

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rachel Peter Kovner

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

United States District Judge for the Eastern District of New York

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 of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

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

1979; New York, New York

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.

2003 – 2006, Stanford Law School; J.D. 2006.
1997 – 2001, Harvard University; A.B. (*magna cum laude*), 2001

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.

2013 – present
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Assistant to the Solicitor General

2009 – 2013

United States Attorney's Office for the Southern District of New York
One St. Andrew's Plaza
New York, NY 10007
Assistant United States Attorney

Fall 2008

American Inns of Court
1229 King Street, 2nd Floor
Alexandria, VA 22314
Temple Bar Scholar

2007 – 2008

Supreme Court of the United States
One First Street, NE
Washington, DC 20543
Law Clerk to the Honorable Antonin Scalia

2006 – 2007

United States Court of Appeals for the Fourth Circuit
255 West Main Street, Room 230
Charlottesville, VA 22902
Law Clerk to the Honorable J. Harvie Wilkinson III

Summer 2006

Akin, Gump, Strauss, Hauer & Feld, LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036
Summer Associate

2005 – 2006

Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305
Research Assistant for Professor Richard Epstein

Summer 2005

Williams & Connolly, LLP
725 12th Street, NW
Washington, DC 20005
Summer Associate

Summer 2004

United States Attorney's Office for the Eastern District of New York

271 Cadman Plaza East
Brooklyn, NY 11201
Summer Intern

2002
New York Sun (no longer publishing)
105 Chambers Street, 2nd Floor
New York, NY 10007
Reporter / Night Editor

2001
Charlotte Observer
600 South Tryon St.
Charlotte, NC 28202
Reporter Intern

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 was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Temple Bar Scholar, American Inns of Court, 2008

Nathan Abbott Award (first in class), Stanford Law School, 2006

Order of the Coif, Stanford Law School, 2006

Stanford Law Review, 2004 – 2006; Senior Article Editor, 2005 – 2006

Moot Court Semifinalist, Stanford Law School, 2006

Second-Year Honor (highest grades after second year), Stanford Law School, 2005

First-Year Honor (highest grades after first year), Stanford Law School, 2004

Hilmer Oehlmann Award for excellence in legal writing, Stanford Law School, 2004

Dana Reed Prize for best writing in a Harvard undergraduate publication, Harvard College, 2000

John Harvard Scholarship, Harvard College, approximately 1998 – 2001

Elizabeth Cary Agassiz Scholarship, Harvard College, approximately 1998 – 2001

Detur Prize, Harvard College, 1998

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.

Edward Coke Appellate Inn of Court, 2013 – present

Federal Bar Council, approximately 2011 – 2014

Green Bag Almanac & Reader Board of Advisers, approximately 2007 – 2010

10. **Bar and Court Admission:**

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

New York, 2009

There have been no lapses in membership.

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

Supreme Court of the United States, 2014

United States Court of Appeals for the Second Circuit, 2011

Southern District of New York, 2011

My membership in the Second Circuit bar has been inactive since 2016. I did not register to maintain active membership because I do not practice before that court in my current job.

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.

I have intermittently been a member of the Public Theater Young Partners, New York Public Library Young Lions, and Young Patrons of Lincoln Center.

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

To the best of my knowledge, none of these organizations 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.

I have done my best to identify all published material I have contributed to, including through a review of my files and searches of publicly available electronic databases, but there may be materials that I have been unable to identify. I have not included multiple entries for publications that were also published in a shortened form or under an alternate headline in certain editions.

In addition, while working on the Harvard Crimson, New York Sun, Stanford Law & Policy Review, and Stanford Law Review, I edited pieces written by others, but do not have a record of or recall which specific pieces I worked on.

Yesterday's Oral Arguments in IBP v. Alvarez and Tum v. Barber Foods, Scotusblog.com, Oct. 4, 2005. Copy Supplied.

Tomorrow's Arguments: IBP v. Alvarez & Tum v. Barber Foods, Scotusblog.com, Oct. 2, 2005. Copy Supplied.

New York Faces a Battle, N.Y. Sun, June 28, 2002. Copy Supplied.

Private Schools to Seek More Aid from State, N.Y. Sun, June 4, 2002. Copy Supplied.

'Jihad' Speech at Harvard Sparks Furor, N.Y. Sun, May 29, 2002. Copy Supplied.

Mayor Faces Schools Deadline, N.Y. Sun, May 22, 2002. Copy Supplied.

Rights Act May Foil Reorganization, N.Y. Sun, May 21, 2002. Copy Supplied.

Vulcans, Teamsters Back Boys School, N.Y. Sun, May 17, 2002. Copy Supplied.

Special Ed. Vouchers Go Unused, N.Y. Sun, May 15, 2002. Copy Supplied.

Anti-Israel Drive Seeks to Revive Financial Tactic, N.Y. Sun, May 13, 2002. Copy Supplied.

Kerrey Tangling with New School Profs, N.Y. Sun, May 9, 2002. Copy Supplied.

Teachers' Unions Battle for Members, N.Y. Sun, May 8, 2002. Copy Supplied.

School Construction to Be Eased, N.Y. Sun, May 3, 2002. Copy Supplied.

Most New York Kids Suffer Post-9/11, N.Y. Sun, May 2, 2002. Copy Supplied.

Columbia Appeal Is Test for College Unions, N.Y. Sun, Apr. 30, 2002. Copy Supplied.

Patriotism Is Columbia's Latest Cause Celebre, N.Y. Sun, Apr. 26, 2002. Copy Supplied.

Levy's Allies in Albany Ready To Let Mayor Decide His Fate, N.Y. Sun, Apr. 24, 2002. Copy Supplied.

New Yorkers Spurn Med School While Swarming Deans of Law, Journalism, and Business, N.Y. Sun, Apr. 23, 2002. Copy Supplied.

Student Is Contrite, But A Campus Pro-Israel Group Protests, N.Y. Sun, Apr. 19, 2002. Copy Supplied.

Bloomberg Budget Deals New Setback to Charter Schools, N.Y. Sun, Apr. 17, 2002. Copy Supplied.

Contributor to Cristina C. Breen, *Tiny Pharmacy Had Big Painkiller Trade: Top Dispenser of Oxycodone Is Next Door to Investigated Doctor*, Charlotte Observer, Feb. 15, 2002. Copy Supplied.

Contributor to Christina C. Breen, *Doctor Defends His Pain Pill Prescribing; Cleveland County Clinic Draws National Roster of Clients, Officials' Scrutiny*,

Charlotte Observer, Feb. 1, 2002. Copy Supplied.

Middle Managers and the Schools, Smartertimes.com, Jan. 29, 2002. Copy Supplied.

Too Rich?, Smartertimes.com, Jan. 24, 2002. Copy Supplied.

City Sting Operation Targets Black Cabs To Boost Yellow Cabs, Smartertimes.com, Jan. 19, 2002. Copy Supplied.

Universities May Be Tempting Target For City in Search for Revenue, Smartertimes.com, Jan. 10, 2002. Copy Supplied.

On the Move: She Manages Finances at the United Way, Charlotte Observer, Dec. 3, 2001. Copy Supplied.

Neighborhood Spotlight: Burton Hills, Charlotte Observer, Dec. 2, 2001. Copy Supplied.

GOP Set to Tangle in County Elections: Party Divided Over Tax Increase, Handling of County Manager, Charlotte Observer, Nov. 27, 2001. Copy Supplied.

Gaston Wants to Sell Land: County Talks About Hiring Charlotte Firm NORCOM To Drum Up Buyers; Surplus Property Could Be Used To Help Defray a Budget Shortfall, Charlotte Observer, Nov. 23, 2001. Copy Supplied.

Gaston Wants to Sell Land: Firm Says It May Need Up To 2 Years To Find Buyers For Property, Charlotte Observer, Nov. 23, 2001. Copy Supplied.

With Erica Beshears, Danica Coto, Jim Wrinn, and Nichole Monroe Bell, *Briefs*, Charlotte Observer, Nov. 22, 2001. Copy Supplied.

Peacocks Feast on Woman's Roof Tiles; Officials Fine Owner After Trying To Impede Birds' Asphalt Buffet, Charlotte Observer, Nov. 15, 2001. Copy Supplied.

Gaston Hires Lobbyists To Aid In Getting Grants; County Hopes Federal Funds Will Exceed the \$72,000 Cost of Firm, Charlotte Observer, Nov. 13, 2001. Copy Supplied.

With Richard Rubin, Greg Lacour, Joe Marusak, and Bruce Henderson, *Briefs*, Charlotte Observer, Nov. 10, 2001. Copy Supplied.

The Campaigning Isn't Too Draining – Only 2 Ran for 3 Spots on Council, So Write-In Win Was a Cinch, Charlotte Observer, Nov. 8, 2001. Copy Supplied.

With Dave Baity, *Results from Stanley to Bessemer City*, Charlotte Observer, Nov. 7, 2001. Copy Supplied.

Contributor to Dave Baity, *Campaign Signs Seem to Outnumber the Voters; Gaston Area Electorate Is Whittled Down to a Dedicated Core*, Charlotte Observer, Nov. 7, 2001. Copy Supplied.

Central System Sought to Ease Warrant Snags; Gaston Officials Asked to Confront Problem of Inconsistent Handling, Charlotte Observer, Nov. 6, 2001. Copy Supplied.

With Aileen Soper, Gail Smith-Arrants, Richard Rubin, and Nichole Monroe Bell, *Briefs*, Charlotte Observer, Nov. 6, 2001. Copy Supplied.

Contributor to Aileen Soper, *Fire Guts Beloved Ranlo Baptist Church; Cause of Late-Afternoon Blaze Unknown; ATF Agents Will Join Probe*, Charlotte Observer, Nov. 3, 2001. Copy Supplied.

Board OKs Fox As Manager; Interim Job Will Pay Ex-Mecklenburg Leader \$500 A Day; Job Expected to Last 2-3 Months; Unanimous Support of Gaston Commissioners for Highly Praised Choice Makes a Short Meeting, Charlotte Observer, Nov. 2, 2001. Copy Supplied.

Fox Will Take Manager Job; Highly Experienced Mecklenburg County Retiree Agrees To Serve Gaston As Interim If They Vote To Hire Him; Commissioners Hope He Will Run County For Just Two or Three Months, Charlotte Observer, Oct. 31, 2001. Copy Supplied.

With Kate Deringer, Heather Howard, and Dan Huntley, *Briefs*, Charlotte Observer, Oct. 30, 2001. Copy Supplied.

Re-Enactors Fight at Brattonsville; Revolutionary War Had Escaped Bloodshed of War Between States, Charlotte Observer, Oct. 29, 2001. Copy Supplied.

The Source: Offer to a County Manager, Charlotte Observer, Oct. 28, 2001. Copy Supplied.

Gaston FYI, Charlotte Observer, Oct. 28, 2001. Copy Supplied.

Lincoln Schools Hint at Bond: Superintendent Says At Least \$5 Million in Repairs Needed; Financing Source Unknown; Maintenance Budget Is Drop In Leaky Bucket; School Board Weighing Other Payment Options, Charlotte Observer, Oct. 27, 2001. Copy Supplied.

Pornographic Site Linking to Former Gaston Web Address; County Spreads Word of Change, But It Can't Legally Stop New Owner, Charlotte Observer, Oct.

26, 2001. Copy Supplied.

With Kate Deringer, Richard Rubin, Aileen Soper, Ken Garfield, Jennifer Talheim, Heather Howard, Gail Smith-Arrants, and Peter Smolowitz, *Briefs*, Charlotte Observer, Oct. 25, 2001. Copy Supplied.

Gaston Asked To Up Race Relations Staff; Chairman, Department Head Warn Board of Potential for Civil Unrest, Charlotte Observer, Oct. 25, 2001. Copy Supplied.

Group Honors Gaston Officer; 18-Year Veteran Named Law Enforcement Woman of the Year, Charlotte Observer, Oct. 24, 2001. Copy Supplied.

Gaston Baptists Decide to Expand Headquarters; \$1 Million-Plus Price Tag In Tight Economic Times Stirs Some Apprehension, Charlotte Observer, Oct. 24, 2001. Copy Supplied.

With Aileen Soper and Karen Cimino, *The Source*, Charlotte Observer, Oct. 21, 2001. Copy Supplied.

Loss of Classmates Alters School Outlook; Safety Takes on New Urgency at East Lincoln After 3 Fatal Wrecks, Charlotte Observer, Oct. 21, 2001. Copy Supplied.

With Gary L. Wright, *Handwriting Expert: Letters May Be Written By 1 Person; Several Similarities Seen in Brokaw, Daschle Envelopes*, Charlotte Observer, Oct. 21, 2001. Copy Supplied.

Sock Plant Damaged By Early Morning Fire, Charlotte Observer, Oct. 21, 2001. Copy Supplied.

With Karen Cimino, *Gaston Health Director Fired; Bruce Parsons Had Been In Job Since 1989; He's 4th High-Level Official to Leave This Year; Neither He Nor Board Will Discuss Dismissal; Search For His Replacement Begins*, Oct. 20, 2001. Copy Supplied.

With Karen Cimino and the Associated Press, *Briefs*, Charlotte Observer, Oct. 18, 2001. Copy Supplied.

The Source, Charlotte Observer, Oct. 17, 2001. Copy Supplied.

Pet Owners Must Give Shelter, Shade; Law Enforcement, Humane Society Negotiate New Rules, Charlotte Observer, Oct. 16, 2001. Copy Supplied.

On the Move: Research Analyst Has Varied Background, Charlotte Observer, Oct. 15, 2001. Copy Supplied.

Increasing Traffic on I-85 Brings Concern Economic Asset Could Change to Liability if Road Becomes Clogged, Charlotte Observer, Oct. 14, 2001. Copy Supplied.

Observer Staff, *News In Brief*, Charlotte Observer, Oct. 14, 2001. Copy Supplied.

With Kate Deringer and the Associated Press, *Briefs*, Charlotte Observer, Oct. 13, 2001. Copy Supplied.

Church Learns a Lesson in Trust; Strict Oversight Needed on Handling of Money, Experts Say, Charlotte Observer, Oct. 13, 2001. Copy Supplied.

Town To Make Trips Safer For Walkers, Bikers; Crosswalks, Sidewalks, Stoplights To Be Put In As the Budget Allows, Charlotte Observer, Oct. 12, 2001. Copy Supplied.

Lowell Council Member Resigns; Board Was to Take Up Buchanan's Conviction of Misusing Information, Charlotte Observer, Oct. 10, 2001. Copy Supplied.

The Source, Charlotte Observer, Oct. 7, 2001. Copy Supplied.

With Cristina Breen, *Ponder Says He'll Resign; Interim Gaston County Manager Says Board of Commissioners Undercut His Authority; Few Were Surprised; He Is 3rd High-Level County Administrator To Resign This Year*, Charlotte Observer, Oct. 6, 2001. Copy Supplied.

Contributor to Karen Cimino, *No 'Low-Performing' Schools Left in Gaston; Lincoln and KM Can Make Same Claim About ABCs; Though More Gaston Students Hit Grade Level, Improvement Didn't Meet Expectations*, Charlotte Observer, Oct. 5, 2001. Copy Supplied.

Elementary Makes Big Turnaround; Teachers, Principal Make Arlington a School of Distinction, Charlotte Observer, Oct. 5, 2001. Copy Supplied.

Church's Lesson: Be Careful With Trust Bessemer City Church's Treasurer Is Charged With Stealing, Charlotte Observer, Oct. 5, 2001. Copy Supplied.

Emergency Response Problem Found; Counties Discover Communications Systems Not Compatible, Charlotte Observer, Oct. 3, 2001. Copy Supplied.

Around the Region, Charlotte Observer, Oct. 3, 2001. Copy Supplied.

Transamerica Names Borchert Chief Actuary, Charlotte Observer, Oct. 1, 2001. Copy Supplied.

Hisway Investors Picking Up Pieces As Sentencing Nears, Victim Says She Hopes

For Biggest Penalty, Charlotte Observer, Sept. 30, 2001. Copy Supplied.

Gaston Source, Charlotte Observer, Sept. 30, 2001. Copy Supplied.

With Kate Deringer, Cason Bufe, and the Associated Press, *Briefs*, Charlotte Observer, Sept. 29, 2001. Copy Supplied.

Deadlocked Jury Means 3rd Trial; 2nd Jury Can't Agree On Guilt Or Innocence In Murder Case, Charlotte Observer, Sept. 29, 2001. Copy Supplied.

Plan To Tighten Rules On Dog Breeders Sent Back; Group Wanted To Go Beyond Existing N.C. Animal Cruelty Laws, Charlotte Observer, Sept. 28, 2001. Copy Supplied.

With Aileen Soper, Heather Howard, Amy French, and Peter Smolowitz, *Briefs*, Charlotte Observer, Sept. 27, 2001. Copy Supplied.

Puppy Breeding Controls Debated; Measure Would Put County in Forefront of Regulating Pet Sales, Charlotte Observer, Sept. 26, 2001. Copy Supplied.

Gaston County Man Charged In Sex Crimes; Alleged Victims in June, July Incidents Were Ages 4 to 11, Charlotte Observer, Sept. 26, 2001. Copy Supplied.

Keigher: EDC Needs 2 More Fishers of Jobs; Extra Staff Is Medicine He'll Try To Prescribe At Meeting on Thursday, Charlotte Observer, Sept. 26, 2001. Copy Supplied.

Rocks Thrown at 3 People, Charlotte Observer, Sept. 26, 2001. Copy Supplied.

Map Could Help Bicyclists Plan Gaston County Trips; Could Be Released By the End of the Year, Charlotte Observer, Sept. 25, 2001. Copy Supplied.

Comic's Inspiration Leads Kelin to PR Post, Charlotte Observer, Sept. 24, 2001. Copy Supplied.

With staff reports, *Gaston Source*, Charlotte Observer, Sept. 23, 2001. Copy Supplied.

Grigg Withdraws From Plea Deal; No Perjury, Defendant Says; Conviction, Jail Ahead, Judge Warns, Charlotte Observer, Sept. 21, 2001. Copy Supplied.

Jury Finds Driver Guilty In Death of His Girlfriend; Previous Convictions Factored Into Decision of 2nd-Degree Murder, Charlotte Observer, Sept. 20, 2001. Copy Supplied.

With Kate Deringer, Jon Goldberg, and Michelle Crouch, *Briefs*, Charlotte

Observer, Sept. 19, 2001. Copy Supplied.

Witnesses: Man Admitted Driving; 'He Reeked Of Alcohol,' Ex-Employer Testifies; Malice Mulled In Case, Charlotte Observer, Sept. 19, 2001. Copy Supplied.

Murder Trial Opens in Fatal Car Wreck; Defense Says Witnesses Lacking To Support Prosecutor's Hypothesis, Charlotte Observer, Sept. 18, 2001. Copy Supplied.

With Tony Mecia and Heather Howard, *Briefs*, Charlotte Observer, Sept. 18, 2001. Copy Supplied.

With Ken Garfield, Michelle Crouch, John Homa, Hannah Mitchell, Shannon Crisp, Brett Honeycutt, David Poole, Mary Curtis, Lisa Hammersly Munn, Jennie Buckner, Tim Funk, Scott Verner, Matt Garfield, Tim Whitmire, Peter St. Onge, Ann Doss Helms, Jeanette Leardi, and Steve Lyttle, *Faithful Look for Comfort; Sermons Address Fear, Terrorism; Mayor Prays With Christians, Hindus, Jews, Muslims*, Charlotte Observer, Sept. 17, 2001. Copy Supplied.

Busy Days Behind the Glamour of Miss N.C.; Key Is To Relax, Says Contestant Who'll Dance, Speak About Disabilities, Charlotte Observer, Sept. 16, 2001. Copy Supplied.

Rivals Have Growers Down To A Core Group; Chinese Competition Driving Orchards Out of the Business, Charlotte Observer, Sept. 14, 2001. Copy Supplied.

Contributor to Karen Cimino, *Attack Touches Gaston; Lincoln Airports Close, School Events Canceled, Prayers Offered; City and County Officials React Quickly To Tuesday's Events in New York, Washington*, Charlotte Observer, Sept. 12, 2001. Copy Supplied.

Building Supplier Plans Kings Mountain Plant; New Jobs Delivered By Ryan Homes Affiliate Welcomed By County, Charlotte Observer, Sept. 11, 2001. Copy Supplied.

4 Charged After Shots Fired Near School; 2 Men Were Wounded, Youth Injured By Car At West Charlotte High, Charlotte Observer, Sept. 9, 2001. Copy Supplied.

23 Teams Tug Plane To Benefit United Way; Fire Department Pulls Together To Take Trophy Home For Fastest Time, Charlotte Observer, Sept. 9, 2001. Copy Supplied.

With Melissa Manware, *Metro Briefs*, Charlotte Observer, Sept. 9, 2001. Copy

Supplied.

Neighborhood Spotlight, Charlotte Observer, Sept. 9, 2001. Copy Supplied.

With Melissa Manware, Bruce Henderson, and Richard Rubin, *Briefs*, Charlotte Observer, Sept. 8, 2001. Copy Supplied.

Search For Missing Girl Resumes Wednesday; Officers To Focus Next on 8 Miles of N.C. 18 North of Falston, Charlotte Observer, Sept. 8, 2001. Copy Supplied.

Haircuts Will Help Provide Services; Patrice Fund Covers Expenses Government Agencies Don't, Charlotte Observer, Sept. 7, 2001. Copy Supplied.

I-85 Traffic Waits As Wreck Cleared, Charlotte Observer, Sept. 7, 2001. Copy Supplied.

Vintage Fighter Plane Crashes; 2 Occupants bail Out of P-51 in Lincoln County, Avoid Serious Injury, Charlotte Observer, Sept. 7, 2001. Copy Supplied.

Parade, Rally, Presentations Mark Holiday, Charlotte Observer, Sept. 3, 2001. Copy Supplied.

With Melissa Manware, *Metro Briefs*, Charlotte Observer, Sept. 1, 2001. Copy Supplied.

Contributor to Tim Whitmire, *As Charlotte's Luck Runs Dry, Drought Takes Hold; Rains That Found Gastonia, Greensboro, and Raleigh Missed Queen City; Near Record-Low Rainfall in Aug. Added to Past 3 Years Create Water Woes*, Charlotte Observer, Sept. 1, 2001. Copy Supplied.

Family Support Is Big For Sting Hot Competition; Cool Freebies Draw Crowd to Coliseum For Finals, Charlotte Observer, Aug. 31, 2001. Copy Supplied.

Contributor to Noam Levey, *Murder Suspect Soltys Captured; Relatives in Charlotte Had Feared Immigrant Would Come Here*, Charlotte Observer, Aug. 31, 2001. Copy Supplied.

Unusually Cool August Hampers Charlotte Ozone Pollution Study; Sensor-Equipped Plane Flown Over City To Sample Air Conditions, Charlotte Observer, Aug. 30, 2001. Copy Supplied.

Contributor to Robert F. Moore & Melissa Manware, *Officers Shoot and Kill Man in 2-County Pursuit; Stabbing Suspect Steals Patrol Car During Chase*, Charlotte Observer, Aug. 29, 2001. Copy Supplied.

Contributor to Samantha Peterson, *Work's Only Begun on Helms' Papers; Letters*

From Presidents, Foreign Dignitaries May Be Of Long-Term Interest, Charlotte Observer, Aug. 26, 2001. Copy Supplied.

Someone You Should Know: Peggy Bennett; An Advocate For People With Disabilities, Charlotte Observer, Aug. 26, 2001. Copy Supplied.

World Affairs Council Begins Search for New Staff Director, Charlotte Observer, Aug. 25, 2001. Copy Supplied.

Worker Dies After Falling From Bucket, Charlotte Observer, Aug. 25, 2001. Copy Supplied.

Contributor to Melissa Manware, *Charlotte Police on Alert for Fugitive Relatives of Calif. Man Accused of Killing; 6 Are Under Protection*, Charlotte Observer, Aug. 24, 2001. Copy Supplied.

Contributor to Lauren Markoe, *Change Is Inevitable, State's Residents Say; Some see Change for Positive Movement; Others Mourn Loss*, Charlotte Observer, Aug. 23, 2001. Copy Supplied.

Charlotte Native Gets Bush Nod, Charlotte Observer, Aug. 23, 2001. Copy Supplied.

Contributor to Nicholas K. Geranios, *Weather Helps Cool West's Hot Spots; Blazes Have Burned More Than 356,000 Acres in 7 States*, Charlotte Observer, Aug. 22, 2001. Copy Supplied.

Contributor to Lauren Neergaard, *Feds Begin Day-To-Day Checks on Blood Supply; Shortage Expected to Worsen With Mad Cow, Sharp Price Increases*, Charlotte Observer, Aug. 21, 2001. Copy Supplied.

Sifting and Sniffing, Crew Sends Recyclables On Way to New Life; People, Machinery Turn Trash Into Money, Charlotte Observer, Aug. 19, 2001. Copy Supplied.

Contributor to Peter Smolowitz, *Bus Offers Kids Safer School Trip; Study: 99% Fewer Students Died In Buses Than Private Vehicles*, Charlotte Observer, Aug. 18, 2001. Copy Supplied.

Aquatic Center To Take Month Off; Normal Maintenance Break Extended to Allow Renovations, Charlotte Observer, Aug. 17, 2001. Copy Supplied.

Pedestrian Hospitalized After Being Struck By Van, Charlotte Observer, Aug. 15, 2001. Copy Supplied.

Arson Suspected After University City Pub Damaged In Blaze, Charlotte

Observer, Aug. 15, 2001. Copy Supplied.

Disabilities Group Claims That Park Is Not Accessible; Monroe Group Says Cane Creek Lacks Routes and Markings, Charlotte Observer, Aug. 15, 2001. This article appeared in other editions on Aug. 12, 2001. Copy Supplied.

Contributor to Dianne Whitacre, *Schools' Opening Yields Bumper Crop Of Traffic; Take It Easy; New Schools Will Add to Rush-Hour Congestion*, Charlotte Observer, Aug. 14, 2001. Copy Supplied.

Contributor to Associated Press, *Etheridge Fights Against Rural Post Office Closings; Representative Fears Smaller Locations Will Be Closed to Save Money*, Charlotte Observer, Aug. 13, 2001. Copy Supplied.

N.Y. Plane Crash Kills S.C. Man And His Brother, Charlotte Observer, Aug. 13, 2001. Copy Supplied.

He's Staking a Claim for Koi; Made in USA; Monroe Breeder Raises Exotic Fish That Once Came Just From Japan, Charlotte Observer, Aug. 12, 2001. Copy Supplied.

Bush Decision Could Limit Many N.C. Labs; N.C. Ethicist Believes Scientific Community Will Be Disappointed, Charlotte Observer, Aug. 10, 2001. Copy Supplied.

Contributor to Jay Lindsay, *Heat Wave Sets Records And Sets Off Bad Moods; Soaked Easterners Anticipate Mass of Cooler Air Crawling Across the Land*, Charlotte Observer, Aug. 10, 2001. Copy Supplied.

With the Associated Press, *A Muggy Misery Clamps Down Hard; Routines Across Much of U.S. Disrupted As People Seek Relief From Heat; Wisconsin Logs At Least 10 Deaths As Carolinas Await Break on Friday; Power Demand Up, But So Far, No Strain on Local Systems As Hot Kids Return to School*, Charlotte Observer, Aug. 9, 2001. Copy Supplied.

After-School Sites to Have Fun With Science; Americorps Project Targets High-Crime Areas of Mecklenburg, Charlotte Observer, Aug. 7, 2001. Copy Supplied.

J.A. Jones Resumes On Westin; Halt Continues In Area Where 2 Workers Were Injured, Disaster Averted, Charlotte Observer, Aug. 7, 2001. Copy Supplied.

With Karen Cimino, Heather Howard, Erica Beshears, and Observer News Services, *Briefs*, Charlotte Observer, Aug. 7, 2001. Copy Supplied.

Contributor to Ananda Shorey, *Rodent Problem on the Rise in the Big Cities; Unlike New York and Boston, Charlotte Able To Control Its Numbers*, Charlotte

Observer, Aug. 7, 2001. Copy Supplied.

Guests Will Celebrate 75 Years At L.D. Davis, Charlotte Observer, Aug. 5, 2001. Copy Supplied.

Murder Victim's Mother to Be Honored for Forgiving, Charlotte Observer, Aug. 5, 2001. Copy Supplied.

Yolanda Webb Hair Styling for Charity, Charlotte Observer, Aug. 5, 2001. Copy Supplied.

Reluctantly, Easley Signs Bill Banning Execution of Retarded; Governor Is Deferring to Wishes of Prosecutors and Legislators on Issue, Charlotte Observer, Aug. 5, 2001. Copy Supplied.

With Melissa Manware, *Metro Briefs*, Charlotte Observer, Aug. 5, 2001. Copy Supplied.

With Erica Beshears, Aileen Soper, and Nichole Monroe Bell, *Briefs*, Charlotte Observer, Aug. 4, 2001. Copy Supplied.

Monroe Police to Keep Folks Alert by E-Mail; Community Policing Via the Internet Is an Idea From College Campuses, Charlotte Observer, Aug. 2, 2001. Copy Supplied.

Chamber Forms Subcommittee to Lobby for Road Fixes; With Helms on State Board, County Is Hoping To Be Heard on Repairs, Charlotte Observer, Aug. 2, 2001. Copy Supplied.

Family Fun Night Set for Saturday in Stallings Park; Take a Blanket or Chair and Relax with Evening of Music, Food, Fun for All, Charlotte Observer, Aug. 2, 2001. Copy Supplied.

Graduate With Cerebral Palsy Can't Find Job; Accounting Degree Isn't Helping Man Find Work, Charlotte Observer, July 31, 2001. Copy Supplied.

With Lauren Markoe, *Metro Briefs*, Charlotte Observer, July 28, 2001. Copy Supplied.

Metro Briefs, Charlotte Observer, July 27, 2001. Copy Supplied.

With the Associated Press, *Boy's Death Blamed on Wrestling; 65-Pound Child Flipped by 225-Pound Friend While Imitating Pro Maneuver*, Charlotte Observer, July 24, 2001. Copy Supplied.

With Melissa Manware, *Man Shot, Pushed Out of Car in Parking Lot; Car Left*

Scene; Police Are Investigating the Death of Unidentified Man, Charlotte Observer, July 21, 2001. Copy Supplied.

Jump In! Park's New Geysers and Jets Are Set to Spray Away the Heat; They're Better Than a Fire Hydrant and Cheaper Than a Swimming Pool, Charlotte Observer, July 21, 2001. Copy Supplied.

Relief Funneled Close to Home; Area Agencies Collecting Goods, Money to Help Flood Victims Rebuild, Charlotte Observer, July 20, 2001. Copy Supplied.

Fire Turns Attention to Carolinas Lines; Officials Say Rail Remains a Relatively Safe Method for Transporting Chemicals, Charlotte Observer, July 20, 2001. Copy Supplied.

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Hoops and a Prayer Provide Needed Distraction, Charlotte Observer, July 2, 2001. Copy Supplied.

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Six Counties Violate Smog Standards, Report Says, St. Louis Post-Dispatch, June 22, 2000. Copy Supplied.

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Chinese Officials Release Columbia, MO., Resident Who Practiced Falun Gong – She Was Held for 15 Days in "Administrative Detention", St. Louis Post Dispatch, June 14, 2000. Copy Supplied.

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Hochman Named to Glamour List, Harv. Crimson, Sept. 22, 1999. Copy Supplied.

Senior Gift Raises Record Amount, Harv. Crimson, Aug. 13, 1999. Copy Supplied.

Yard Workers' Strike Resolved, Harv. Crimson, Aug. 13, 1999. Copy Supplied.

Local Group Protests Eviction of Family, Harv. Crimson, Aug. 13, 1999. Copy Supplied.

Law School Awards Ten Attorneys 1999 Wasserstein Fellowships, Harv. Crimson, Aug. 13, 1999. Copy Supplied.

Hehir Named New Divinity School Head, Harv. Crimson, Aug. 13, 1999. Copy Supplied.

Law Professor Kaufman Wins Scribes Book Award, Harv. Crimson, Aug. 6, 1999. Copy Supplied.

MIT Fraternity Member Has Diploma Revoked, Harv. Crimson, Aug. 6, 1999. Copy Supplied.

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Harvard Scholars Find Lost Bach Work, Harv. Crimson, Aug. 6, 1999. Copy Supplied.

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Kennedy School Mourns Death of Advisor, Harv. Crimson, July 23, 1999. Copy Supplied.

HUCTW Attacks University's Labor Policy in Open Letter, Harv. Crimson, July 23, 1999. Copy Supplied.

Summer School Student Reports Assault Attempt, Harv. Crimson, July 23, 1999. Copy Supplied.

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Student Lawsuit Against College Faces Setback, Harv. Crimson, July 16, 1999. Copy Supplied.

Ad Board Challenge Faces Uphill Battle, Harv. Crimson, July 16, 1999. Copy Supplied.

Arrow Street Crepe Restaurant Reopens, Harv. Crimson, July 16, 1999. Copy Supplied.

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Radcliffe Merger Deadline Passes, Harv. Crimson, July 2, 1999. Copy Supplied.

Dining Services Director Gives Commencement Address at New England Culinary Institute, Harv. Crimson, July 2, 1999. Copy Supplied.

Faculty Council Elects New Members, Harv. Crimson, July 2, 1999. Copy Supplied.

Greenspan Tells Grads Honesty is Best Policy, Harv. Crimson, June 25, 1999. Copy Supplied.

Heated Panel Debates Merger Deal, Harv. Crimson, June 25, 1999. Copy Supplied.

Wilson, Rudenstine Reassure Alumnae, Harv. Crimson, June 25, 1999. Copy Supplied.

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Nearly 5,000 to Enroll in Summer School, Harv. Crimson, June 25, 1999. Copy Supplied.

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Four Years After Trying Term, Lewis Content to Work Behind the Scenes, Harv. Crimson, June 10, 1999. Copy Supplied.

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Employees Say Hennekens Harassed Them, Harv. Crimson, May 10, 1999. Copy Supplied.

PSLM Stages Street Show, Harv. Crimson, May 6, 1999. Copy Supplied.

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Groups Ponder Name Change, Post-Radcliffe, Harv. Crimson, Apr. 26, 1999. Copy Supplied.

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1999. Copy Supplied.

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King Alleges Religious Discrimination, Harv. Crimson, Dec. 11, 1998. Copy Supplied.

U.C. Candidates Present Similar Platforms in '98, Harv. Crimson, Dec. 9, 1998. Copy Supplied.

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Community Building the Goal of King, Driskell, Harv. Crimson, Dec. 7, 1998. Copy Supplied.

Seton, Redmond Get Stewart's Endorsement, Harv. Crimson, Dec. 7, 1998. Copy Supplied.

Undergraduate Council Plans Winter Break Shuttle Service, Harv. Crimson, Dec. 1, 1998. Copy Supplied.

Question the SOURCE, Harv. Crimson, Nov. 30, 1998. Copy Supplied.

Council Prepares to Sell Shuttle Tickets, Harv. Crimson, Nov. 23, 1998. Copy Supplied.

Race for Next Undergraduate Council President Begins, Harv. Crimson, Nov. 23, 1998. Copy Supplied.

Council Gives Up on Dave Matthews, Harv. Crimson, Nov. 9, 1998. Copy Supplied.

Questions Surround Found Council Funds, Harv. Crimson, Nov. 4, 1998. Copy Supplied.

Council Finds Forgotten \$40K In Bank Account, Harv. Crimson, Nov. 2, 1998. Copy Supplied.

Council Votes to Investigate UHS, Harv. Crimson, Oct. 26, 1998. Copy Supplied.

Universal Access Comes to Quincy In One-Year Trial, Harv. Crimson, Oct. 19, 1998. Copy Supplied.

For First-Year Musicians, Selecting the Right Orchestra May Be Confusing, Harv. Crimson, Sept. 21, 1998. Copy Supplied.

Honorary Degree Makes History, Harv. Crimson, Sept. 18, 1998. Copy Supplied.

On Its 10th Anniversary, HUCTW Is Happy With Harvard, Harv. Crimson, June 3, 1998. Copy Supplied.

Director Builds on College Theater, Harv. Crimson, June 1, 1998. Copy Supplied.

Bellah Challenges Academia's Limits, Harv. Crimson, June 1, 1998. Copy Supplied.

Conference Draws Internet Czars, Harv. Crimson, June 1, 1998. Copy Supplied.

Student Groups Gear Up for Celebration of Israel's 50th, Harv. Crimson, Apr. 27, 1998. Copy Supplied.

The Reporter's Notebook, Harv. Crimson, Apr. 22, 1998. Copy Supplied.

Latino Groups Host Conference, Harv. Crimson, Apr. 20, 1998. Copy Supplied.

Harvard Abandons Search for Chair of Holocaust Studies, Harv. Crimson, Mar. 30, 1998. Copy Supplied.

Cambridge School Superintendent Discusses Budget Deficit, Harv. Crimson, Mar. 6, 1998. Copy Supplied.

A Capella Groups Attract Growing Range of Voices, Harv. Crimson, Feb. 2, 1998. Copy Supplied.

Memorial Services for Law Professor Louis Loss Will Be Held Today, Harv. Crimson, Jan. 16, 1998. Copy Supplied.

University Releases '97 Shareholder Responsibility Report, Harv. Crimson, Dec. 11, 1997. Copy Supplied.

Computer Problem Hampers Council Vote, Harv. Crimson, Dec. 11, 1997. Copy Supplied.

Panelists Say Students Should Help Community, Harv. Crimson, Dec. 4, 1997. Copy Supplied.

Sociologists Criticize The Time Bind in Panel at Radcliffe, Harv. Crimson, Dec. 3, 1997. Copy Supplied.

Going Your Way: Multiple Paths Lead to Logan, Harv. Crimson, Nov. 26, 1997. Copy Supplied.

Local Park Is Rich in Harvard History, Harv. Crimson, Nov. 19, 1997. Copy Supplied.

Quiz for the Weekend, Harv. Crimson, Oct. 31, 1997. Copy Supplied.

Council Passes Bill To Support Jiang 'Responses,' Harv. Crimson, Oct. 27, 1997. Copy Supplied.

Yale Education Expert Details Plan for Reform, Harv. Crimson, Oct. 23, 1997. Copy Supplied.

With Suzanne Feigelson, Dunnan Ends Twenty-Three Year Reign as Headmaster, Daltonian, May 7, 1997. Copy Supplied.

Should Dalton Require Community Service?, Daltonian, Dec. 20, 1996. Copy Supplied.

Dalton Offers Free SAT Preparation, Daltonian, Mar. 13, 1996. Copy Supplied.

Race Relations at Dalton; Race Becomes Focus of Recent Assemblies, Daltonian, Mar. 13, 1996. Copy Supplied.

Procedure Is the Heart of the Problem, Daltonian, Feb. 13, 1996. Copy Supplied.

College Culture Makes Use of Plan Impossible At Dalton, Daltonian, Oct. 4, 1996. Copy Supplied.

Why Doesn't Dalton Offer Certain Courses, Daltonian, Dec. 14, 1995. Copy Supplied.

Nuclear Testing Opponent Speaks at Dalton, Daltonian, Dec. 14, 1995. Copy Supplied.

Race in America, Daltonian, Nov. 7, 1995. Copy Supplied.

Symposium: Is the Media Fair to Our Generation?: Dalton & Fieldston Students Examine the Issue, Daltonian, Oct. 6, 1995. Copy Supplied.

New Technology Is All Around, Daltonian, June 15, 1995. Copy Supplied.

Affirmative Action Symposium, Daltonian, May 2, 1995. Copy Supplied.

Students Get Internet Access, Daltonian, Mar. 9, 1995. Copy Supplied.

Homecoming: A Success on All Fronts, Daltonian, Nov. 9, 1994. Copy Supplied.

In Defense of the Second Amendment: Gun Control Reconsidered, Macrocosm, Winter 1994. Copy Supplied.

NAFTA: Contemplating the "Giant Sucking Sound," Macrocosm, Spring/Summer 1994. Copy Supplied.

Dalton Speaks Out, Daltonian, Oct. 4, 1993. Copy Supplied.

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

To the best of my knowledge, I have not prepared or contributed in the preparation of any reports, memoranda or policy statements on behalf of any bar association, committee, conference, or organization of which I was or am a member.

- 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.

Not applicable.

- 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.

Below is my best effort to create a list from review of my calendar, internet searches, and memory.

June 27, 2018: Speaker, "Brown Bag Lunch With Criminal Division Summer Interns," Department of Justice, Washington, DC. I have no notes, transcript, or

recording. The address of the Department of Justice is 950 Pennsylvania Avenue, NW, Washington, DC 20530.

June 8, 2018: Panelist, "Women in Appellate Law," Gibson, Dunn, 1050 Connecticut Avenue, NW, Washington, DC 20036. Notes supplied.

Nov. 7, 2017: Speaker, "*National Association of Manufacturers v. Department of Defense et al.*," Harvard Law School, Cambridge, MA. Notes supplied.

Apr. 6, 2017: Panelist, "Question and Answer Session with Students," Harvard Women's Law Association. Washington, DC. I have no notes, transcript, or recording. The address of the Harvard Women's Law Association is c/o Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

Feb. 3, 2017: Panelist, "The Legacy of Justice Scalia," Federalist Society's Third Annual Florida Chapter's Conference, Lake Buena Vista, Florida. A recording of the panel is available at: https://www.youtube.com/watch?v=Iuf_DWq5VAs.

Oct. 19, 2016: Panelist, "Question and Answer Session regarding *Pena-Rodriguez v. Colorado*," Harvard Law School, Cambridge, MA. I participated via videoconference from Washington, DC. I have no notes, transcript, or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

Dec. 3, 2015: Panelist, "Amicus Briefs in the Supreme Court," National Association of Attorneys General Supreme Court Advocacy Seminar, Washington, DC. I have no notes, transcript, or recording. The address of the National Association of Attorneys General is 1850 M Street, NW, 12th Floor, Washington, DC 20036.

To the best of my recollection, on several occasions between 2009 and 2013, I participated in panels for U.S. Attorney's Office interns on the subject of judicial clerkships. The panels were held at the U.S. Attorney's Office for the Southern District of New York. I have no notes, transcript, or recording of these sessions and do not know the dates. The address of the U.S. Attorney's Office for the Southern District of New York is One St. Andrew's Plaza, New York, NY 10007.

- 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.

Dan Benaim and Lance Philadelphia, *Race Relations at Dalton, Race Becomes Focus of Recent Assemblies*, Daltonian, Mar. 13, 1996. Copy Supplied.

Sarah B. Schur, *Women in Advanced Math and Science Courses*, Daltonian, Mar.

9, 1995. Copy Supplied.

Danny Steinberg and Sabine Michel, *Race in America*, Daltonian, Oct. 4, 1993.
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 never 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 never 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.

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

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;

The Honorable J. Harvie Wilkinson III
United States Court of Appeals for the Fourth Circuit
2006 – 2007

The Honorable Antonin Scalia
Supreme Court of the United States
2007 – 2008

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

I have not practiced law alone.

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

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2009 – 2013
United States Attorney's Office for the Southern District of New York
One St. Andrew's Plaza
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Assistant United States Attorney

2013 – present
Office of the Solicitor General
United States Department of Justice
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Assistant to the Solicitor General

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

From 2009 to 2013, I was a federal prosecutor in the United States Attorney's Office for the Southern District of New York. I spent my first year in the office in the general crimes unit, where I prosecuted gun crimes, fraud, armed robbery, identity theft, immigration offenses, and other crimes. The next year, I joined the narcotics unit, where I prosecuted drug and money-laundering offenses. From 2011 to 2013, I served in the terrorism and international narcotics trafficking unit, where I handled cases involving terrorism, espionage, international drug trafficking, violations of the export-control laws, and related crimes.

From 2013 to the present, I have served as an attorney in the Solicitor General's Office at the Department of Justice. The Solicitor General's Office represents the United States in the Supreme Court and oversees federal litigation in the courts of appeals. My responsibilities include filing briefs and arguing cases on behalf of the United States in the Supreme Court and preparing recommendations for the Solicitor General on whether to appeal adverse decisions in lower federal courts.

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

As an Assistant United States Attorney, I represented the United States in criminal cases during investigations, trial court proceedings, appeals, and post-conviction litigation.

As an Assistant to the Solicitor General, I represent the United States and federal agencies in the Supreme Court in a broad mix of criminal and civil areas.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My practice has been focused on trial and appellate litigation. For most of my

time as an Assistant United States Attorney from 2009 to 2013, I appeared in court almost daily. As an Assistant to the Solicitor General since 2013, I typically argue two or three cases a year in the Supreme Court.

- i. Indicate the percentage of your practice in:
 1. federal courts: 100%
 2. state courts of record: 0%
 3. other courts: 0%
 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
 1. civil proceedings: 30%
 2. criminal proceedings: 70%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried nine cases to verdict in federal court. In eight of these cases, I tried the case with a partner as co-counsel. In the ninth case, I assisted more junior prosecutors who had the primary responsibility for conducting the trial. A tenth trial in federal court, which I conducted with a partner as co-counsel, ended with a guilty plea midway through trial.

- i. What percentage of these trials were:
 1. jury: 89%
 2. non-jury: 11%
- 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 briefed and argued the following cases in the Supreme Court on behalf of the United States or a federal agency:

Wis. Cent. Ltd. v. United States, No. 17-530 (June 21, 2018)
Hughes v. United States, No. 17-155 (June 4, 2018)
Nat'l Ass'n of Mfrs. v. Dep't of Defense, 138 S. Ct. 617 (2018)
Bristol-Myers Squibb Co. v. Superior Court of Cal., 136 S. Ct. 1773 (2017)
McLane Company, Inc. v. EEOC, 137 S. Ct. 1159 (2017)
Pena-Rodriguez v. Colorado, 137 S. Ct. 855 (2017)
Kansas v. Carr, 136 S. Ct. 633 (2016)
Sturgeon v. Frost, 136 S. Ct. 1061 (2016)
Mellouli v. Lynch, 135 S. Ct. 1980 (2015)

Heien v. North Carolina, 135 S. Ct. 530 (2014)
Prado Navarette v. California, 134 S. Ct. 1683 (2014)

I briefed the following additional cases in the Supreme Court on behalf of the United States or a federal agency:

United States v. Union Pacific R.R. Co., No. 17-1002 (pending; petition for cert. filed Jan. 18, 2018)
Oil States Energy Servs., LLC v. Greene's Energy Grp., LLC, 138 S. Ct. 1365 (2018)
Sokolow v. Palestinian Liberation Org., No. 16-1071 (cert. denied Apr. 2, 2018)
District of Columbia v. Wesby, 138 S. Ct. 577 (2018)
Sw. Secs., FSB v. Segner, No. 15-1223 (cert. denied May 30, 2017)
NLRB v. SW General, 137 S. Ct. 929 (2017)
Birchfield v. North Dakota, 136 S. Ct. 2160 (2016)
Luna Torres v. Lynch, 136 S. Ct. 1619 (2016)
EEOC v. Abercrombie & Fitch Stores, Inc., 135 S. Ct. 2028 (2015)
Ala. Legislative Black Caucus v. Alabama, 135 S. Ct. 1257 (2015)
Lane v. Franks, 134 S. Ct. 2369 (2014)

As an Assistant to the Solicitor General, I also assist with briefs in opposition to certiorari that are filed on behalf of the federal government and its agencies. Those briefs are initially drafted by other attorneys, who sign their names to the briefs, and they are subsequently reviewed and revised by attorneys in the Solicitor General's Office, whose work is not credited.

In addition, while a law student, I participated in Stanford's Supreme Court Litigation Clinic, and performed research, drafting, and other tasks to assist with briefs filed by the clinic. I also recall performing research and drafting to assist with a certiorari-stage brief when I was a summer associate at Akin Gump.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Jackson*, No. 10-cr-298 (CM) (S.D.N.Y.), No. 11-4031 (2d Cir. 2012).

I handled this prosecution of a tax preparer in the business of preparing fraudulent tax returns from the charging phase through jury trial and sentencing. In 2010, I presented this case to the grand jury, which indicted the defendant. In 2011, the case proceeded to a six-day jury trial, where I gave the government's principal summation and examined about half of the government's witnesses. The defendant was convicted of the 28 counts in the indictment, which charged aiding and assisting the preparation of false tax returns. He was sentenced to 63 months of imprisonment, to be followed by one year of supervised release. The defendant then became a fugitive. The defendant filed an appeal that was dismissed.

U.S. District Court for the Southern District of New York: Hon. Colleen McMahon

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Defense Counsel

Amelio Marino (deceased)

2. *United States v. Bejaoui*, No. 10-cr-553 (SHS) (S.D.N.Y.), No. 13-307 (2d Cir. 2013), No. 13-3750 (2d Cir. 2013).

I handled this prosecution of an insurance fraud scheme from charging through jury trial. In 2010, I presented this case to the grand jury that charged the defendant with six counts of mail fraud. In 2012, after the defense contested the defendant's competency, the district court held a two-day competency hearing, at which I handled the cross-examination of the defense expert, a Columbia professor and psychiatrist. The court found the defendant competent, and in 2013, the case proceeded to a jury trial, where I gave the government's opening statement and cross-examined about half of the witnesses. After three days of trial, the defendant entered a guilty plea. After I left the U.S. Attorney's Office, the defendant received a sentence of time served, which constituted about three years of imprisonment. The defendant filed an appeal that was dismissed by the Second Circuit.

U.S. District Court for the Southern District of New York: Hon. Sidney H. Stein

Panel of the Second Circuit for interlocutory bail appeal (No. 13-307): Hon. Chester

Straub, Hon. Reena Raggi, Hon. Christopher Droney
Appeal after final judgment (No. 13-3750): Dismissed by clerk's order.

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3. *United States v. Polanco*, 10-cr-627 (RPP) (S.D.N.Y.), No. 11-4670 (2d Cir. 2013).

I handled the prosecution of this drug-distribution case from charging through two jury trials, sentencing, and appeal. The defendant was a livery cab driver who used his car to deliver heroin to the dealer-customers of a co-conspirator. He was charged with conspiracy to distribute heroin and possession of heroin with intent to distribute.

I presented this case to the grand jury that charged the defendant in 2010. Later that year, I represented the United States in opposing the defendant's suppression motion, writing the government's briefs and handling the suppression hearing at which two law enforcement witnesses testified. The district court denied the suppression motion, and the case proceeded to jury trial in 2011. At trial, I gave the government's principal summation and examined about half of the witnesses. After the jury was unable to reach a verdict, my co-counsel and I retried the case later in 2011 before a new jury. I had the same trial responsibilities. The defendant was convicted at the retrial and sentenced to 48 months of imprisonment, to be followed by four years of supervised release. After the defendant appealed, I briefed and argued the appeal on behalf of the government. The Second Circuit affirmed the defendant's conviction and sentence in 2013.

U.S. District Court for the Southern District of New York: Hon. Robert P. Patterson, Jr.

Panel of the Second Circuit: Hon. Denny Chin, Hon. Christopher Droney, Hon. John Gleeson (E.D.N.Y., by designation)

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4. *United States v. Henareh*, No. 11-cr-93 (JSR) (S.D.N.Y.), No. 13-1305 (2d Cir.

2014).

I represented the United States at the suppression hearing, jury trial, and sentencing of Siavosh Henareh and the suppression hearing of co-defendant Cetin Aksu. Henareh and Aksu were both charged with conspiring to import heroin into the United States, and Aksu was also charged with conspiring to provide material support to a terrorist organization (Hizballah), and conspiring to acquire, transfer, and possess anti-aircraft missiles.

After Henareh and Aksu filed suppression motions, I represented the United States in 2012 at a suppression hearing, handling about half of the government's examinations of witnesses. The district court denied the suppression motions. Aksu pleaded guilty, and Henareh proceeded to a six-day jury trial in 2012. At trial, I gave the government's principal summation and examined about half of the government's witnesses. Henareh was convicted and sentenced to 210 months of imprisonment, to be followed by five years of supervised release. After I left the U.S. Attorney's Office, Henareh filed an appeal, and the Second Circuit affirmed his conviction and sentence in 2013.

U.S. District Court for the Southern District of New York: Hon. Jed S. Rakoff

Panel of the Second Circuit: Hon. Ralph K. Winter, Hon. Barrington D. Parker, Hon. Peter W. Hall

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5. *United States v. Viglakis*, No. 12-cr-585 (KBF) (S.D.N.Y.).

I represented the United States during the investigation and pretrial proceedings in this case. The defendant supplied rocket-propelled grenade (RPG) launchers to individuals who indicated they were purchasing the weapons on behalf of the Fuerzas Armadas Revolucionarias de Colombia (FARC), a terrorist organization. He also negotiated to provide additional RPG launchers, surface-to-air missiles, and other weapons to the FARC in exchange for money and cocaine. I represented the United States in the investigation and grand jury phases of this case, including in obtaining an indictment charging the defendant with attempting to commit narcoterrorism and attempting to provide material support to a foreign terrorist organization in 2012. Soon after I left the U.S. Attorney's Office, the defendant pleaded guilty to the attempted material support charge. He was sentenced to 120 months of imprisonment.

U.S. District Court for the Southern District of New York: Hon. Katherine B. Forrest

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6. *United States v. Fawwaz*, 98-cr-1023 (S.D.N.Y.) (LAK), No. 15-1731 (2d Cir. 2017).

I represented the United States in pretrial and suppression proceedings in the prosecution of Khaled Al Fawwaz and Adel Abdel Bary on charges stemming from the al Qaeda conspiracy to bomb the U.S. embassies in Kenya and Tanzania in 1998. Fawwaz and Bary were charged in 1998 with conspiracy to murder United States nationals and other offenses stemming from those terrorist attacks, but were not extradited to the United States until 2012 due to lengthy extradition proceedings in Britain.

After Fawwaz and Bary arrived in the Southern District of New York in 2012, I represented the United States in connection with motions to suppress evidence, litigation under the Classified Information Procedures Act, and other pretrial litigation, and assisted in developing the United States' case for trial. After I left the U.S. Attorney's Office, both defendants were convicted of charges including conspiracy to murder United States nationals, with Bary pleading guilty and Fawwaz convicted following a jury trial. Bary was sentenced to a total of 300 months imprisonment, and Fawwaz was sentenced to life imprisonment. Fawwaz's conviction and sentence were affirmed on appeal after I left the Office. (Bary did not file an appeal.)

U.S. District Court for the Southern District of New York: Hon. Lewis A. Kaplan

Panel of the Second Circuit: Hon. Rosemary S. Pooler, Hon. Richard C. Wesley, Hon. Susan L. Carney

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7. *Heien v. North Carolina*, 135 S. Ct. 530 (2014).

I represented the United States in this Supreme Court case concerning whether an officer can have the reasonable suspicion necessary to justify a traffic stop under the Fourth Amendment when the officer's belief that an individual has committed a crime rests on a reasonable mistake of law. I served as the principal drafter of the United States' brief as amicus curiae in support of North Carolina, arguing that such stops do not violate the Fourth Amendment, and I argued in support of North Carolina as amicus curiae. The Supreme Court agreed with our position and affirmed the decision below.

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8. *McLane Co., Inc. v. EEOC*, 137 S. Ct. 1159 (2017).

I represented the Equal Employment Opportunity Commission (EEOC) in this Supreme Court case concerning the standard of review that courts of appeals should apply to district courts' decisions whether to enforce EEOC subpoenas. I served as the principal drafter of the EEOC's brief, which argued that those decisions should be reviewed for abuse of discretion (rather than de novo, as the Ninth Circuit had held in the decision under review), and that the district court had abused its discretion in refusing to enforce the EEOC subpoena at issue. I argued the case on behalf of the EEOC in 2016. The Supreme Court agreed with the EEOC and with petitioner that an abuse-of-discretion standard applies, and remanded the case to the court of appeals to decide whether the district court had abused its discretion in the case at hand. In May 2017, the court of appeals concluded that the district court had abused its discretion in denying enforcement of the EEOC subpoena.

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9. *Bristol-Myers Squibb Co. v. Superior Court of Cal.*, 136 S. Ct. 1773 (2017).

I represented the United States as amicus curiae in this Supreme Court case concerning the constitutional limitations on state courts' personal jurisdiction over out-of-state defendants. The California Supreme Court had concluded that state court could exercise jurisdiction to adjudicate certain claims of out-of-state plaintiffs against an out-of-state defendant arising from acts outside the State, principally emphasizing that the nonresidents' claims were similar to claims brought by California plaintiffs against the defendant for in-state injuries. I served as the principal drafter of an amicus brief on behalf of the United States arguing that the Due Process Clause of the Fourteenth Amendment did not permit this exercise of jurisdiction. I then argued in support of petitioner on behalf of the United States as amicus curiae. The Supreme Court agreed with our position and reversed the California Supreme Court's contrary judgment.

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10. *Nat'l Ass'n of Mfrs. v. Dep't of Defense*, 138 S. Ct. 617 (2018).

I represented the United States in this case concerning whether the federal rule defining the term “waters of the United States” in the Clean Water Act is directly reviewable in the courts of appeals pursuant to the Clean Water Act’s appellate jurisdictional provisions, or is instead initially reviewable in the district courts. I served as principal drafter of the government’s brief arguing that the rule was reviewable directly in the courts of appeals. I then argued the case on behalf of the United States in October 2017. The Supreme Court rejected our position, holding that challenges to the EPA rule defining “waters of the United States” should be brought in district court.

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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 an Assistant United States Attorney at the U.S. Attorney's Office for the Southern District of New York, my activities centered on investigation and prosecution of federal crimes. At the investigation stage, my roles included advising law enforcement agents; obtaining search warrants and wiretap orders; preparing extradition requests and requests for assistance from foreign governments; and meeting with and interviewing witnesses. At the charging stage, my responsibilities included preparing criminal complaints and presenting cases to the grand jury. In charged cases, I negotiated plea agreements, held proffer sessions with defendants, and represented the United States in district court proceedings, such as bail hearings, pretrial conferences, suppression hearings, guilty pleas, trials, and sentencings. I also handled cases on appeal.

As an Assistant to the Solicitor General at the Department of Justice, I practice in the United States Supreme Court and advise the Solicitor General on litigation in the lower courts. My principal responsibilities relating to Supreme Court litigation are writing briefs and arguing cases, as well as participating in moot courts. With respect to cases in the district courts and courts of appeals, I assist the Solicitor General in deciding whether to appeal adverse decisions by reviewing the decisions and record materials, evaluating recommendations from affected government components, and writing recommendation memoranda.

I have never performed lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a

syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

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

None.

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

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

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

See attached report.

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

See attached net worth statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation in which I have ever played a role. I would also recuse myself from any matter involving my family, close friends, and my own financial interests. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis with the advice of parties and their counsel, in order to determine appropriate action, including recusal where necessary.

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

If confirmed, I will review and address any potential conflicts using 28 U.S.C. 455, Canon 3 of the Code of Conduct for United States Judges, and any other applicable laws, rules, and practices.

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.

Since joining the bar, I have worked exclusively in jobs with public-service responsibilities, as a prosecutor and then as an appellate lawyer for the federal government. Each of these positions substantially restricts outside legal work, even when performed on a pro bono basis. However, I have volunteered, with Department of Justice authorization, for the component of the DC Volunteer Lawyers Project that assists domestic-violence victims in obtaining protection orders. In law school, I also volunteered with a program providing pro bono assistance in immigration law.

26. **Selection Process:**

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

In early March 2017, I discussed with a lawyer in the White House Counsel's Office the possibility of being considered for one of the judicial vacancies in New York. I then submitted a resume to the White House Counsel's Office. I interviewed at the White House Counsel's Office on March 16, 2017, and have had several additional contacts with attorneys from that office since then.

On November 20, 2017, I interviewed by telephone with a member of Senator Schumer's screening panel for judicial appointments.

On November 21, 2017, a staff member in the White House Counsel's Office asked that I complete paperwork for an FBI background check.

On November 28, 2017, an attorney in the Office of Legal Policy at the Department of Justice asked that I complete additional vetting paperwork. I have had additional communications with representatives of that office since then.

On April 24, 2018, I interviewed with Senator Schumer and several of his aides. I also had a brief phone call with Senator Schumer on May 9, 2018, and several e-mail communications with one of Senator Schumer's aides.

On May 15, 2018, President Trump 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.