago, Illinois. Speech supplied.

Sept. 26, 2007: Panelist, "Supreme Court Preview," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Recording supplied.

Sept. 20, 2007: Speaker, ENRD Annual Awards Ceremony, Department of Justice, Washington, District of Columbia. Speech supplied.

Sept. 20, 2007: Speaker, Police Stakeholders' Meeting, National Institute of Justice, Department of Justice, Washington, District of Columbia. Speech supplied.

Aug. 7, 2007: Speaker, Farewell to Bill Mercer, Department of Justice, Washington, District of Columbia. Speech supplied.

July 19, 2007: Speaker, "Guantanamo Detainee Litigation," Federalist Society for Law & Public Policy Studies, Milwaukee, Wisconsin. Notes supplied.

July 9, 2007: Debater, "*Boumediene* and *El Masri* decisions," Federalist Society for Law & Public Policy Studies, New York, New York. I have no notes, transcript, or recording. The address for the Federalist Society is 1776 Eye Street, N.W., Suite 300, Washington, District of Columbia 20006.

Apr. 26, 2007: Speaker, "Guantanamo Detainee Litigation," American Bar Association Administrative Law and Regulatory Practice Institute, Washington, District of Columbia. Notes supplied as notes from July 19, 2007 event.

Apr. 13–14, 2007: Speaker, "Civil Rights and the War on Terrorism Seminar," University of Montana School of Law, Missoula, Montana. Notes supplied.

Mar. 22, 2007: Debater, "Litigation in an Age of Terrorism," District of New Jersey Judicial Conference, West Orange, New Jersey. Transcript supplied.

Mar. 21, 2007: Speaker, "Guantanamo Detainee Litigation," Federalist Society for Law & Public Policy Studies, Tallahassee, Florida. Notes supplied as notes from April 13–14, 2007 event.

Mar. 20, 2007: Speaker, "Guantanamo Detainee Litigation," University of Florida Levin College of Law, Gainesville, Florida. Notes supplied as notes from April 13–14, 2007 event.

Mar. 19, 2007: Speaker, "Guantanamo Detainee Litigation," Federalist Society for Law & Public Policy Studies, Orlando, Florida. Notes supplied as notes from April 13–14, 2007 event.

Oct. 20, 2006: Debater, "*Hamdan* Decision," George Washington University School of Law, Washington, District of Columbia. Notes supplied.

Sept. 18, 2006: Panelist, "*Hamdan* Decision," Federalist Society for Law & Public Policy Studies, Indianapolis, Indiana. Notes supplied as notes from October 20, 2006 event.

June 27, 2006: Panelist, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Houston, Texas. Notes supplied.

June 3, 2006: Panelist, "Roberts Court," Princeton University, Princeton, New Jersey. Notes supplied.

May 11, 2006: Panelist, "*Oregon v. Ashcroft* Decision," Oregon Bar Historical Society, Portland, Oregon. Notes supplied.

Feb. 9, 2006: Speaker, "Supreme Court Roundup," Dickinson Law School, Carlisle, Pennsylvania. Notes supplied.

Nov. 18, 2005: Speaker, "Supreme Court Roundup," Martin County Bar Association, Stuart, Florida. Notes supplied as notes from February 9, 2006 event.

Nov. 17, 2005: Speaker, "Supreme Court Roundup," Florida International University College of Law, Miami, Florida. Notes supplied as notes from February 9, 2006 event.

Nov. 17, 2005: Speaker, "Supreme Court Roundup," St. Thomas University Law School, Miami, Florida. Notes supplied as notes from February 9, 2006 event.

Nov. 17, 2005: Speaker, "Supreme Court Roundup," University of Miami Law School, Coral Gables, Florida. Notes supplied as notes from February 9, 2006 event.

Nov. 16, 2005: Speaker, "Supreme Court Roundup," Stetson University College of Law, Tampa, Florida. Notes supplied as notes from February 9, 2006 event.

Nov. 16, 2005: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Orlando, Florida. Notes supplied as notes from February 9, 2006 event.

Nov. 15, 2005: Speaker, "Supreme Court Roundup," Federalist Society for Law

& Public Policy Studies, Tallahassee, Florida. Notes supplied as notes from February 9, 2006 event.

Mar. 22, 2005: Speaker, "Litigating in Support of the Global War on Terrorism: A Department of Justice Perspective," Milops Conference of United States Pacific Command, Singapore. Outline supplied.

Oct. 28, 2004: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Cincinnati, Ohio. Notes supplied.

Oct. 15, 2004: Speaker, "Supreme Court Roundup," Martin County Bar Association, Stuart, Florida. Notes supplied as notes from October 28, 2004 event.

Oct. 14, 2004: Speaker, "Supreme Court Roundup," St. Thomas University School of Law, Miami, Florida. Notes supplied as notes from October 28, 2004 event.

Oct. 14, 2004: Speaker, "Supreme Court Roundup," University of Miami School of Law, Coral Gables, Florida. Notes supplied as notes from October 28, 2004 event.

Oct. 14, 2004: Speaker, "Supreme Court Roundup," Nova Southeastern University Shepard Broad College of Law, Fort Lauderdale, Florida. Notes supplied as notes from October 28, 2004 event.

Oct. 13, 2004: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Tallahassee, Florida. Notes supplied as notes from October 28, 2004 event.

Aug. 12, 2004: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Cleveland, Ohio. Notes supplied as notes from October 28, 2004 event.

Nov. 14, 2003: Panelist, "Immigration and the War on Terror," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Transcript supplied.

July 13, 2003: Panelist, State Solicitors' Conference, National Association of Attorneys General, Oklahoma City, Oklahoma. My remarks addressed how the Department of Justice conducts its appellate litigation and how the Department and the National Association of Attorneys General might coordinate amicus filings in cases of mutual interest. I have no notes, transcript, or recording. The address for the National Association of Attorneys General is 1850 M Street, N.W., 12th Floor, Washington, District of Columbia 20036.

July 19, 2002: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Tallahassee, Florida. Notes supplied.

Feb. 9, 1999: Panelist, "Supreme Court Preview," Washington Legal Foundation Legal Studies Division, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the Washington Legal Foundation is 2009 Massachusetts Avenue, N.W., Washington, District of Columbia 20036.

Oct. 17, 1997: Panelist, "Federalism Revived? The *Prinz* and *City of Boerne* Decisions," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Transcript supplied.

1990s: Lecturer (given about four times), "Defense of Interpretivism," American University, Washington District of Columbia. Notes supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Richard Wolf, *Scalia's Absence Haunts Supreme Court's New Term*, USA TODAY, Oct. 3, 2016. Copy supplied.

Carolina Bolado, *Justice Clarence Thomas: The Supreme Court's Lonely Dissenter*, LAW360, July 8, 2016. Copy supplied.

Philip Wegmann, *25 Years Later, How Clarence Thomas Has Transformed the Supreme Court*, DAILY SIGNAL, July 1, 2016. Copy supplied.

Mark Sherman, *Supreme Court Notebook: Thomas' Dissents Rise in Nixed Cases*, ASSOCIATED PRESS, June 30, 2016. Copy supplied.

Kurt Orzeck, *11th Circ. Says Fed. Law Blocks Claims In Engle Progeny Suit*, LAW360, Apr. 8, 2015. Copy supplied (reprinted in multiple outlets).

Deirdre Shesgreen, *Man Battling Rule Has Seen Big Stage Before*, NEWARK ADVOC., Apr. 20, 2014, at A3. Copy supplied (reprinted in multiple outlets).

The Editor Interviews Gregory G. Katsas, Partner, Jones Day, METROPOLITAN CORP. COUNS., Sept. 2013. Copy supplied.

Chris McGreal, *Supreme Court Gay Marriage Hearings: DOMA and Proposition 8 Go on Trial*, GUARDIAN, Mar. 25, 2013. Copy supplied.

Charlie Savage, *Administration Weighs Legal Action Against States That Legalized Marijuana Use*, N.Y. TIMES, Dec. 7, 2012, at A20. Copy supplied

(reprinted in multiple outlets).

The Editor Interviews Gregory Katsas and Michael Carvin, METROPOLITAN CORP. COUNS., Sept. 2012. Copy supplied.

Bruno J. Navarro, *Katsas: Justice Roberts Switch 'Disappointing'*, CNBC, July 5, 2012. Copy supplied (reprinted in multiple outlets).

Kathryn Jean Lopez, *Katsas on the Ruling*, NAT'L REV. ONLINE, July 2, 2012. Copy supplied.

Paul Gottlieb, *Peninsula Residents Disappointed, Elated by Health Law Ruling*, PENINSULA DAILY NEWS, June 29, 2012. Copy supplied (reprinted in multiple outlets).

Soledad O'Brien, CNN STARTING POINT, June 29, 2012. Copy supplied (reprinted in multiple outlets).

Katharine Q. Seelye & Ethan Bronner, *Appeals Court Turns Back Marriage Act as Unfair to Gays*, N.Y. TIMES, May 31, 2012. Copy supplied (reprinted in multiple outlets).

Rachel Slajda, *Health Law Challengers Make One More Plea On Tax Issue*, LAW360, Apr. 26, 2012. Copy supplied.

Soledad O'Brien, CNN STARTING POINT, Mar. 28, 2012. Copy supplied (reprinted in multiple outlets).

NFIB v. Sebelius, Courthouse Steps Interview, C-SPAN, Mar. 26, 2012. Recording supplied (reprinted in multiple outlets).

Adam Liptak, *Lawyers Cram for Epic Review Before Justices*, N.Y. TIMES, Mar. 26, 2012. Copy supplied (reprinted in multiple outlets).

Jane Norman, *Justices Skeptical About Tax Law Derailing Health Care Lawsuit*, CONG. Q. TODAY, Mar. 26, 2012. Copy supplied.

Marcia Coyle, *On Deck to Argue Against Mandate: Carvin*, NAT'L L. J., Mar. 19, 2012. Copy supplied (reprinted in multiple outlets).

Tony Mauro, *For a Jones Day Partner, Yet Another Hot-Button Case*, NAT'L L. J., Mar. 12, 2012. Copy supplied (reprinted in multiple outlets).

James Vicini, *Opponents: Congress Went Too Far in Healthcare Law*, REUTERS HEALTH ELINE, Feb. 7, 2012. Copy supplied.

Jane Norman, *Health Care Law 'Harmful' for the Uninsured But Aids Insurers, NFIB Tells High Court*, CONG. Q. HEALTHBEAT, Feb. 6, 2012. Copy supplied.

Rachel Slajda, *Health Mandate Violates Constitution, Critics Tell High Court*, LAW360, Feb. 6, 2012. Copy supplied.

Jess Bravin & Vanessa O'Connell, *Business Owner's Bankruptcy Disclosed to Supreme Court*, WALL ST. J., Dec. 19, 2011. Copy supplied (reprinted in multiple outlets).

Emily Maltby, Vanessa O'Connell & Jess Bravin, *Hurdle for Health-Law Suit*, WALL ST. J., Dec. 5, 2011. Copy supplied (reprinted in multiple outlets).

Sam Baker, *Court to Rule on Health Law amid Election Frenzy*, THE HILL, Nov. 15, 2011. Copy supplied (reprinted in multiple outlets).

Jane Norman, *NFIB Lawyer Describes Timetable for Health Care Lawsuit*, CONG. Q. HEALTHBEAT, Nov. 15, 2011. Copy supplied (reprinted in multiple outlets).

Marcia Coyle, *High Court Will Decide Fate of Health Care Law*, NAT'L L.J., Nov. 14, 2011. Copy supplied (reprinted in multiple outlets).

Joe Carlson, *Path Set for ACA? Proponents, Foes of Law Appeal to Supreme Court*, MOD. HEALTHCARE, Oct. 3, 2011. Copy supplied (reprinted in multiple outlets).

Greg Stohr, *Obama Asks High Court to Review Health Care Law*, BLOOMBERG NEWS, Sept. 29, 2011. Copy supplied (reprinted in multiple outlets).

Erin Fuchs, *DOJ, States Ask Supreme Court to Hear Health Law Fight*, LAW360, Sept. 28, 2011. Copy supplied.

Health Care Reform: Which Case Will U.S. Supreme Court Take to Decide Law's Fate?, INT'L BUS. TIMES NEWS, Sept. 28, 2011. Copy supplied (reprinted in multiple outlets).

Tony Mauro, *On Same Day, Justice Department and NFIB Urge Supreme Court Review of Health Care Reform*, NAT'L L.J., Sept. 28, 2011. Copy supplied (reprinted in multiple outlets).

Sam Baker, *Appeals Court Tosses Healthcare Lawsuits*, THE HILL, Sept. 9, 2011. Copy supplied.

Brett Baier, FOX NEWS SPECIAL REP., Sept. 5, 2011. Copy supplied.

Stewart Harris, "Is the Pledge of Allegiance unconstitutional?," Your Weekly

Constitutional Podcast, Aug. 10, 2011. Recording supplied.

Greg Bluestein, *Appeals Court to Hear Arguments in Health Care Overhaul Suit*, ASSOCIATED PRESS, June 5, 2011. Copy supplied (reprinted in multiple outlets).

Paul West, *Obama's Choices Altering the Face of Federal Judiciary*, BALTIMORE SUN, May 3, 2010, at 1A. Copy supplied (reprinted in multiple outlets).

Terence Chea, *Fed. Appeals Court Upholds 'Under God' in Pledge*, ASSOCIATED PRESS, Mar. 12, 2010. Copy supplied (reprinted in multiple outlets).

CBS News, *White House Damage Control: Politics or Policy*, Feb. 3, 2010. Copy supplied.

The Editor Interviews Gregory Katsas, METROPOLITAN CORP. COUNS., Dec. 2009. Copy supplied.

Mark Sherman, *Terror Trials Differ in Civilian, Military courts*, ASSOCIATED PRESS, Nov. 22, 2009. Copy supplied (reprinted in multiple outlets).

Boomerang, NAT'L L.J., Nov. 2, 2009. Copy supplied.

Hilary Russ, *Ex-Head of DOJ Civil Division Returns to Jones Day*, LAW360, Oct. 29, 2009. Copy supplied.

Press Release, U.S. Department of Justice, Alabama-Based Hospice Company Pays U.S. \$24.7 Million To Settle Health Care Fraud Claims (Jan. 15, 2009). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Eli Lilly And Company Agrees To Pay \$1.415 Billion To Resolve Allegations Of Off-Label Promotion of Zyprexa (Jan. 15, 2009). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Chicago Advertising Firm Pays United States \$15.5 Million To Settle Overbilling Allegations On Army Contract (Jan. 6, 2009). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Spartan Motors And Subsidiary Agree To Settle Military Kickback Allegations For \$1.7 Million (Dec. 23, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Second U.S. Citizen Arrested In Connection With Costa Rica-Based Business Opportunity Fraud Ventures (Dec. 12, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, L-3 Communications Corp. Pays U.S.

\$4 Million To Settle Overbilling Allegations On Iraq War Contract (Dec. 8, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, New Jersey-Based Medquist Pays U.S. \$6.6 Million To Resolve False Claims Act Allegations (Dec. 3, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Bayer Healthcare To Pay U.S. \$97.5 Million To Settle Allegations Of Paying Kickbacks To Diabetic Suppliers (Nov. 25, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Company To Pay \$5.6 Million For Allegedly Overcharging U.S. On Contract To Recruit And Select Airport Screeners (Nov. 19, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, U.S. Files Suit Against New Jersey Generic Drug Manufacturer That Distributed Adulterated And Misbranded Products (Nov. 14, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, More Than \$1 Billion Recovered By Justice Department In Fraud And False Claims In Fiscal Year 2008 (Nov. 10, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, EGL Pays U.S. To Resolve False Claims And Kickback Allegations Related To Overseas Shipments For The Military (Nov. 4, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Two Arrested In Connection With Utah-Based Business Opportunity Fraud Venture (Oct. 23, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Buford, Georgia, Man Sentenced To 18 Months In Prison For Rolling Back Odometers In Scheme That Defrauded Local Car Buyers (Oct. 17, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, New Orleans Area Hospital To Pay \$3.3 Million To Resolve Medicaid Fraud Allegations (Oct. 17, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Armor Holdings Products LLC Pays U.S. \$30 Million For The Sale Of Defective Zylon Bullet-Proof Vests (Oct. 7, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Biopharmaceutical Company, Cephalon, To Pay \$425 Million And Enter Plea To Resolve Allegations Of Off-Label Marketing (Sept. 29, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Walgreens Pays U.S. \$9.9 Million To Settle Medicaid Prescription Drug Allegations (Sept. 29, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, New Jersey Hospital To Pay \$3.85 Million To Resolve Allegations Of Inflating Charges To Obtain Higher Medicare Reimbursement (Sept. 24, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Staten Island University Hospital To Pay The U.S. \$74 Million To Settle Claims Of Defrauding Federal Health Care Programs (Sept. 15, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Amerigroup Settles Federal And State Medicaid Fraud Claims For \$225 Million (Aug. 14, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Bluecross BlueShield Of Tennessee To Pay U.S. \$2.1 Million To Resolve False Claims Act Allegations (Aug. 11, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Pratt And Whitney And PCC Airfoils To Pay More Than \$52 Million To Settle Allegations Of Selling Defective Jet Engine Parts (Aug. 1, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, W.W. Grainger Pays United States \$6 Million To Resolve False Claims Act Allegations (July 25, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Missouri Health Care System To Pay U.S. \$60 Million To Settle False Claims Act Allegations (July 22, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Seven Freight Forwarding Firms To Pay U.S. \$666,237 To Resolve Bid Rigging Allegations In Violation Of The False Claims Act (July 21, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, U.S. Sues Honeywell For Defective Zylon Shield Which Company Marketed For Use In Bullet-Proof Vests (June 5, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Walgreens To Pay \$35 Million To U.S., 46 States And Puerto Rico To Settle Medicaid Prescription Drug Fraud Allegations (June 4, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, U.S. Sues European Transportation

Firms For Bid Rigging Related To U.S. Military Personnel Moving Expenses (May 29, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Toray Industries To Pay U.S. For Price Fixing On Carbon Fiber Materials (May 23, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Medtronic Spine, Formerly Kyphon Inc., To Pay U.S. \$75 Million To Resolve Allegations Of Defrauding Medicare (May 22, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, National City Mortgage To Pay \$4.6 Million To Settle False Claims Allegations Involving Federally Insured Mortgages (May 22, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, U.S. Department of Justice, Florida Hospital Group Pays U.S. \$7,775,000 To Settle False Claims Act Allegations (May 12, 2008). Copy supplied (reprinted in multiple outlets).

Hollie Shaw, *Leo Burnett Settles Overbilling Claims*, NAT'L POST, Jan. 9, 2008. Copy supplied.

James Oliphant, *Justices' docket a combustible mix*, CHI. TRIB., Oct. 1, 2007, at C1. Copy supplied.

Justin Scheck, *Liberal 9th Circuit Panel Scoffs at Abortion Law*, LEGAL INTELLIGENCER, Oct. 26, 2005. Copy supplied.

Laurence M. Cruz, *Suicide Law*, STATESMAN J., May 8, 2003, at 1A. Copy supplied.

Whether the Press and Public Should Be Allowed to Attend Deportation Hearings of Detainees, NAT'L PUB. RADIO, Sept. 18, 2002. Copy supplied.

Canadian Firm Using NAFTA Provision to Seek \$725 million, ASSOCIATED PRESS, May 6, 2001. Copy supplied (reprinted in multiple outlets).

Vineeta Anand, *Westinghouse Workers Win: CBS Benefits Case Seems Destined for Supreme Court*, PENSIONS & INV., Sept. 4, 2000. Copy supplied.

Roberto Cenicerros, *Benefit Cap OK Under ADA*, BUS. INSURANCE, Jan. 10, 2000. Copy supplied.

Frank J. Murray, *Solicitor General Takes Beating at Rehnquist's Hands*, WASH. TIMES, July 18, 1998, at A4. Copy supplied.

Pat Buchanan, *Hosts and Guests Discuss Police Brutality*, CNN CROSSFIRE, Apr. 29, 1997. Copy supplied.

On July 1, 1996, I appeared on a cable television program to discuss Justice Thomas's first five years on the Supreme Court. I do not remember the name of the program, and I do not have a tape or transcript of the show.

High Court's Snub Brings Wis. Antitrust Case to Close, MOD. HEALTHCARE, Mar. 25, 1996. Copy supplied.

Attorney Finds Supreme Court More Pro-Employee Than Appeals Courts, BLOOMBERG, Mar. 16, 1995. Copy supplied.

James Gerstenzang, *Bush Warned Thomas: Politics, Not Merit*, L.A. TIMES, Oct. 16, 1991. Copy supplied.

Lisa Green Markoff, *Berkeley Joins List of Institutions Facing Gender-Bias Allegations; Law Schools*, NAT'L L.J., Nov. 7, 1988. Copy supplied.

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

I have not held judicial office.

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

- i. Of these, 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 held judicial office.

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

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

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

Deputy Assistant Attorney General (2001 – 2006), Civil Division, United States Department of Justice; appointed June 2001 by Attorney General John Ashcroft.

Principal Deputy Associate Attorney General (2006 – 2008), United States Department of Justice; appointed August 2006 by Attorney General Alberto Gonzales.

Acting Associate Attorney General (2007 – 2008), United States Department of Justice; served by operation of the Federal Vacancies Reform Act.

Assistant Attorney General (2008 – 2009), Civil Division, United States Department of Justice; appointed June 2008 by President George W. Bush.

Deputy Assistant to the President and Deputy Counsel to the President (2017 – present); appointed January 2017 by President Donald Trump.

I have had no unsuccessful candidacies for public office or unsuccessful nominations 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.

Advisor, Bush-Cheney Campaign (2000). Although I did not have a formal title, I drafted and reviewed briefs during the Florida recount litigation, and I assisted in developing legal strategies for possible proceedings before the Florida legislature or Congress. Most of my service was rendered between November 24, 2000 and November 30, 2000, when I was onsite in Tallahassee.

Member, Department of Justice Landing Team, Trump-Pence Transition (2016 – 2017). Assigned components included Civil Division, Office of the Solicitor General, and Office of Legal Counsel.

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 1989 to 1990, I served as a law clerk to the Honorable Edward Becker, Circuit Judge of the United States Court of Appeals for the Third Circuit.

From 1990 to 1991, I served as a law clerk to the Honorable Clarence Thomas, Circuit Judge of the United States Court of Appeals for the D.C. Circuit.

From 1991 to 1992, I served as a law clerk to the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States.

- 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.

1992 – 2001; 2009 – 2017
Jones Day
51 Louisiana Avenue, N.W.
Washington, District of Columbia 20001
Associate (1992 – 1998)
Partner (1999 – 2001, 2009 – 2017)

2001 – 2009
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530
Deputy Assistant Attorney General, Civil Division (2001 – 2006)
Principal Deputy Associate Attorney General (2006 – 2008)
Acting Associate Attorney General (2007 – 2008)
Assistant Attorney General, Civil Division (2008 – 2009)

2017 – present
Office of the White House Counsel
1600 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20500
Deputy Assistant to the President (2017 – present)
Deputy Counsel to the President (2017 – present)

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

I have never served as a mediator or arbitrator in an alternative dispute resolution proceeding.

b. Describe:

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

From 1992 to 2001, and from 2009 to 2017, I worked in the Issues and Appeals section of the litigation group of Jones Day, a large private law firm. “Appeals” work consisted of litigating in the Supreme Court, the federal courts of appeals, and state appellate courts. “Issues” work consisted of law-driven aspects of trial-court practice—briefing and arguing significant motions, reviewing proposed jury instructions, and ensuring adequate development and preservation of promising appellate issues. During these times, the general character of my practice did not change, but I acquired increasing responsibility over time.

From 2001 to 2006, I was the Deputy Assistant Attorney General responsible for supervising the Appellate Staff of the Civil Division of the Department of Justice. In that capacity, I argued, briefed, or supervised many of the most significant appeals handled by the federal government in the courts of appeals. In addition, I was responsible for all recommendations from the Civil Division to the Solicitor General about whether the government should appeal adverse decisions, intervene or make amicus filings in the courts of appeals, or seek en banc or certiorari review of adverse appellate decisions. I was also responsible for advising superiors and client agencies regarding the progress of significant cases.

From 2006 to 2008, I served in the Office of the Associate Attorney General, as both Principal Deputy Associate Attorney General (2006 to 2008) and Acting Associate Attorney General (2007 to 2008). In both capacities, I supervised the thirteen Department components that report to the Associate Attorney General, including five litigating divisions (Antitrust, Civil, Civil Rights, Environment and Natural Resources Division, and Tax) and three grantmaking components (Office of Justice Programs, Community Oriented Policing Services, and Office of Violence Against Women). In addition, I provided advice to the Attorney General and the Deputy Attorney General. Finally, I continued to argue, brief, and supervise a limited number of significant appeals.

From 2008 to 2009, I served as the Assistant Attorney General for the

Civil Division. In that capacity, I supervised approximately 600 lawyers in the six branches of the Division (Appellate, Commercial, Consumer Protection, Federal Programs, Immigration, and Torts). I was also actively involved in the most important cases handled by the Division.

Since January 2017, I have served as a Deputy Assistant to the President and Deputy Counsel to the President. In that capacity, I am responsible for providing legal advice to senior staff in the White House Office, including the President and the Counsel to the President; managing legal issues involving executive-branch agencies; interviewing and recommending candidates for various executive and judicial appointments; and supervising approximately 15 Associate Counsels to the President.

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

My practice has included a wide range of legal issues and clients. In private practice, I did significant work in administrative law, antitrust, constitutional law, employee benefits law, employment discrimination, insurance law, international law and arbitrations, and products liability. Some of my significant clients included Alliedsignal Inc.; American Civil Liberties Union; American Council of Life Insurance; Bellaire Corporation; BP Exploration (Alaska); Chevron Corporation; First American Bankshares, Inc; General Electric Company; General Motors Company; Health Insurance Association of America; Laura and John Arnold Foundation; Loewen Group, Inc.; LTV Corporation; Marshfield Clinic; National Coalition for History; National Federation of Independent Business; National Public Radio, Inc.; Nebraska Heart Institute; People for the American Way; Proctor & Gamble Company; Public Broadcasting Service; R.J. Reynolds Tobacco Company; Westinghouse Corporation (later CBS, Inc.); United States House of Representatives; United Parcel Service; and Westland Corp.

In the Justice Department, my clients included the United States Congress, all agencies within the Executive Branch, and federal officials sued in their official or individual capacities. My areas of responsibility extended first to all appellate litigation conducted by the Civil Division, then to all components that report to the Associate Attorney General, and finally to all litigation conducted by the Civil Division.

In the White House Counsel's Office, my principal client is the President of the United States. I am often called on to provide advice to him, to his Chief of Staff, to his White House Counsel, and to various other senior officials in the White House Office. The subject could be virtually any legal issue of interest and not handled directly by the White House

Counsel or by one of the other Deputy Counsels.

- 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.

In private practice from 1992 to 2001 and 2009 to 2017 and in the Civil Division from 2001 to 2006 and 2008 to 2009, my practice consisted almost entirely of handling or supervising litigation, and I appeared in court frequently. In the Office of the Associate Attorney General, from 2006 to 2008, I spent about half of my time handling or supervising litigation, and I appeared in court occasionally. In the White House Counsel's Office, since January 2017, I supervise litigation occasionally, and I have not appeared in court.

Over the course of my career, I have briefed hundreds of cases and argued more than 75 appeals, including three cases in the Supreme Court, 13 cases in the D.C. Circuit, and cases in every federal court of appeals. I have also argued dozens of significant motions in federal district courts and state trial courts.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 75% |
| 2. state courts of record: | 25% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 95% |
| 2. criminal proceedings: | 5% |

- 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.

As primarily an appellate lawyer, I have not served as sole or chief counsel in any case tried to verdict or judgment. However, as head of the Civil Division, I supervised hundreds of trials conducted by other lawyers within the Division. In private practice, I was involved in dozens of cases tried to verdict as a legal strategist responsible for briefing, arguing, or reviewing important motions; reviewing proposed jury instructions; and ensuring development and preservation of promising appellate arguments.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 80% |
| 2. non-jury: | 20% |

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

I have argued the following merits cases in the Supreme Court:

RJR Nabisco, Inc. v. European Community, 136 S. Ct. 2090 (2016)
NFIB v. Sebelius, 567 U.S. 519 (2012)
Negusie v. Holder, 555 U.S. 511 (2009)

I have also been counsel of record for either a party or *amicus curiae* in the following merits cases:

Standard Fire Ins. Co. v. Knowles, 568 U.S. 588 (2013)

I have been counsel of record for either a party or *amicus curiae* in the following cases at the certiorari stage:

R.J. Reynolds Tobacco Co. v. Sury, No. 13-1192 (June 9, 2014)
R.J. Reynolds Tobacco Co. v. Townsend, No. 13-1191 (June 9, 2014)
R.J. Reynolds Tobacco Co. v. Smith, No. 13-1190 (June 9, 2014)
R.J. Reynolds Tobacco Co. v. Koballa, No. 13-1189 (June 9, 2014)
R.J. Reynolds Tobacco Co. v. Kirkland, No. 13-1188 (June 9, 2014)
Philip Morris USA, Inc. v. Douglas, No. 13-191 (Oct. 7, 2013)
R.J. Reynolds Tobacco Co. v. Clay, No. 12-272 (Nov. 26, 2012)
R.J. Reynolds Tobacco Co. v. Campbell, No. 11-756 (Mar. 26, 2012)
R.J. Reynolds Tobacco Co. v. Hall, No. 11-755 (Mar. 26, 2012)
R.J. Reynolds Tobacco Co. v. Martin, No. 11-754 (Mar. 26, 2012)
R.J. Reynolds Tobacco Co. v. Gray, No. 11-752 (Mar. 26, 2012)
Arkansas Dep't of Educ. v. Jim C., No. 00-1488 (June 29, 2001)
Conn. Gen. Life Ins. Co. v. Comm'r of Intl Rev., No. 99-258 (Nov. 15, 1999)
Smith v. Multi-Flow Dispensers of Ohio, Inc., No. 99-361 (Nov. 1, 1999)
Robert Coal Co. v. Holland, No. 98-1311 (May 24, 1999)
Sablan v. United States, No. 97-382 (Jan. 20, 1998)

I have been listed as supporting counsel for either a party or *amicus curiae* in the following merits cases:

Nijhawan v. Holder, 557 U.S. 29 (2009)
Sawyer v. Iqbal, 556 U.S. 1256 (2009)
FCC v. CBS Corp., 556 U.S. 1218 (2009)
Republic of Iraq v. Beaty, 556 U.S. 848 (2009)
AT&T Corp. v. Hulteen, 556 U.S. 701 (2009)
Ashcroft v. Iqbal, 556 U.S. 662 (2009)
FCC v. Fox Television Stations, Inc., 556 U.S. 502 (2009)

Nken v. Holder, 556 U.S. 418 (2009)
Shinseki v. Sanders, 556 U.S. 396 (2009)
Ministry of Defense & Support v. Elahi, 556 U.S. 366 (2009)
Wyeth v. Levine, 555 U.S. 555 (2009)
Pleasant Grove City, Utah v. Summum, 555 U.S. 460 (2009)
Van de Kamp v. Goldstein, 555 U.S. 335 (2009)
United States v. Eurodif S.A., 555 U.S. 305 (2009)
Pearson v. Callahan, 555 U.S. 223 (2009)
Locke v. Karass, 555 U.S. 207 (2009)
Rasul v. Myers, 555 U.S. 1083 (2008)
Boumediene v. Bush, 553 U.S. 723 (2008)
Hein v. Freedom from Religion Found., 551 U.S. 587 (2007)
Gonzales v. Carhart, 550 U.S. 124 (2007)
Gonzales v. Planned Parenthood Fed. of Am., 550 U.S. 124 (2007)
Hamdan v. Rumsfeld, 548 U.S. 557 (2006)
Burlington N. & Santa Fe Ry. Co. v. White, 548 U.S. 53 (2006)
eBay, Inc. v. MercExchange, L.L.C., 547 U.S. 388 (2006)
Jones v. Flowers, 547 U.S. 220 (2006)
Rumsfeld v. Forum for Acad. & Inst'l Rights, 547 U.S. 47 (2006)
Gonzales v. O Centro Espirita, 546 U.S. 418 (2006)
Gonzales v. Oregon, 546 U.S. 243 (2006)
McCreary Cnty., Ky. v. ACLU, 545 U.S. 844 (2005)
Van Orden v. Perry, 545 U.S. 677 (2005)
Tenet v. Doe, 544 U.S. 1 (2005)
Sosa v. Alvarez-Machain, 542 U.S. 692 (2004)
Rasul v. Bush, 542 U.S. 466 (2004)
Cheney v. U.S. Dist. Ct. for Dist. of Columbia, 542 U.S. 367 (2004)
Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241 (2004)
Elk Grove Unified Sch. Dist. v. Newdow, 542 U.S. 1 (2004)
Sprietsma v. Mercury Marine, 537 U.S. 51 (2002)
Verizon Md. Inc. v. Public Service Comm'n of Md., 535 U.S. 635 (2002)
Lorillard Tobacco Co. v. Reilly, 533 U.S. 525 (2001)
Bd. of Trustees of the Univ. of Ala. v. Garrett, 531 U.S. 356 (2001)
Vermont Ag. of Nat'l Res. v. United States ex rel. Stevens, 529 U.S. 765 (2000)
Kimel v. Fla. Bd. of Regents, 528 U.S. 62 (2000)
Eastern Enters. v. Apfel, 524 U.S. 498 (1998)
United States v. Estate of Romani, 523 U.S. 517 (1998)
Bd. of the Cty. Comm'rs of Bryan Cty., Okla. v. Brown, 520 U.S. 397 (1997)
Reynoldsville Casket Co. v. Hyde, 514 U.S. 749 (1995)

I have been listed as supporting counsel for either a party or *amicus curiae* in the following matters at the certiorari stage:

First Am. Title Ins. Co. v. FDIC, No. 14-845 (May 26, 2015)
Chapman v. Proctor & Gamble Distributing LLC, No. 14-958 (May 18, 2015)
R.J. Reynolds Tobacco Co. v. Brown, No. 13-1187 (June 9, 2014)

R.J. Reynolds Tobacco Co. v. Walker, Nos. 13-1193 (June 9, 2014)
Ali v. Holder, No. 08-552 (June 22, 2009)
CCA Assoc. v. United States, No. 08-505 (Feb. 23, 2009)
LeRose v. United States, No. 08-477 (Feb. 23, 2009)
Blueport Co. v. United States, No. 08-546 (Jan. 26, 2009)
Barnhill v. Schafer, No. 08-489 (Jan. 21, 2009)
Doe v. Dep't of Veterans Affairs, No. 08-467 (Jan. 21, 2009)
Haas v. Peake, No. 08-525 (Jan. 21, 2009)
Mukasey v. ACLU, No. 08-565 (Jan. 21, 2009)
Albertson's, Inc. v. Kanter, No. 07-1327 (Jan. 12, 2009)
BioMedical Patent Mgmt. Corp. v. Cal., No. 07-956 (Jan. 12, 2009)
Denton v. Hyman, No. 07-952 (Jan. 12, 2009)
Exxon Mobil Corp. v. FERC, No. 08-212 (Jan. 12, 2009)
Weldon v. Norfolk S. Ry. Co., No. 07-1152 (Jan. 12, 2009)
Bair v. United States, No. 08-242 (Dec. 15, 2008)
Nat'l Inst. of Mil. Justice v. U.S. Dep't of Def., No. 08-125 (Dec. 15, 2008)
Weber v. Dept. of Veterans Affairs, No. 08-281 (Dec. 8, 2008)
Huntleigh USA Corp. v. United States, No. 08-198 (Dec. 1, 2008)
Mola Dev. Corp. v. United States, No. 08-138 (Dec. 1, 2008)
Watson v. Mukasey, No. 08-8 (Dec. 1, 2008)
Henry v. Mukasey, No. 08-68 (Nov. 17, 2008)
IMS Engineers-Architects, P.C. v. Geren, No. 08-82 (Nov. 17, 2008)
Saintha v. Mukasey, No. 08-71 (Nov. 17, 2008)
Nufarm Am.'s Inc. v. United States, No. 08-31 (Nov. 10, 2008)
Al-Marbu v. Mukasey, No. 07-1613 (Nov. 3, 2008)
Manning v. Astrue, No. 07-1468 (Nov. 3, 2008)
Role Models Am., Inc. v. Geren, No. 08-59 (Nov. 3, 2008)
Sakar Int'l, Inc. v. United States, No. 08-26 (Nov. 3, 2008)
Djokovic v. Mukasey, No. 08-61 (Oct. 20, 2008)
Viracacha v. Mukasey, No. 07-1363 (Oct. 20, 2008)
Calderon-Dominguez v. Mukasey, No. 07-1337 (Oct. 6, 2008)
Grullon v. Mukasey, No. 07-1310 (Oct. 6, 2008)
Hernandez v. Mukasey, No. 07-1322 (Oct. 6, 2008)
Hurley v. Bureau of Immig. & Customs Enforc., No. 07-1422 (Oct. 6, 2008)
Long Island Sav. Bank v. United States, No. 07-1234 (Oct. 6, 2008)
Pena-Muriel v. Mukasey, No. 07-1221 (Oct. 6, 2008)
Petrus A.C.M. Nuijten v. Dudas, No. 07-1404 (Oct. 6, 2008)
Scheerer v. Mukasey, No. 07-1555 (Oct. 6, 2008)
U.S. Steel Co. v. Canadian Lumber Trade Alliance, No. 07-1470 (Oct. 6, 2008)
Translogic Tech., Inc. v. Dudas, No. 07-1303 (Oct. 6, 2008)
Morris v. Center for Bio-Ethical Reform, Inc., No. 07-811 (Oct. 3, 2008)
Aguilar v. Mukasey, No. 07-1116 (June 23, 2008)
Bd. of Educ. of the City Sch. Dist. v. Gulino, No. 07-270 (June 23, 2008)
Defenders of Wildlife v. Chertoff, No. 07-1180 (June 23, 2008)
Goss Int'l Corp. v. Tokyo Kikai Seisakusho, No. 07-618 (June 23, 2008)
PT Pertamina v. Karaha Bodas Co., No. 07-619 (June 23, 2008)

Exxon Mobil Corp. v. Doe, No. 07-81 (June 16, 2008)
Momah v. Earp, No. 07-991 (June 16, 2008)
Rangolan v. Mukasey, No. 07-1169 (June 16, 2008)
Portland Gen. Elec. Co. v. Public Power Council, No. 07-1007 (June 9, 2008)
Schneider v. Kissinger, No. 05-743 (Apr. 17, 2006)
Corus Staal BV v. Dept. of Commerce, No. 05-364 (Jan. 9, 2006)
Koyo Seiko Co. v. United States, No. 04-87 (Nov. 1, 2004)
Center for Nat'l Sec. Studies v. U.S. Dept. of Justice, No. 03-472 (Jan. 12, 2004)
Wilson v. United States, No. 02-217 (Nov. 18, 2002)
CBS, Inc. v. Bellas, No. 00-581 (Jan. 8, 2001)
Philip Morris Inc. v. Engle, No. 99-1277 (May 22, 2000)
Unity Real Estate Co. v. Hudson, No. 99-12 (Nov. 1, 1999)
Bank One, Milwaukee, N.A. v. P.A. Bergner & Co., No. 98-380 (Nov. 2, 1998)
McClatchy Newspapers, Inc. v. NLRB, No. 97-1517 (June 22, 1998)
Osram Sylvania Prods., Inc. v. Lighting, No. 97-307 (Oct. 20, 1997)
Alpex Comp. Corp. v. Nintendo Co. Ltd., No. 96-1642 (June 23, 1997)
Blue Cross & Blue Shield v. Marshfield Clinic, No. 95-1118 (March 18, 1996)
Olbres v. United States, No. 95-663 (Nov. 27, 1995)
Action For Children's Television v. FCC, No. 95-620 (Jan. 16, 1996)
Wamsley v. Champlin Ref. & Chem., Inc., No. 94-1372 (Mar. 27, 1995)
Morgenstern v. Wilson, No. 94-1047 (Feb. 21, 1995)
R.J. Reynolds Tobacco Co. v. Mangini, No. 94-571 (Nov. 28, 1994)

Although not listed on the briefs or docket, I also assisted in the preparation of briefs in the following cases:

El-Masri v. United States, No. 06-1613 (Oct. 9, 2007)
North Jersey Media Grp., Inc. v. Ashcroft, No. 02-1289 (May 27, 2003)
Allgood v. R.J. Reynolds Tobacco Co., No. 96-248 (Dec. 9, 1996)
Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996) (cert. stage)

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. *RJR Nabisco, Inc. v. European Community*, 136 S. Ct. 2090 (2016).

This case presented the question whether the Racketeer Influenced and Corrupt Organizations Act (“RICO”) applies to conduct and injuries outside the United States. The Supreme Court held that RICO itself has limited application to certain extraterritorial conduct, but its private right of action does not apply to extraterritorial injuries. Justice Alito wrote the majority opinion, joined in full by Chief Justice Roberts and Justices Kennedy and Thomas, and joined in part by Justices Ginsburg, Breyer, and Kagan. Justice Ginsburg, joined by Justices Breyer and Kagan, dissented in part. I successfully briefed and argued the case for RJR Nabisco and various of its affiliated corporations. In addition, I briefed and argued the case in the Eastern District of New York [Garaufis] and the Second Circuit [Leval, Sack, Hall].

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2. *NFIB v. Sebelius*, 567 U.S. 519 (2012).

This case presented constitutional challenges to the Patient Protection and Affordable Care Act. In pertinent part, the Supreme Court held that Congress

could not constitutionally require citizens to buy health insurance, but the Act permissibly taxed the failure to buy such insurance. Chief Justice Roberts announced the judgment in an opinion joined in part by Justices Ginsburg, Breyer, Sotomayor, and Kagan. Justices Scalia, Kennedy, Thomas, and Alito dissented. On behalf of the National Federation of Independent Business, I successfully argued that Anti-Injunction Act did not bar the constitutional challenges. In addition, I briefed merits and severability issues on the same challenges. I also represented NFIB in this case in the Eleventh Circuit [Dubina, Hull, Marcus].

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3. *Newdow v. Rio Linda Union School District*, 597 F.3d 1007 (9th Cir. 2010).

The Ninth Circuit held that the Pledge of Allegiance does not violate the Establishment Clause. I successfully briefed and argued the case for the United States. Judge Bea wrote the opinion of the court, joined by Judge Dorothy Nelson, and Judge Reinhardt dissented.

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4. *El Masri v. United States*, 479 F.3d 296 (4th Cir. 2007).

Plaintiff Khaled El Masri alleged that he had been detained and interrogated in a secret CIA prison in Afghanistan. He brought claims against George Tenet, the

former Director of Central Intelligence, and various others. The United States intervened in order to assert the state secrets privilege and to contend that the case could not be litigated without an unacceptable risk of disclosing state secrets. The district court dismissed the case, the Fourth Circuit affirmed, and the Supreme Court denied certiorari. I successfully argued for the United States in the Fourth Circuit, and I was actively involved in reviewing the government's briefs there and in the Supreme Court. Judge King wrote the Fourth Circuit decision, joined by Judges Shedd and Duncan.

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5. *Boumediene v. Bush* and *Al Odah v. United States*, 476 F.3d 981 (D.C. Cir. 2007), *rev'd*, 553 U.S. 723 (2008).

These cases involved the question whether aliens held as enemy combatants at Guantanamo Bay, Cuba have constitutional rights to habeas corpus and due process. The district courts divided on that question. After the ensuing appeals were argued, Congress enacted the Detainee Treatment Act (DTA), which replaced habeas jurisdiction with an alternative scheme for judicial review in the D.C. Circuit. After a second oral argument on the constitutionality of the DTA, Congress expanded the statutory repeal of habeas jurisdiction in the Military Commissions Act. The D.C. Circuit upheld the constitutionality of that repeal, but the Supreme Court reversed. I was actively involved in these cases, and I twice successfully argued the government's position in the D.C. Circuit. Judge Randolph wrote the D.C. Circuit decision, joined by Judge Sentelle, and Judge Rogers dissented.

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6. *Planned Parenthood v. Gonzales*, 435 F.3d 1163 (9th Cir. 2006), *rev'd*, 550 U.S. 124 (2007), and *Carhart v. Gonzales*, 413 F.3d 791 (8th Cir. 2005), *rev'd*, 550 U.S. 124 (2007).

These cases involved constitutional challenges to the Partial Birth Abortion Ban Act, in which Congress prohibited the partial-birth method of abortion. The Eighth and Ninth Circuits held that the Act was unconstitutional, but the Supreme Court reversed. I briefed and argued both appeals for the government, and I was actively involved in this litigation in the Supreme Court. Judge Reinhardt wrote the Ninth Circuit decision, joined by Judges Thomas and William Fletcher. Judge Bye wrote the Eighth Circuit decision, joined by Judges Loken and Fagg.

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7. *FAIR v. Rumsfeld*, 390 F.3d 219 (3d Cir. 2004), *rev'd*, 547 U.S. 47 (2006).

A federal statute requires that universities accepting federal funding cannot discriminate against military recruiters in providing access to students on campus. The plaintiffs argued that the statute violated their First Amendment rights to freedom of speech and expressive association. A divided panel of the Third Circuit agreed, but the Supreme Court unanimously reversed. I briefed and argued the case for the Secretary of Defense in the Third Circuit, and I was actively involved in this litigation in the Supreme Court. Judge Ambro wrote the Third Circuit decision, joined by Judge Stapleton, and Judge Aldisert dissented.

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8. *Oregon v. Ashcroft*, 368 F.3d 1118 (9th Cir. 2004), *aff'd*, 546 U.S. 243 (2006).

Federal law prohibits the use of certain controlled substances except for a

legitimate medical purpose. This case presented the question whether the Attorney General could permissibly construe that exception to exclude the practice of physician-assisted suicide explicitly permitted under state law. A divided Ninth Circuit panel held that the Attorney General could not so construe federal law, and the Supreme Court affirmed. I briefed and argued the case for the Attorney General in the Ninth Circuit, and I was actively involved in this litigation in the Supreme Court. Judge Tallman wrote the Ninth Circuit decision, joined by Judge Lay (of the Eighth Circuit, sitting by designation). Judge Wallace dissented.

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9. *In re Cheney*, 334 F.3d 1096 (D.C. Cir. 2003), *vacated*, 542 U.S. 367 (2004), *on remand*, 406 F.3d 723 (D.C. Cir. 2005) (en banc).

This case presented the question whether the Federal Advisory Committee Act (FACA) applied to the National Energy Policy Development Group (NEPDG), a Cabinet-level task force chaired by the Vice President. Plaintiffs argued that FACA applied because the NEPDG allegedly included private citizens as de facto members, despite a presidential order limiting membership to specified

government officials. The district court [Sullivan] denied a motion to dismiss and permitted discovery against the Vice President and other senior government officials regarding NEPDG's operation. A divided D.C. Circuit panel held that these orders were not reviewable through mandamus, but the Supreme Court reversed. On remand, the D.C. Circuit abandoned the de facto member doctrine and ordered dismissal of the case. I handled the first D.C. Circuit argument for the Vice President, and I was actively involved in this litigation at every level of court. For my argument, Judge Tatel wrote the D.C. Circuit decision, joined by Judge Edwards, and Judge Randolph dissented.

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10. *Dalrymple v. Reno*, 334 F.3d 991 (11th Cir. 2003), and *Gonzalez v. Reno*, 325 F.3d 1228 (11th Cir. 2003).

These cases arose from the raid in which federal authorities removed Elian Gonzalez from the home of his Miami relatives in order to return him to Cuba. The *Gonzalez* plaintiffs were the Miami relatives of Elian Gonzalez, and the *Dalrymple* plaintiffs were their friends and supporters. Plaintiffs sued former Attorney General Janet Reno, former Deputy Attorney General Eric Holder, and former INS Commissioner Doris Meissner in their individual capacities for constitutional violations allegedly committed during the raid. The Department of Justice, representing all defendants, moved to dismiss both complaints on qualified immunity grounds. The district courts [Moore, Highsmith] denied the motions, but the Eleventh Circuit reversed. I successfully argued the *Gonzalez* appeal for Reno, Holder, and Meissner, and I was actively involved in briefing both appeals. In both cases, Judge Tjoflat wrote the Eleventh Circuit decisions, joined by Judges Cox and Bright (of the Eighth Circuit, sitting by designation).

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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 noted above, I have briefed hundreds of cases and argued more than 75 appeals, including three cases in the Supreme Court, 13 cases in the D.C. Circuit, and cases in every federal court of appeals. Although the bulk of my career has involved litigation in court, I have also handled significant arbitrations and administrative adjudications.

For example, I briefed and argued the first arbitration filed against the United States under Chapter 11 of the North American Free Trade Agreement. My client, Loewen Group, alleged a denial of justice from the imposition of a \$500 million punitive-damages award in a commercial dispute involving assets valued at under \$5 million. The case was arbitrated by a panel that included Hon. Abner Mikva, former Chief Judge of the D.C. Circuit, and Sir Anthony Mason, former Chief Justice of Australia. The matter was styled *Loewen Group v. United States*, ICSID No. ARB(AF)/98/3.

My most significant administrative matter involved an attempt by the Alaska Oil and Gas Conservation Commission to restructure all of the ownership interests in Prudhoe Bay, the largest oil and gas field in North America. I represented BP Exploration (Alaska) in the matter, and I wrote a brief successfully arguing that the proposed restructuring was unlawful. See *In re: A Hearing To Review the Plan of Development and Operation and Other Agreements as They Affect Natural Gas Liquid (NGL) Throughput, Miscible Injectant (MI) Utilization and Ultimate Recovery From Prudhoe Bay* (1996).

From 2013 to 2107, I served as a member of the Advisory Committee on Appellate

Rules. The Committee consists of ten members appointed by the Chief Justice of the United States, including four federal judges, three private practitioners, one state judge, one law professor, and one government attorney. Pursuant to the Rules Enabling Act, the Committee reviews proposed amendments to the Federal Rules of Appellate Procedure and recommends proposed amendments for consideration by the Supreme Court.

I have never acted or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have never taught a course.

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.

Based on my years of service at Jones Day, I will receive a private pension of approximately \$28,000 per year, payable monthly from retirement until death.

Based on my years of service in the Executive Branch, I will also receive a government pension, payable monthly from retirement until death, through the Federal Employees Retirement System.

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 attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

Cases most likely to present conflicts issues would be those related to my prior service as a government lawyer or as a private practitioner. If confirmed, I would recuse myself in any matter in which, during my government service, I had participated as counsel, adviser or material witness or had expressed an opinion concerning the merits. *See* 28 U.S.C. § 455(b)(3). Moreover, I would also recuse myself 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 id.* § 455(b)(2).

- 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 when 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.

Over the course of my career, I have worked on approximately 50 different pro bono matters. Most of them have involved handling or supervising appeals on behalf of individuals or entities unable to pay for legal services. As a member of the Florida Bar since 2011, I have been subject to an ethical goal of performing at least 20 hours of pro bono service per year, and I have met that goal each year.

Here are some of the most significant pro bono representations in which I had primary responsibility for the case:

United States v. Estate of Romani, 523 U.S. 517 (1998). This case involved competing claims against a bankruptcy estate between the United States and a small business. The small business could not afford the significant cost of litigating in the Supreme Court, so I successfully represented it pro bono. In researching and drafting the brief, and helping

another lawyer prepare for oral argument, I devoted 278 hours to the case.

Reynoldsville Casket Co v. Hyde, 514 U.S. 749 (1995). Carol Hyde was severely injured in an automobile accident, yet she lost her tort claims when an adverse Supreme Court decision was applied retroactively to her case. Representing Mrs. Hyde pro bono in the Supreme Court, I argued that it was inappropriate to apply the intervening decision retroactively. In researching and drafting her brief, and helping another lawyer prepare for oral argument, I devoted 155 hours to the case.

Sablan v. United States, 114 F.3d 913 (9th Cir. 1997) (en banc). At a sentencing hearing for David Sablan, government and defense counsel agreed to recommend a ten-year sentence, but the district court rejected the recommendation, departed upwards from the applicable sentencing guidelines range, and imposed a twenty-year sentence. In affirming the sentence, the Ninth Circuit overruled its prior methodology for assessing the reasonableness of sentences outside the guideline range. After that decision, I contacted Mr. Sablan's local counsel in Guam and offered to represent him in the Supreme Court pro bono. In researching and writing the petition for certiorari and the reply, I devoted 118 hours to his case.

Action for Children's Television v. FCC, 59 F.3d 1249 (D.C. Cir. 1995). This case presented challenges to the procedures used by the FCC to impose fines for allegedly indecent broadcasting. For a fixed and substantially reduced fee, my firm represented a consortium of broadcasters, organizations representing broadcasters, and public-interest groups such as the American Civil Liberties Union and People For the American Way. I developed the stipulated record in this case and wrote the plaintiffs' briefs in the district court, the D.C. Circuit, and the Supreme Court. I devoted a total of 595 hours to the case, approximately two-thirds of which were uncompensated.

Here are some of the most significant pro bono representations in which I acted as the senior supervising attorney:

Phillips v. White, 881 F.3d 567 (6th Cir. 2017). Ronald Phillips received a life sentence after his trial counsel presented neither evidence nor argument at the sentencing hearing. Moreover, trial counsel failed to correct certain misstatements about the legally available sentencing range. I successfully represented Mr. Phillips in an appeal from the denial of his habeas action based on ineffective assistance of counsel at sentencing. In supervising the preparation of Mr. Phillips's appellate briefs, I devoted 18 hours to this case.

National Security Archive v. CIA, 752 F.3d 460 (D.C. Cir. 2013). Plaintiffs in this FOIA case sought an unclassified draft history of the Bay of Pigs invasion prepared by the CIA in the early 1970s. The D.C. Circuit held that the draft was protected under Exemption 5 by the deliberative process privilege. I provided pro bono representation to the National Coalition For History, which filed an amicus brief arguing that any such privilege should not endure in perpetuity. After the D.C. Circuit rejected that position, Congress amended the FOIA statute to provide that any deliberative process privilege expires 25 years after the record at issue was created. In supervising the preparation of the amicus brief, I

devoted 15 hours to this case.

Powlos v. INS, No. 98-2670 (4th Cir. Oct. 4, 1999). Adanech Powlos obtained asylum on the ground that the Ethiopian government had beaten her and executed her father because of their political views. I represented Ms. Powlos pro bono before the immigration court, the Board of Immigration Appeals, and the Fourth Circuit. In supervising various lawyers also handling this case, I devoted 17 hours to it.

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 July 7, 2017, a member of the White House Counsel's Office who handles judicial nominations asked me to provide a resume if I wished to be considered for a vacancy on the D.C. Circuit. On July 10, 2017, I provided the resume and discussed the opportunity with White House Counsel Donald F. McGahn II. On July 12, 2017, Mr. McGahn asked me to undergo the necessary background checks for the nomination. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination. On September 7, 2017, the President submitted my nomination to the Senate.

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

No.