

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kathleen “Katie” Smithgall Lane
Kathleen “Katie” Lynn Smithgall

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

United States District Judge, District of Montana

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: Republican National Committee
310 First Street, SE
Washington, District of Columbia 20003

Residence: Alexandria, Virginia (residence)

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

1991; Atlanta, Georgia

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.

2014 – 2017, Antonin Scalia Law School at George Mason University, J.D. (*magna cum laude*), 2017

2010 – 2014, Furman University, B.A. (*magna cum laude*), 2014

Fall 2012, Vesalius College, no degree (study abroad program)

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.

April 2025 – Present
Republican National Committee
310 1st St. SE
Washington, District of Columbia 20003
Senior Counsel

2023 – 2025
Consovoy McCarthy PLLC
1600 Wilson Boulevard
Arlington, Virginia 22209
Associate

2021 – 2023
Attorney General Austin Knudsen, Montana Department of Justice
215 North Sanders Street
Helena, Montana 59601
Deputy Solicitor General (2022 – 2023)
Assistant Solicitor General (2021 – 2022)

2020 – 2021
Jones Day
51 Louisiana Ave, NW
Washington, District of Columbia 20001
Associate

2018 – 2019
Judge Timothy M. Tymkovich
United States Court of Appeals for the Tenth Circuit
1823 Stout Street
Denver, Colorado 80257
Law Clerk

2017 – 2018
Judge Thomas A. Varlan
United States District Court for the Eastern District of Tennessee
800 Market Street, Suite 130
Knoxville, Tennessee 37902
Law Clerk

May 2016 – August 2016
Jones Day
51 Louisiana Ave, NW
Washington, D.C. 20001
Summer Associate

May 2014 – August 2014 (Estimated)
Montana Law Company [formerly Wittich Law Firm]
280 West Kagy Boulevard
Suite D-324
Bozeman, MT 59715
Intern

Uncompensated:

January 2017 – May 2017
Senator Ted Cruz
United States Senate Judiciary Committee
104 Hart Senate Office Building
Washington, D.C. 20002
Law Clerk/Intern

May 2015 – December 2015
Federal Trade Commission
400 7th St. SW
Washington, D.C. 20001
Law Clerk/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 am 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.

Center for the Constitution and the Catholic Intellectual Tradition, Aquinas Fellow (2024-2025)

James Wilson Institute on Natural Rights and the American Founding Fellowship (2021)

Antonin Scalia Law School

Magna cum laude (2017)

Commencement Speaker (2017)

Daniel D. Polsby Award for Excellence in Leadership (2017)

Supreme Court Clinic (2016–2017)

George Mason Law Review (2015–2017); Editor-in-Chief (2016–2017)

Moot Court Board, Member (2015–2017)

Upper Class Moot Court Competition, Champion (2015)

Merits Scholarship (2014–2017)

Furman University

Magna cum laude (2014)

Senior Send-Off Student Speaker (2014)

Communication Studies Award for Public Speaking and Debate (2014)

Communication Studies Engel Award for Excellence (2014)

Dean's List (7 of 8 semesters) (2010–2014)

Alpha Delta Pi, Chapter President (2013–2014)

Herman W. Lay Scholarship (Full Tuition, Room & Board) (2010–2014)

Young Alumni Council (2014–2020)

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

District of Columbia Bar Association (admitted 2017)

Montana Bar Association (admitted 2021)

Chair – New Lawyers Section (2021-2022)

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.

Virginia: April 19, 2024

Montana: June 16, 2021

District of Columbia: December 4, 2017

To the best of my recollection, 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.

Courts of the Commonwealth of Virginia (April 19, 2024)

Courts of the State of Montana (June 16, 2021)

Courts of the District of Columbia (December 4, 2017)

Supreme Court of the United States (2021)

U.S. Court of Appeals for the D.C. Circuit (2023)

U.S. Court of Appeals for the Second Circuit (2022)

U.S. Court of Appeals for the Seventh Circuit (2024)

U.S. Court of Appeals for the Eighth Circuit (2021)

U.S. Court of Appeals for the Ninth Circuit (2021)

U.S. Court of Appeals for the Tenth Circuit (2021)

U.S. District Court for the District of Montana (2021)

U.S. District Court for the District of North Dakota (2021)
U.S. District Court for the District of Columbia (2023)
U.S. District Court for the Eastern District of Virginia (2024)
U.S. District Court for the Western District of Virginia (2024)

My membership lapsed in the following courts because I was admitted under a special privilege granted to government attorneys. When my state government service ended in 2023, my special privilege also ended. For the District Court for the District of Columbia, I was admitted in 2023 (listed above) under the rules governing attorneys in private practice.

U.S. District Court for the District of Columbia (2022)
U.S. District Court for the District of Oregon (2022)

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 (2015 – Present)

Alpha Delta Pi (2011 – Present) (inactive)
President (2013 – 2014)
Panhellenic Delegate (2012 – 2013)

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.

Alpha Delta Pi is a women's college sorority. It does not discriminate on the basis of race, religion, or national origin.

The Federalist Society does not discriminate 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 copies of all published material to the Committee.

While in law school, I performed typographical and stylistic edits in several law review articles in Volumes 23 and 24 of the George Mason Law Review, first as a member of the editorial board from 2015-2016 and then as the Editor-in-Chief from 2016-2017. The authors of those articles were responsible for their substantive content. I have no record or memory of the articles I edited for the law review.

Volume 23 of the Scalia Law Review is available online at
<https://lawreview.gmu.edu/print-issues>

Volume 24 of the Scalia Law Review is available online at
<https://lawreview.gmu.edu/print-issues>

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

None known.

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

None known.

- d. Supply 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.

September 25, 2025: Speaker, Republican National Lawyers Association, Scalia Law Chapter, Arlington, Virginia. I do not have a copy, transcript, or recording of my remarks. The Republican National Lawyers Association is located at PO Box 18965, Washington, District of Columbia 20036.

August 15, 2025: Panelist, Republican National Lawyers Association, "National Election

Law Seminar,” Nashville, Tennessee. I do not have a copy, transcript, or recording of my remarks. The Republican National Lawyers Association is located at PO Box 18965, Washington, District of Columbia 20036. PowerPoint presentation and outline supplied.

April 29, 2025: Panelist, American Bar Association International Law Section Annual Conference, “The Long Arm of U.S. Law: More Hot Topics at the Supreme Court for International Litigation,” New York City, New York. I do not have a copy, transcript, or recording of my remarks. The American Bar Association is located at 321 North Clark Street, Chicago, Illinois 60654. PowerPoint and presentation notes supplied.

March 18, 2025: Panelist, Georgetown Law Federalist Society, “Daniel Webster Debate Series: Do DEI Programs Violate Equal Protection,” Washington, District of Columbia. A recording is available at <https://www.youtube.com/watch?v=nxwYIBL8fFg>.

2023 (Estimated): Speaker at a community town hall event in Lewistown, Montana, to discuss Attorney General Knudsen’s litigation over Bureau of Land Management grazing permits issued to the American Prairie Reserve. I have no copy, transcript, or recording of my remarks. My remarks to a group of concerned citizens were extemporaneous.

September 23, 2022: Panelist, Montana Bar Association Annual Meeting, “U.S. Supreme Court Update,” Helena, Montana. I have no copy, transcript, or recording of my remarks. The Montana Bar Association is located at 33 S. Last Chance Gulch, Suite 1B, Helena, Montana 59601.

May 26, 2017: Speaker, Scalia Law School Commencement Ceremony, Arlington, Virginia. A recording of my speech can be found here: <https://vimeo.com/219109142>.

May 1, 2014 (Estimated): Speaker, Furman University Senior Send-Off Reception, Greenville, South Carolina. I have no notes, transcript, or recording. Furman University is located at 3300 Poinsett Highway, Greenville, South Carolina, 29613.

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 copies of the clips or transcripts of these interviews where they are available to you.

I have searched publicly available electronic databases to identify all interviews given. I have included all materials that I have been able to find. I do not recall giving other interviews, however, it is possible that I may have given other short interviews while in the Montana Attorney General’s Office. I have no notes, transcripts, or recordings of these interviews, if they occurred.

Interview, Mike Dennison, *Two-decade-old decision looms large in Montana abortion court fight*, KTVH (Jan. 26, 2022) (Estimated Interview Date). An article about my remarks can be found here: <https://www.ktvh.com/news/montana-politics/two-decade-old-decision-looms-large-in-montana-abortion-court-fight>

Interview, *Profile of Alumni*, Furman University (2015) (Estimated). A copy of my written interview can be found here: <https://www.furman.edu/people/katie-smithgall/>

Gail Schontzler, *Great grads: Bozeman High graduates conquer obstacles*, Bozeman Daily Chronicle (June 6, 2010). A copy of the article can be found here: https://www.bozemandailychronicle.com/news/great-grads-bozeman-high-graduates-conquer-obstacles/article_4b57f2ce-70fe-11df-9f88-001cc4c03286.html

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 cases, approximately what percent were:

jury trials: _____ %
bench trials: _____ %

ii. Of these cases, approximately what percent were:

civil proceedings: _____ %
criminal proceedings: _____ %

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 of 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 (4) 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.

I have never held public 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.

In Summer 2011, I worked on Steve Daines's congressional campaign. The position was full-time, and I was compensated. In Summer 2012, I worked in Steve Daines's congressional office in Washington, District of Columbia. The position was full-time, although it was unpaid. To the best of my recollection, I earned college credit for this internship. In Summer 2014, I volunteered on Steve Daines's senatorial campaign. I did not have a formal position, and I was not paid. In April 2025, I was hired to serve as Senior Counsel at the Republican National Committee. This position is full-time and paid.

I have not otherwise been affiliated with any campaign or candidate, nor held any title, nor been paid any compensation.

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 2017 to 2018, I served as a law clerk to the Honorable Thomas A. Varlan, United States District Court for the Eastern District of Tennessee. At the time of my clerkship, Judge Varlan was serving as Chief Judge.

From 2018 to 2019, I served as a law clerk to the Honorable Timothy M. Tymkovich, United States Court of Appeals for the Tenth Circuit. At the time of my clerkship, Judge Tymkovich was serving as Chief Judge.

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

I have not practiced alone.

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

April 2025 – Present
Republican National Committee
310 1st St. SE
Washington, District of Columbia 20003
Senior Counsel

2023 – 2025
Consovoy McCarthy PLLC
1600 Wilson Boulevard
Arlington, Virginia 22209
Associate

2021 – 2023
Attorney General Austin Knudsen, Montana Department of Justice
215 North Sanders Street
Helena, Montana 59601
Deputy Solicitor General (2022 – 2023)
Assistant Solicitor General (2021 – 2022)

2020 – 2021
Jones Day
51 Louisiana Ave, NW
Washington, District of Columbia 20001
Associate

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

I have not served as a mediator or arbitrator.

b. Describe:

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

My legal practice has always focused on litigation in state and federal courts. From 2017 to 2019, I worked as a judicial law clerk, spending one year at the United States District Court for the Eastern District of Tennessee and approximately sixteen months at the Tenth Circuit Court of Appeals. I conducted legal research on civil and criminal matters and prepared draft opinions on issues spanning many subject areas. While clerking at the Eastern District of Tennessee, I assisted the judge with several criminal and civil trials.

From 2020 to 2021, I worked as an associate in the Government Regulation group at Jones Day. I worked on a variety of matters, including general commercial litigation and various constitutional, regulatory, and election law cases. I provided strategic legal advice to clients on issues ranging from antitrust law to constitutional law to compliance with COVID-19 restrictions. I also provided strategic counseling for clients engaging with federal agencies. I also worked on several pro bono

matters, including a discrimination lawsuit on behalf of a client seeking to use a housing voucher.

From 2021 to 2023, I was Assistant Solicitor General and then Deputy Solicitor General in the Montana Attorney General's Office. I worked almost entirely on litigation involving constitutional and administrative law questions. I brought and defended numerous cases arising under the Administrative Procedure Act, the National Environmental Policy Act, and the Federal Land Policy and Management Act. I also brought and defended numerous cases arising under both the Montana Constitution and United States Constitution. During this time, I argued two federal appeals and numerous motions in state and federal court.

From March 2023 to March 2025, I was an associate at Consovoy McCarthy. I worked primarily on cases involving constitutional and administrative law. My work included researching novel legal issues, drafting trial and appellate briefs, managing discovery, taking a deposition of an expert witness, and negotiating with opposing counsel. During this time, I also argued motions in federal district court and an appeal in the Ninth Circuit Court of Appeals. I was part of a trial team where I prepared pre- and post-trial briefs, drafted outlines for direct and cross examinations, and cross examined a witness.

Since April 2025, I have served as Senior Counsel at the Republican National Committee where I manage the RNC's litigation in state and federal courts across the country. I direct the RNC's litigation strategy and supervise outside counsel in executing that strategy. I review draft filings, assist with discovery issues, and help prepare attorneys for oral argument.

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

At Jones Day, I represented a variety of clients, ranging from individuals to large corporations. I represented these clients in litigation and provided advice on various regulatory issues that arose.

In the Montana Attorney General's Office, I represented the State and its agencies in litigation involving important constitutional and statutory issues. My work was entirely civil litigation.

At Consovoy McCarthy, I represented a variety of clients, ranging from states to public interest groups to large corporations. My practice was entirely civil litigation, and I specialized in constitutional and administrative law.

At the Republican National Committee, I am in-house counsel representing the RNC in litigation. While I do not appear in court on behalf of the RNC, I direct the RNC's legal strategy and supervise outside attorneys.

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.

At Jones Day (2020-2021), my practice was approximately 50% litigation and 50% regulatory and counseling. While I did not appear in court, I researched legal issues in anticipation of litigation and drafted briefs at both the trial and appellate levels. I managed a pro bono matter from complaint to ultimate settlement, developing a litigation strategy and drafting pleadings. In addition to litigation matters, I advised clients on regulatory issues.

Since 2021, my practice has been entirely civil litigation. In the Montana Attorney General's Office (2021-2023), I appeared in court for arguments regularly. I appeared several times before the U.S. District Court for the District of Montana. I also appeared before the Court of Appeals for the Eighth Circuit. I also appeared several times in the First Judicial District, the Thirteenth Judicial District, and the Eighteenth Judicial District of Montana. These appearances included multiple oral arguments and hearings that, at times, lasted several hours. I also filed briefs frequently before courts, including state district courts, the Montana Supreme Court, federal district courts, federal courts of appeals, and the United States Supreme Court.

At Consovoy McCarthy, I appeared in federal courts for hearings and oral argument. I presented oral argument before the Court of Appeals for the Ninth Circuit and the U.S. District Court for the District of Montana. In the U.S. District Court for the Northern District of Alabama, I appeared in court multiple times during the course of litigation, including during trial, where I cross-examined a witness. I also filed briefs frequently before courts, including the Virginia Supreme Court, federal district courts, federal courts of appeals, and the United States Supreme Court.

At the Republican National Committee, I manage the Republican National Committee's litigation portfolio. While I do not appear in court, I direct the RNC's litigation strategy and supervise the work of outside counsel. I develop legal arguments, review draft filings, and help prepare attorneys for hearings and oral argument. In addition, I analyze and respond to legal questions from other departments that arise in the course of their operations.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 70% |
| 2. | state courts of record: | 29% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 1% |

ii. Indicate the percentage of your practice in:

1. civil proceedings: 100%
2. criminal proceedings: 0%

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 had one four-day bench trial where I served as associate council. Given the nature of my practice, most of my cases have been resolved at summary judgment or before.

i. What percentage of these trials were:

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

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

In *Moylan v. Guerrero*, No. 23-828, I was co-counsel on a petition for a writ of certiorari and a reply in support of the petition. The Supreme Court denied certiorari. A copy of the petition and reply are attached.

In *Lamoureux v. Montana*, No. 21-427, I authored a brief in opposition to a petition for a writ of certiorari. The Supreme Court denied certiorari. A copy of the brief is attached.

I have authored or co-authored amicus briefs filed in the Supreme Court in the following cases: *Yeatman v. Hyland* (No. 22-566); *St. John v. Jones*, (No. 22-554); *TikTok Inc. v. Garland* and *Firebaugh v. Garland* (Nos. 24-656, 24-657). A copy of each is supplied.

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. *McClure v. Jefferson County Commission*, 2:23-cv-443 and *Addoh-Kondi v. Jefferson County Commission*, 2:23-cv-503 (N.D. Ala.) (Haikala) (consolidated) (Representation: 2023 – 2025)

I represented the Jefferson County Commission in defending the Commission's redistricting plan from two racial gerrymandering challenges. I assisted with briefing before the district court, including motions to dismiss, a response in opposition to a preliminary injunction motion, cross-motions for summary judgment, pretrial motions, and post-trial findings of facts and conclusions of law. I helped manage discovery and took an expert deposition. I also assisted with the four-day trial, including the cross examination of one lay witness. The district court ruled in favor of the plaintiffs and permanently enjoined the Commission's redistricting plan. The Commission appealed to the Eleventh Circuit, and the appeal is ongoing.

Co-counsel:

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Montgomery, AL 36101
(334) 834-6500

Opposing counsel (Addoh-Kondi Plaintiffs):

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The Rice Law Firm
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Richard P Rouco

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Opposing counsel (McClure Plaintiffs):

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(917) 403-4976

Nicki Leili Lawsen
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301 19th Street North
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(205) 314-0535

Kacey-Ann Mordecai
NAACP Legal Defense and Educational Fund, Inc.
700 14th Street NW, Ste. 600
Ste 600
Washington, DC 20005
(202) 216-2720

2. *MontPIRG v. Jacobsen*, 6:23-cv-70 (D. Mont.) (Morris); 24-2811 (9th Cir.) (Graber, Callahan, Koh) (Representation: 2023 – 2025)

I represented the Republican National Committee and the Montana Republican Party as intervenor-defendants in an action challenging Montana’s prohibition on double voter registration. I drafted the motion to intervene and reply in support of intervention and the response in opposition to a preliminary injunction motion before the U.S. District Court for District of Montana. I also handled the appellate briefing before the Ninth Circuit Court of Appeals. I presented oral argument before Judge Morris in the District of Montana and the Ninth Circuit Court of Appeals. The district court granted the preliminary injunction, and the Ninth Circuit affirmed. The parties reached a settlement agreement, which was approved by the District of Montana.

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3. *CSX Transportation v. State Corporation Commission*, No. 240872 (Virginia Supreme Court) (Representation 2023 – 2025)

I represented CSX Transportation before the State Corporation Commission and the Virginia Supreme Court. CSX Transportation sought to enjoin Cox Communications from crossing its property to install a fiber optic cable. Cox Communications sought to cross

CSX Transportation's property pursuant to Virginia Code §56-16.3. CSX Transportation challenged the proposed crossing, arguing that Virginia's law was preempted by ICCTA, violated the Virginia and Federal Takings Clauses, and violated due process. I drafted the petition and stay motions before the State Corporation Commission and the petition for review before the Supreme Court of Virginia. I also helped with the merits briefing before the Supreme Court of Virginia. The Supreme Court of Virginia agreed that Virginia's law constituted a taking for nonpublic use in violation of the Virginia Constitution.

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4. *Morehouse Enterprises, LLC, v. Bureau of Alcohol, Firearms, & Tobacco*, 3:22-cv-116 (D.N.D.) (Welte); 22-cv-2812, 78 F.4th 1011 (8th Cir. 2023) (Melloy, Colloton, Gruender) (Representation: 2022 – 2023)

I represented the State of Montana in a multistate coalition challenging the Bureau of Alcohol, Firearms and Tobacco’s “Frame or Receiver” rule under the Administrative Procedure Act and the United States Constitution. I helped draft the multistate coalition’s preliminary injunction briefs before Judge Welte of the U.S. District Court for the District of North Dakota and again on appeal before the U.S. Court of Appeals for the Eighth Circuit. I also presented argument on behalf of the multistate coalition before the Eighth Circuit. The Eighth Circuit affirmed the district court’s denial of a preliminary injunction and held that the States lacked standing to challenge the rule.

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5. *State of Montana v. Bureau of Land Management*, MT-010-22-01 (Office of Hearings and Appeals) (Administrative Law Judge Veronica Larvie) (Representation: 2022 – 2023)

I represented the State of Montana in an appeal of the Bureau of Land Management’s final grazing decision permitting the American Prairie Reserve to graze bison on certain allotments of land. The State challenged this decision under the Administrative Procedure Act, arguing that the decision violated the Taylor Grazing Act, the Federal Land Policy and Management Act, the Public Rangelands Improvement Act, and the National Environmental Policy Act. I handled the Attorney General’s briefing in both appeals prior to my departure from the office. The administrative law judge denied the State’s motion to stay the final grazing decision, which the State then appealed to the Interior Board of Land Appeals. In 2025, Secretary of Interior Bergum took jurisdiction over the appeal, and BLM canceled the grazing permits authorizing APR’s bison grazing.

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6. *Wyoming v. Halaand*, 1:24-cv-257 (D. Wyo.) (Skavadahl)
(Representation: 2024 – 2025)

I represented the State of Wyoming challenging the Bureau of Land Management's Resource Management Plan Amendments (RMPAs) for the Buffalo and Miles City Field

Offices. The RMPAs adopted a “no leasing” alternative, which means that no new coal leases would be issued for the Powder River Basin, an area that accounts for 85% of all coal produced on federal land. I developed a litigation strategy and drafted the Complaint, which raised a number of legal claims arising under the Administrative Procedure Act. In 2025, President Trump signed a Congressional Review Act resolution reversing the RMPA for both the Buffalo and Miles City Field Offices.

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7. *Barrett v. State of Montana*, DV-21-581B (Eighteenth Jud. Dist.) (McElyea); DA 22-0586 (Montana Supreme Court) (Representation: 2021 – 2023)

I represented the State of Montana in a challenge to several laws arising from the legislative session, including HB 102 (allowing for concealed carry on university campuses), HB 112 (promoting equal opportunity for women in sports), HB 349 (prohibiting discrimination against student organizations), and SB 319 (prohibiting opt-out fees for certain student organizations). I handled briefing and oral argument for the State in the Eighteenth Judicial District on the State’s motion to dismiss and the parties’ cross-motions for summary judgment. The district court entered summary judgment in favor of the plaintiffs. I then handled the opening brief before the Montana Supreme Court on appeal before my departure from the office. The Montana Supreme Court affirmed the district court’s judgment in favor of the plaintiffs.

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8. *Menges v. Knudsen*, No 21-35370 (9th Cir.) (Representation: 2021 – 2023)

I represented the State of Montana on appeal before the U.S. Court of Appeals for the Ninth Circuit. Mr. Menges challenged the constitutionality of Montana’s sex offender registry statute, which required him to register as a sex offender because he was required to register as a sex offender in Idaho for violation of an Idaho statute criminalizing “crimes against nature.” Mr. Menges simultaneously challenged Idaho’s registration requirement in the United States District Court for the District of Idaho. I was the primary drafter of the Ninth Circuit briefing, arguing that Montana’s sex offender registry statute is neutral on its face and as applied to Mr. Menges. Prior to the panel deciding the case, Mr. Menges entered into a settlement agreement with the State of Idaho. The Ninth Circuit dismissed the State’s appeal as moot.

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9. *Jones v. Monsanto*, No. 21-2292 (8th Cir.) (Smith, Benton, Kelly) (Representation: 2021 – 2022)

I represented the State of Montana in filing an amicus brief on behalf of a multistate coalition in support of an objector to a class action settlement. The class action settlement agreement only allocated 30% of the settlement fund to harmed class members and the remainder of the fund to class counsel and *cy pres*. I drafted an amicus brief in support of the objector at the panel stage and presented argument on behalf of the multistate coalition before the U.S. Court of Appeals for the Eighth Circuit. I then drafted a multistate amicus brief on behalf of the State of Montana in support of a rehearing *en banc*, which the Eighth Circuit narrowly denied. Finally, I drafted a multistate amicus brief in support of the objector's petition for writ of certiorari in the United States Supreme Court. I also drafted a multistate amicus brief in support of a parallel petition for writ of certiorari in *Yeatman v. Hyland*, No. 22-566, which raised identical issues. The Supreme Court denied certiorari.

Co-counsel (Multistate Amici):

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10. *Louisiana v. Department of Homeland Security*, 2:23-cv-1839 (E.D. La.)
(Papillion) (Representation: 2023 – 2025)

I represented the State of Louisiana in a challenge to FEMA’s new method for setting rates for flood insurance through the National Flood Insurance Program. I drafted the Complaint and assisted with drafting various motions before the district court, including the preliminary injunction motion. The district court denied the motion for preliminary injunction, and the litigation moved to discovery.

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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.)

I have not engaged in any lobbying work.

At Jones Day, I monitored national COVID-19 regulations at the federal, state, and local levels and provided strategic legal advice to corporate clients on compliance with these regulations. I was part of a rapid response team that reviewed and analyzed issues as they arose from clients all across the country. In addition, I advised clients about other regulatory issues that never culminated in litigation. To the best of my recollection, that advice typically involved the interpretation of federal constitution, statutory, and regulatory provisions. The rest of my practice involved litigation of complex, high-stakes matters for large companies.

At the Montana Attorney General's Office, I advised the Attorney General and Solicitor General on novel legal issues that sometimes arose outside the context of litigation. I regularly provided updates about federal and state issues and recommended whether or not litigation was appropriate. In cases that did result in litigation, I briefed stakeholders and developed litigation strategy prior to engaging in litigation.

As Senior Counsel at the Republican National Committee, I have supervisory responsibilities over both appellate and trial-level litigation that I am not handling myself. I hire and supervise outside counsel and work with these attorneys to develop litigation strategy. I update RNC leadership on legal developments, and I regularly advise other departments on legal issues that arise.

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 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.

I do not have any anticipated receipts from deferred income arrangements.

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 in the future.

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. I will

evaluate any other real or potential conflict, or any relationship that could give rise to appearance of conflict, on an individualized basis and determine appropriate action with input from parties and their counsel, including recusal where necessary or appropriate. Finally, because my husband is also an attorney, I would likewise recuse consistent with 28 U.S.C. § 455(b)(4)–(5).

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

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

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.

As an attorney at Jones Day, I represented an individual in a discrimination lawsuit. I filed the lawsuit on his behalf and navigated the litigation through settlement. I estimate I dedicated at least 100 hours to the matter.

From 2021 to 2022, I served as the Chair of the New Lawyers Section of the Montana Bar Association. The section had monthly leadership meetings and hosted three events for new lawyers in Montana. I estimate I dedicated at least 30 hours to the section.

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 December 2024, Senator Daines’s office reached out to me about a vacancy in the District of Montana. In February 2025, I interviewed with the offices of Senator Daines and Senator Sheehy. In March 2025, I had a follow-up interview with Senator Daines’s office. In April 2025, I had another follow-up interview with Senator Daines’s office. In July 2025, I had a call with White House Counsel’s Office informing me that I had not

been selected for the vacancy. From July 2025 to December 2025, I was in contact with Senator Daines's office. In December 2025, I was invited by the White House Counsel's Office to interview for a new judicial vacancy in the District of Montana. I interviewed with attorneys from the White House Counsel's Office on January 14, 2026. 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 February 9, 2026, President Trump called to inform me that he would be nominating me.

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.

AFFIDAVIT

I, Kathleen Lane, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

2/20/26
(DATE)

Kathleen Lane
(NAME)

(NOTARY)

DISTRICT OF COLUMBIA
Signed and sworn to (or affirmed) before me on
2/20/26 by Elizabeth Pretzman

Date Name of
[Signature]
Signature of Notarial Officer

Notary Public

My commission expires: 11/14/30

