

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Michael Yale Scudder Jr.

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

United States Court of Appeals for the Seventh Circuit

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

Office: Skadden, Arps, Slate, Meagher & Flom LLP
155 North Wacker Drive, Suite 2700
Chicago, Illinois 60606

Residence: Western Springs, Illinois

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

1971; Fort Wayne, Indiana

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.

1995 – 1998, Northwestern University Pritzker School of Law; J.D. (*magna cum laude*), 1998

1989 – 1993, Saint Joseph's College; B.B.A. (*summa cum laude*), 1993

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.

2009 – present
Skadden, Arps, Slate, Meagher & Flom LLP

155 North Wacker Drive, Suite 2700
Chicago, Illinois 60606
Partner

2007 – 2009
The White House
1600 Pennsylvania Avenue, NW
Washington, District of Columbia 20500
General Counsel of National Security Council &
Senior Associate Counsel to the President

2007
The White House
1600 Pennsylvania Avenue, NW
Washington, District of Columbia 20500
Associate Counsel to the President

2006
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, District of Columbia 20530
Counselor to the Deputy Attorney General

2002 – 2006
United States Attorney's Office for the Southern District of New York
1 Saint Andrew's Plaza
New York, New York 10007
Assistant United States Attorney

2000 – 2002
Jones Day
901 Lakeside Avenue
Cleveland, Ohio 44114
Associate

1999 – 2000
Supreme Court of the United States
One First Street, NE
Washington, District of Columbia 20543
Law Clerk to the Honorable Anthony M. Kennedy

1998 – 1999
United States Court of Appeals for the Fourth Circuit
101 West Lombard Street
Baltimore, Maryland 21201
Law Clerk to the Honorable Paul V. Niemeyer

Summers 1996, 1997 (partial), 1998 (partial)
Skadden, Arps, Slate, Meagher & Flom LLP
155 North Wacker Drive, Suite 2700
Chicago, Illinois 60606
Summer Associate

Summer 1997 (partial)
Kirkland & Ellis LLP
300 North LaSalle Drive
Chicago, Illinois 60654
Summer Associate

1993 – 1995
Ernst & Young LLP
110 West Berry Street
Fort Wayne, Indiana 46802
The Fort Wayne office subsequently was consolidated into the Indianapolis office.
Staff Accountant & Senior Accountant

All of the above positions were paid.

Other Affiliations (uncompensated):

2016 – present
Chicago Council on Global Affairs
Two Prudential Plaza
180 North Stetson Avenue, Suite 1400
Chicago, Illinois 60601
Member, Board of Directors

2014 – present
Midtown Educational Foundation
718 South Loomis Street
Chicago, Illinois 60607
Member, Board of Directors

2013 – present
Archdiocese of Chicago
835 North Rush Street
Chicago, Illinois 60611
Member, School Board

2013 – present
University of Chicago Law School
1111 East 60th Street
Chicago, Illinois 60637

Lecturer in Law

2011 – 2016

Saint Joseph's College
1027 South College Avenue
Rensselaer, Indiana 47978
Member, Board of Trustees

2009 – present

Catholic Charities of the Archdiocese of Chicago
721 North LaSalle Street
Chicago, Illinois 60654
Member, Board of Directors (2011 –present)
Member, Board of Relations (2009 – 2011)

2009 – present

Northwestern University Pritzker School of Law
357 East Chicago Avenue
Chicago, Illinois 60611
Adjunct Professor of Law

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 did not serve in the military. I registered for the selective service upon turning 18.

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

Northwestern University Pritzker School of Law National Student Public Interest Fellowship Alumni Award for Outstanding Contributions to Public Service and the Legal Community (2017)

Leadership Greater Chicago – Leadership Fellows Program (2015)

United States District Court for the Northern District of Illinois Award for Pro Bono and Public Interest Service (2014)

BTI Consulting Group – Client Service All Stars Report (2013)

Chicago Council on Global Affairs – Emerging Leaders Program (2010)

Bishop Dwenger High School (Fort Wayne, Indiana) – Alumnus of the Year (2010)

Chicago Lawyer Magazine – “40 Illinois Attorneys Under Forty to Watch” (2009)

Degree from Northwestern University Pritzker School of Law conferred *magna cum laude* (1998)

Northwestern University Law Review, Editor in Chief (1997 – 1998)

Saint Joseph’s College co-valedictorian (1993)

Degree from Saint Joseph’s College conferred *summa cum laude* (1993)

Saint Joseph’s College Senior of the Year (1993)

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.

American Bar Association (periodic membership 2009 – present)

Chicago Catholic Lawyers Guild (2017 – present)
Board of Directors

Federal Defender Panel Program for the Northern District of Illinois (2009 – present)

Seventh Circuit Bar Association (periodic membership 2009 – present)

Skadden, Arps, Slate & Meagher & Flom LLP *Insights* Editorial Board (2012 – 2014)

United States District Court for the Northern District of Illinois Trial Bar (2009)

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.

Illinois, 1998
Ohio, 2001

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, 2009
United States Court of Appeals for the Second Circuit, 2003
United States Court of Appeals for the Fourth Circuit, 1999
United States Court of Appeals for the Sixth Circuit, 2001
United States Court of Appeals for the Seventh Circuit, 2001
United States District Court for the Northern District of Illinois, 2009
United States District Court for the Northern District of Indiana, 2013
United States District Court for the Southern District of New York, 2002

There have been no lapses in membership.

11. Memberships:

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

Archdiocese of Chicago School Board (2013 – present)
Catholic Identity Committee (2018 – present)
Academic Excellence Committee (2013 – present)

Archdiocese of Chicago Catholic Charities (2009 – present)
Vice Chair of Board of Directors (2016 – present)
Executive Committee of Board of Directors (2013 – present)
Secretary of Board of Directors (2013 – 2016)
Board of Directors (2011 – present)
Board of Relations (2009 – 2011)

Chicago Council on Global Affairs
Board of Directors (2016 – present)
Development Committee (2016 – present)
Studies Committee (2016 – present)
Emerging Leaders Program (2010)

Edgewood Valley Country Club (2010 – 2018)

Leadership Greater Chicago Fellows Program (2015 – 2016)

Midtown Educational Foundation (2014 – present)
Board of Directors
Development Committee

Registered Certified Public Accountant – Illinois (2011 – present)

Saint John of the Cross Parish
Parish Advisory Council (2014 – 2016)
School Advisory Board (2009 – 2012)

Saint Joseph's College Board of Trustees (2011 – 2016)
Academic Committee

Sycamore Hills Golf Club (2009 – present)

Union League Club of Chicago (2013 – 2018)

United States Naval Academy Club (2016 – present)

- 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.

I am aware that, many years before I became a member, the Union League Club of Chicago, may have excluded individuals from membership based on sex. I understand that this practice ceased in 1987. To the best of my knowledge, none of the other organizations listed in response to question 11a 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.

With Jay Mitchell, *Making Pro Bono Work: Building Sponsorship Relationships*, Law360, Oct. 25, 2017. Copy supplied.

With Andrew Fuchs, *Waiving Privilege in Response to Auditor Requests*, INSIGHTS, Jan. 2017, at 27. Copy supplied.

With Gregory Craig, *When Your Client is the President*, Law360, Oct. 31, 2016. Copy supplied.

With Andrew Fuchs, *Recurring Issues in Accounting for Litigation Contingencies*, Law360, Oct. 10, 2016. Copy supplied.

Opinion: *Law Students Should Explore Big Law Pro Bono Options*, Law360, Aug. 15, 2016. Copy supplied.

With Andrew Fuchs, *How SEC Settlements Affect Auditors' Careers*, Law360, Mar. 18, 2016. Copy supplied.

A Little Piece of Heaven (Small Batch Books 2015). Copy supplied.

Harnessing Idealism: Avoiding Burnout and Doing Good at the Same Time, Chi. Law., Mar. 2015. Copy supplied.

With Cyrus Amir-Mokri, Lisa Gilford and Stuart Levi, *Cybersecurity Roundtable*, Lawdragon, Sept. 2015. Copy supplied.

Firms Should Support Graduates' Goal to Provide Pro Bono Service, Nat'l L. J. Aug. 24, 2015. Copy supplied.

With Andrew Good, *The FIRREA Revival – Dredging up Solutions to the Financial Crisis* (U.S. Chamber Inst. for Legal Reform, Washington, D.C.), Oct. 2014. Copy supplied.

With Gary DiBianco, Matthew Cowie, Ryan Junck and Bradley Klein, *Government Enforcement: Aggressive Efforts Continue Around the Globe*, Ethisphere, May 2014. Copy supplied.

With Samuel Gunther, *Facts v. Opinions: The Securities Laws and Accounting Estimates After Fait v. Regions Financial Corp.*, Bloomberg BNA: Securities Regulation & Law Report, Jan. 14, 2013. Copy supplied.

Implications of Market-Based Damages Caps in Securities Class Actions, 92 Nw. U. L. Rev. 435 (1997). Copy supplied.

While attending Northwestern University Pritzker School of Law, I served on the *Northwestern University Law Review*, first as a staff member (1996 – 1997) and then as Editor in Chief (1997 – 1998). As a staff member, I edited several articles primarily for style and to ensure the accuracy of citations. As Editor in Chief, I edited, for style and substance and to varying degrees, each article published in the *Law Review*.

- 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.

Recurring Issues in Accounting for Litigation Contingencies, Insights (Skadden, Arps, Slate, Meagher & Flom LLP), Sept. 27, 2016. Copy supplied.

Auditors Must Beware the Consequences of Settling SEC Enforcement Actions, Insights (Skadden, Arps, Slate, Meagher & Flom LLP), Jan. 2016. Copy supplied.

Recent Regulatory and FASB Actions Impacting Auditors, Insights (Skadden, Arps, Slate, Meagher & Flom LLP), Jan. 2015. Copy supplied.

What I'm Working On Now, Pro Bono Report (Skadden, Arps, Slate, Meagher & Flom LLP), 2015. Copy supplied.

Emerging Leaders Perspectives: Supporting Innovation in Public Education for Chicago's Global Future (Chicago Council on Global Affairs), 2012. Copy supplied.

Insights Compendium, (Skadden, Arps, Slate, Meagher & Flom LLP), January 2014. Copy supplied.

Insights Compendium, (Skadden, Arps, Slate, Meagher & Flom LLP), January 2013. Copy supplied.

Insights Compendium, (Skadden, Arps, Slate, Meagher & Flom LLP), January 2012. Copy supplied.

Write-Downs Relating to Health Care Reform Draw Congressional Scrutiny, Newsletter (Skadden, Arps, Slate, Meagher & Flom LLP), Apr. 13, 2010. Copy supplied.

Special Inspector General Investigates Use of TARP Funds, TARP Report (Skadden, Arps, Slate, Meagher & Flom LLP), Mar. 4, 2009. Copy supplied.

In addition, my law firm, Skadden, Arps, Slate, Meagher, & Flom LLP, regularly publishes newsletters, legal updates, and other related commentary for our clients and other interested parties. I have been listed as a contact or editor for a number of these publications. The sole publications that I remember drafting, editing, or reviewing are listed above.

- 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.

I have not provided any testimony, official statements, or communications to public bodies or public officials on such matters.

- 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.

August 31, 2017: Speaker, Legal History class of Professor Emily Kadens, Northwestern University Pritzker School of Law, Chicago, Illinois. Notes supplied.

March 30, 2017: Speaker, "Working in the White House," Midtown Education Foundation, Chicago, Illinois. Notes and press coverage supplied.

February 2, 2017: Panelist, "Corporate Governance Series: Key SEC Financial Reporting, Accounting and Enforcement Matters," Skadden, Arps, Slate, Meagher & Flom LLP, Washington, District of Columbia. Notes supplied.

December 9, 2016: Moderator and panelist, "Criminal: Recurring Privilege Issues in Criminal Investigations," American Bar Association's 33rd Annual Institute on Criminal Tax Fraud and the Sixth Annual National Institute on Tax Controversy, Las Vegas, Nevada. Notes supplied.

November 30, 2016: Panelist, "Legal Ethics 2016: Professional Responsibility Trends and Developments," Skadden, Arps, Slate, Meagher & Flom LLP, Chicago, Illinois. Notes supplied.

November 11, 2016: Moderator and panelist, Corporate Investigations Conference, PricewaterhouseCoopers and Sandpiper Partners, Chicago, Illinois. I have no notes, transcripts, or recording. The panel I moderated and participated in discussed challenges and developments in the areas of cybersecurity and data privacy. The address of PricewaterhouseCoopers is 1 North Upper Wacker Drive, Chicago, Illinois 60606. The address of Sandpiper Partners, LLC is 855 Valley Road, Suite 209, Clifton, New Jersey 07013.

October 19, 2016: Speaker, "Big Law and Pro Bono - A Realistic and Important Marriage," Fireside Chat, Northwestern University Pritzker School of Law, Chicago, Illinois. Notes supplied.

April 28, 2016: Co-Chair Speaker, "Ethics in the Corporate Setting," 36th Annual Ray Garrett Jr. Corporate and Securities Law Institute, Northwestern University Pritzker School of Law, Chicago, Illinois. Notes supplied.

October 28, 2015: Speaker, "Legal Ethics 2015: Professional Responsibility Trends and Developments," Skadden, Arps, Slate, Meagher & Flom LLP, Chicago, Illinois. Notes supplied.

June 23, 2015: Speaker, "Ethical Obligations of In-House Counsel," Archer Daniels Midland Corporation, Chicago, Illinois. Notes supplied.

March 10, 2015: Speaker, "Information and Cyber Governance, Data Analytics and Privacy Briefing: Identifying, Protecting and Responding to Today's Growing Internal and External Risks," PricewaterhouseCoopers and Sandpiper Partners Seminar, Chicago, Illinois. I have no notes, transcripts, or recordings. My portion of the seminar addressed various issues and challenges around cybersecurity preparedness, governance, and incident response. The address of PricewaterhouseCoopers is 1 North Upper Wacker Drive, Chicago, Illinois 60606. The address of Sandpiper Partners, LLC is 855 Valley Road, Suite 209, Clifton, New Jersey 07013.

December 12, 2014: Speaker, Cleveland Metropolitan Bar Association White Collar Crime Institute, Cleveland, Ohio. I have no notes, transcripts, or recordings. I provided a lunchtime talk on current issues of significance in white collar litigation and investigations. The address of the Cleveland Metropolitan Bar Association is 1375 East 9th Street #2, Cleveland, Ohio 44114.

July 28, 2014: Speaker, "An Appeal to the Supreme Court," Midtown Educational Foundation, Chicago, Illinois. Notes supplied.

July 22, 2014: Speaker, Torts class of Senior Lecturer Ellen Mulaney, Northwestern University Pritzker School of Law, Chicago, Illinois. Notes supplied.

April 10, 2014: Speaker, "Working With the Government," CLE Seminar: Developments and Trends in Cybersecurity and Privacy – What Every Company Should Be Doing Today, Skadden, Arps, Slate, Meagher & Flom LLP, New York, New York. Notes supplied.

October 23, 2013: Panelist, 14th Annual Legal Reform Summit, United States Chamber of Commerce, Institute for Legal Reform, Washington, District of Columbia. Notes supplied.

July 26, 2013: Speaker, "An Appeal to the Supreme Court," Midtown Educational Foundation, Chicago, Illinois. Notes supplied.

May 12, 2013: Commencement speaker, Saint Joseph's College, Rensselaer, Indiana. Copy supplied.

April 23, 2013: Speaker, "Cybersecurity Symposium: Part II – Data Privacy and Cybersecurity: Current Issues and Best Practices," Skadden, Arps, Slate, Meagher & Flom LLP, Chicago, Illinois. Notes supplied.

March 19, 2013: Speaker, "Cybersecurity Symposium: Part I – An Executive Briefing," Skadden, Arps, Slate, Meagher & Flom LLP, Chicago, Illinois. Notes supplied.

December 12, 2012: Moderator, "General Counsel Dinner & Roundtable," Skadden, Arps, Slate, Meagher & Flom LLP, Chicago, Illinois. I have no notes, transcripts, or recordings. I moderated a discussion on current issues and challenges, including in government and internal investigations, facing corporations and in-house counsel. The address of Skadden, Arps, Slate, Meagher & Flom LLP is 155 North Wacker Drive, Suite 2700, Chicago, Illinois 60606.

October 25, 2012: Speaker, "National Security and the Law," Chicago Council on Global Affairs, Chicago, Illinois. I have no notes, transcripts, or recordings. This talk was at a breakfast meeting with young professionals and emerging leaders, and I discussed my experiences working in the national security area in government and present national security challenges facing the country. The address of the Chicago Council on Global Affairs is Two Prudential Plaza, 180 North Stetson Avenue, Suite 1400, Chicago, Illinois 60601.

July 26, 2011; July 25, 2012; July 9, 2013; July 8, 2014; July 20, 2015; July 27, 2016; July 7, 2017: Talks to summer advisors, Midtown Educational Foundation, Chicago, Illinois. Notes supplied.

July 19, 2011: Speaker, Catholic Charities of Archdiocese of Chicago Junior Board, Chicago, Illinois. Notes supplied.

February 19, 2011: Speaker, "The Elements of Professional Life," speech to high school students, Chicago, Illinois. Notes supplied.

December 7, 2010: Lecture, "The Future of the Post-American World," Saint Joseph's College, Rensselaer, Indiana. Notes supplied.

Spring or summer 2009: Speaker at a conference for an association of firefighters in Sanibel Island, Florida. I have no notes, transcripts, or recordings. My talk, which I agreed to deliver after another speaker became unavailable, focused on the country's intelligence reform and information sharing initiatives implemented in the years following the attacks of September 11, 2001. I do not know the

address of the firefighter association that sponsored the conference.

August 5, 2009: Speaker, Sycamore Hills Golf Club, Fort Wayne, Indiana. Notes supplied.

May 9, 1993: Speaker, Saint Joseph's College Commencement, Rensselaer, Indiana. I have no notes, transcripts, or recordings. As a co-valedictorian, I delivered a valedictory address. The address of Saint Joseph's College is 1027 South College Avenue, Rensselaer, Indiana 47978.

Outside of wholly personal speeches or talks I may have given – for example, toasts, eulogies, and religious instruction or commentary – the above represents my best recollection of all speeches or talks I have delivered since high school.

- 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.

Television interview with Hallie Jackson regarding presidential transitions, MSNBC Live (Nov. 22, 2016). Despite my diligent efforts, I have been unable to obtain a recording or transcript of this interview.

Alexandra Silets, *An Inside Look at the Presidential Transition Process*, WTTW: Chicago Tonight, Nov. 14, 2016. Copy supplied.

Tammy Whitehouse, *Audit Committees: Here's Your Wake-Up Call on Auditor Independence*, Compliance Week, Sept. 13, 2016. Copy supplied.

Tammy Whitehouse, *SEC Fines Energy Company \$300K over Rubber Stamp Internal Controls*, Compliance Week, Mar. 29, 2016. Copy supplied.

Jaclyn Jaeger, *Mitigating Auditor Liability*, Compliance Week, Feb. 17, 2016. Copy supplied.

Tammy Whitehouse, *Auditing World Braces: More ICFR Attention, Big Rule Changes*, Compliance Week, Jan. 5, 2016. Copy supplied.

Tammy Whitehouse, *SEC Charges Grant Thornton, Two Partners*, Compliance Week, Dec. 3, 2015. Copy supplied.

Julie Bosman, *Ex-Chicago Schools Head to Plead Guilty to Fraud*, N.Y. Times, Oct. 8, 2015. Copy supplied (quotation reprinted in multiple outlets).

Tammy Whitehouse, *Even Before New Standards Kick In, Revenue Needs More Attention*, Compliance Week, Sept. 23, 2014. Copy supplied.

Jack Silverstein, *Scudder Walking the Public Service Path*, Chi. Daily L. Bull., Aug. 4, 2014. Copy supplied.

Melissa Harris, *Expert Lessons on Terrorism Law*, Chi. Trib., May 9, 2013. Copy supplied.

Robert Loerzel, *A Midwestern Man with National Experience*, Chi. Law. Mag., Jan. 2010. Copy supplied.

Niki Kelly, *Justice Chooses Dwenger Alumnus*, J. Gazette (Fort Wayne, Ind.), Dec. 16, 1998, at 7C. Copy supplied.

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

I have not held judicial office.

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

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your

decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

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

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

I have never been a candidate for or held an elected public office.

Associate Counsel to the President (2007). Appointed by President George W. Bush.

Senior Associate Counsel to the President and General Counsel of the National Security Council (2007 – 2009). Appointed by President George W. Bush.

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

I have never held any position in, rendered services to, or played a role in a political party, election committee, or political campaign.

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

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

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

From 1998 to 1999, I served as a law clerk to the Honorable Paul V. Niemeyer, Circuit Judge of the United States Court of Appeals for the Fourth Circuit.

From 1999 to 2000, I served as a law clerk to the Honorable Anthony M. Kennedy, Associate Justice of the Supreme Court of the United States.

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

I have never practiced alone.

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

Summer 1998 (partial)
Skadden, Arps, Slate, Meagher & Flom LLP
155 North Wacker Drive, Suite 2700
Chicago, Illinois 60606
Summer Associate

2000 – 2002
Jones Day
901 Lakeside Avenue
Cleveland, Ohio 44114
Associate

2002 – 2006
U.S. Attorney's Office for the Southern District of New York
1 Saint Andrew's Plaza
New York, New York 10007
Assistant United States Attorney

2006
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, District of Columbia 20530
Counselor to the Deputy Attorney General

2007 – 2009
The White House
1600 Pennsylvania Avenue, NW
Washington, District of Columbia 20500
Associate Counsel to the President (2007)
General Counsel of National Security Council and Senior Associate
Counsel to the President (2007 – 2009)

2009 – present
Skadden, Arps, Slate, Meagher & Flom LLP
155 North Wacker Drive, Suite 2700
Chicago, Illinois 60606
Partner

- 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.

I have had a range of experiences in my law practice.

As an associate at Jones Day, from 2000 to 2002, I worked primarily on appeals and also drafted briefs and motions in cases pending in trial courts.

In 2002, I joined the United States Attorney's Office for the Southern District of New York as an Assistant United States Attorney. During my time in the United States Attorney's Office, from 2002 through June 2006, I worked within the general crimes, narcotics, and violent crimes units, tried six cases to juries, and argued six appeals before the United States Court of Appeals for the Second Circuit.

In July 2006, I joined a newly-formed national security team within the Department of Justice Office of the Deputy Attorney General in Washington, D.C. As a Counselor to the Deputy Attorney General, my primary responsibilities included representing the Department of Justice in efforts to implement various intelligence and information sharing reforms instituted following the attacks of September 11, 2001, participating in the review of applications for appeals in criminal cases, and helping to oversee the work of the Department's Regime Crimes Liaison Office within Iraq.

In January 2007, I joined the White House as Associate Counsel to the President. My work focused primarily on national security matters, including monitoring legislative activity and developments in litigation matters. In August 2007, I was appointed Senior Associate Counsel to the President and General Counsel of the National Security Council. My responsibilities then changed to working exclusively with the National Security Council and its staff on terrorism, intelligence, defense, foreign policy, and related matters.

In February 2009, I joined Skadden, Arps, Slate, Meagher & Flom LLP as a partner in Chicago, Illinois. I have devoted substantial time to advising accounting firms, corporations, and individuals in accounting-related matters, including before administrative departments and agencies, as well as working on more general litigation and white collar matters. I have also made *pro bono* service a meaningful part of my practice.

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

As explained immediately above, my typical clients in private practice have included corporations, accounting firms, and individuals, whether in civil or criminal litigation, investigations, or administrative proceedings. Throughout my time in private practice, I have also dedicated substantial time and energy to providing *pro bono* service, especially in criminal cases, to individuals.

As an Assistant United States Attorney in the Southern District of New York, my work was entirely in criminal law, and I have drawn upon that experience and specialization in private practice at Skadden, Arps, Slate, Meagher & Flom LLP.

Drawing upon my experience working as an auditor for Ernst & Young LLP before law school, I have also specialized in matters requiring substantial familiarity with accounting and auditing, including generally accepted accounting principles and general accepted auditing standards.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.
- i. Indicate the percentage of your practice in:
 - 1. federal courts: 55%
 - 2. state courts of record: 5%
 - 3. other courts: 0%
 - 4. administrative agencies: 40%
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 60%
 - 2. criminal proceedings: 40%
- 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 participated in eight jury trials, six as an Assistant United States Attorney in the Southern District of New York between 2002 and 2006, and two in private practice at Skadden, Arps, Slate, Meagher & Flom LLP since 2009. I was chief counsel in five trials, co-counsel in two trials, and supervisory counsel in one trial.

- i. What percentage of these trials were:
 - 1. jury: 100%
 - 2. non-jury: ___%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not argued before the Supreme Court of the United States. I have filed *amicus curiae* briefs on behalf of clients in the following merits cases:

Brief of Amicus Curiae Center on the Administration of Criminal Law in Support of Eric H. Holder, Jr., Attorney General, *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010) (Nos. 08-1498 & 09-89). Brief available at 2009 WL 5177141.

Brief of Amicus Curiae Center on the Administration of Criminal Law in Support of Petitioners, *Camreta v. Greene*, 563 U.S. 692 (2011) (Nos. 09-1454 & 09-1478). Brief available at 2010 WL 5168884.

Brief of Amicus Curiae Center on the Administration of Criminal Law in Support of Petitioner, *United States v. Jones*, 565 U.S. 400 (2012) (No. 10-1259). Brief available at 2011 WL 3706106.

Brief of Amicus Curiae National Association of Federal Defenders in Support of Petitioner, *Bailey v. United States*, 568 U.S. 186 (2013) (No. 11-770). Brief available at 2012 WL 3578592.

Brief of Amicus Curiae The University of North Carolina at Chapel Hill in Support of Respondents, *Fisher v. University of Texas at Austin*, 136 S. Ct. 2198 (2016) (No. 14-981). Brief available at 2015 WL 6748809.

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) *Students for Fair Admissions, Inc. v. Univ. of North Carolina*, No. 1:14-cv-00954-LCB-JLW (M.D.N.C. filed Nov. 17, 2014).

This case entails the representation of the University of North Carolina at Chapel Hill and related defendants in a lawsuit challenging the constitutionality of the University's undergraduate admissions practices, which permit considerations of race and ethnicity. The litigation commenced in 2014, and remains pending before the Honorable Loretta C. Biggs in the United States District Court for the Middle District of North Carolina. My law firm, Skadden, Arps, Slate, Meagher & Flom LLP, is co-counsel with the North

Carolina Department of Justice, Office of the Attorney General. I am the lead attorney on the Skadden Arps team.

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Co-counsel for University of North Carolina defendants:

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Lisa Gilford
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(2) *In re Robert D. Hesselgesser, CPA*, United States Securities and Exchange Commission No. 3-17214 (Apr. 19, 2016).

This matter entailed the representation of Robert Hesselgesser, a partner of PricewaterhouseCoopers, in connection with an enforcement proceeding brought by the Securities and Exchange Commission alleging negligence in the conduct of an

independent audit. After negotiations between the parties, the case resulted in a settlement and imposition by the SEC of a two-year practice bar against Mr. Hesselgesser. I served as lead counsel and received assistance from an associate within my law firm. The matter is publicly reported in an SEC Order Instituting Public Administrative Proceedings against Mr. Hesselgesser, dated April 19, 2016.

Counsel for the Securities and Exchange Commission:

Caroline Winters
Douglas McAllister
United States Securities and Exchange Commission
Division of Enforcement
100 F Street, NE
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(202) 551-6000

Co-counsel for Robert Hesselgesser:

Andrew Fuchs
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(3) *United States v. Byrd-Bennett*, No. 1:15-cr-00620 (N.D. Ill. May 3, 2017).

This case entailed the representation of Barbara Byrd-Bennett, former Chief Executive Officer of the Chicago Public Schools, in connection with federal bribery and kickback charges arising out of contracts the Chicago Public School District executed with former employers of Ms. Byrd-Bennett. Ms. Byrd-Bennett pleaded guilty pursuant to a cooperation agreement and received a sentence of 54 months' imprisonment. The case was before the Honorable Edmond Chang and received substantial media attention. I served as lead counsel and received assistance from a colleague within my law firm.

Counsel for United States:

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Formerly with United States Attorney's Office for the Northern District of Illinois

Lindsay Jenkins
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Co-counsel for Barbara Byrd-Bennett:

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Chicago, Illinois 60606
(312) 407-0749

(4) *United States v. Robinson*, No. 12-3874 (N.D. Ill. 2012), *vacated*, 724 F.3d 878 (7th Cir. 2013).

I received this criminal case in 2011, while volunteering as the duty day attorney in the Federal Defender's Office in Chicago. The case entailed the representation of Harvey Robinson on charges of possessing a firearm following a prior felony conviction. I tried the case twice with assistance from an associate at my law firm. The first jury trial was before the Honorable Charles R. Norgle and ended in a guilty verdict and conviction, which the United States Court of Appeals for the Seventh Circuit reversed on appeal on the basis that the trial court failed to read a jury instruction about the limited purpose for which the jury could consider Mr. Robinson's prior felony conviction. Following a remand and reassignment of the case to the Honorable Sharon Johnson Coleman, a second jury trial proceeded and ended in an acquittal.

Counsel for United States:

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Co-counsel for Harvey Robinson

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Jones Day
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Formerly with Skadden, Arps, Slate, Meagher & Flom LLP

(5) *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, and Prods. Liab. Litig.*, No. 8:10-ml-2151-JVS (C.D. Cal. July 24, 2013).

This case entailed the representation of Toyota Motor Corporation and Toyota Motor Sales in multidistrict litigation arising out of allegations of economic loss from alleged instances and risks of unintended acceleration in particular Toyota, Lexus, and Scion vehicles. This case was very substantial in size, and I worked with two other partners and multiple associates within my law firm as well as multiple lawyers from other firms. My primary responsibility was to co-lead (with an attorney from another firm) the defense work with all expert witnesses, including multiple engineers, marketing experts, and economists. I also led the work within my law firm on key legal issues. The case ultimately settled before trial and was before the Honorable James V. Selna in the United States District Court for the Central District of California.

Counsel for plaintiffs:

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Douglas R. Young
C. Brandon Wisoff
Farella Braun & Martel LLP
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(415) 954-4400

(6) *United States v. Garcia*, No. 01-cr-1110 (S.D.N.Y. 2006), *aff'd*, 282 F. App'x 14 (2d Cir. 2008).

This case entailed a prosecution and jury trial in 2005 under the federal Racketeering Influenced and Corrupt Organizations Act of a heroin organization for narcotics trafficking and four related murders. Three defendants proceeded to trial for approximately one month before the jury returned convictions. The case received media attention because of the multiple murders and long-running nature of the heroin organization. I served as co-counsel with a colleague within the United States Attorney's Office, and the case was before the Honorable Gerald E. Lynch prior to his elevation to the United States Court of Appeals for the Second Circuit.

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Counsel for defendant Manuel Roman:

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Counsel for defendant Ricardo Silva:

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(7) *United States v. Lorenzana*, No. 03-cr-1256 (S.D.N.Y. 2007), *aff'd* 380 F. App'x 13 (2d Cir. 2010).

This case was a federal prosecution and jury trial in June 2005 of a robbery crew that committed substantial numbers of violent robberies, including police impersonation robberies, in and around New York City. The case entailed multiple arrests and convictions, including a conviction of the lead defendant, Victor Lorenzana, following a jury trial. Defendant Ramon Reyes was acquitted. I served as co-counsel with a

colleague in the United States Attorney's Office, and the case was before the Honorable John F. Keenan.

Co-counsel for United States:

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Counsel for defendant Ramon Reyes:

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(718) 239-7070

(8) *United States v. Parkes*, No. 03-cr-1364 (S.D.N.Y. 2006), *aff'd*, 252 F. App'x. 373 (2d Cir. 2007).

This case entailed a federal prosecution and jury trial in 2004 for a drug-related robbery and murder in the Bronx, New York. The trial included a presentation of DNA evidence, and the case presented a then-novel legal and factual issue about whether a drug-related robbery involving marijuana affected interstate commerce within the meaning of the Hobbs Act. The jury returned a guilty verdict, which the Second Circuit affirmed on appeal. The case also entailed the post-trial uncovering of facts showing that the government's cooperating witness had taken steps to kill a civilian witness, which resulted in the revocation of the cooperation agreement and additional litigation. I served as the lead trial lawyer for the government, and the case was before the Honorable Lewis A. Kaplan.

Co-counsel for United States:

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Counsel for defendant:

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(9) *United States v. Irving*, No. 03-cr-633 (S.D.N.Y. 2004), *aff'd*, 452 F.3d 110 (2d Cir. 2006).

This case entailed criminal charges against Stefan Irving, a former pediatrician and convicted pedophile, for traveling to Mexico and Honduras for the purpose of sexually abusing orphaned boys. The case received media attention and resulted in a conviction following a trial before the Honorable Lewis A. Kaplan at which children from Mexico testified. The Second Circuit affirmed. I served as the lead trial lawyer for the government and also argued the appeal.

Co-counsel for United States:

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Counsel for defendant-appellant:

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(718) 997-8255

Cheryl Sturm (appellate counsel)
387 Ring Road
Chadds Ford, Pennsylvania 19317
(484) 771-2000

(10) *Goodwin v. Ghee*, 330 F.3d 446 (6th Cir. 2003).

I accepted a *pro bono* court appointment from the United States Court of Appeals for the Sixth Circuit to represent Ohio inmate Jeffrey Goodwin in a civil appeal arising from a Section 1983 action against state parole officials for retaliation and discrimination on the basis of an exercise of First Amendment rights, namely Mr. Goodwin's writing an editorial critical of the Ohio Parole Board. The representation entailed two oral arguments before the Sixth Circuit, including an *en banc* argument. The Sixth Circuit ruled against Mr. Goodwin.

Co-counsel for appellant:

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Jones Day
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Cleveland, Ohio 44114
(216) 586-7244

Counsel for appellee:

Todd Marti
Office of the Attorney General of Ohio
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
(614) 466-4986

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.)

After working in public accounting for two years after college, I went to law school for the sole purpose of becoming a corporate mergers and acquisitions lawyer. My experience at Northwestern was transformative: I learned and witnessed the value of working in the public interest and graduated convinced that a diverse legal career – marked by public service, private practice, and an enduring commitment to *pro bono* work – was the right path forward for me. The judges I clerked for reinforced this belief, urging my co-clerks and me to pursue careers marked by diverse experiences while always looking for ways to give back to the profession and to individuals and organizations in need.

I have been privileged to provide public service at high levels, including as an Assistant United States Attorney in the Southern District of New York and later as General Counsel of the National Security Council. These experiences taught me that the surest path to the best or right answer was to invite and listen to different diverse perspectives, to ground decisions in diligent consideration, and to remain ready and willing to change course when necessary.

Beyond representing paying clients in private practice, I have devoted substantial time to community and *pro bono* service. Not only do I regularly volunteer to represent indigent clients and serve on the boards of charitable organizations, I steadfastly encourage others to do so. I often hear – and strongly disagree with – the view that a steady and active commitment to *pro bono* work and community service is incompatible with a successful career in private practice, especially in large law firms. I have written several articles, including in national publications, addressing and refuting this perspective. By word and example, I have tried to show that lawyers in private practice can (and should) have it both ways: amid the demands of private practice are ample opportunities to integrate advising individuals and organizations in need – to answer an important calling of our profession.

I have also prioritized teaching. Since 2009, I have served as an Adjunct Professor of Law at Northwestern University Pritzker School of Law, where I teach in the trial advocacy program. Since 2013, I have served as a Lecturer in Law at the University of Chicago Law School, where I co-teach with Patrick J. Fitzgerald a course on criminal and national security law. I view teaching as an opportunity to stay close to legal developments, to help students learn to think through difficult legal questions from multiple perspectives and with balance, and to advise and mentor law students. I take every opportunity possible to encourage law students, whether they choose a career in private practice or public service (or both), to commit to working in the public interest over their careers as lawyers.

I have never acted or registered as a lobbyist.

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

Introduction to Trial Advocacy, Northwestern University Pritzker School of Law (2009 – present). This course focuses on trial practice, applications of the rules of evidence, and the development of trial skills, including examining and impeaching witnesses, delivering opening and closing statements, and introducing and admitting various forms of evidence. Copies of syllabus supplied.

Investigative, Trial, and Policy Issues in Criminal and National Security Law, University of Chicago Law School (2013 – present). I co-teach this course in the winter quarter with Patrick J. Fitzgerald. Over nine weeks, we cover a range of criminal and national security topics, ranging from grand jury practice and related Department of Justice policies, charging decisions under various criminal statutes, uses of classified information in terrorism prosecutions, investigating and prosecuting leaks of classified information, the National Security Council, war power and authorizations for the use of military force, targeted killings, electronic surveillance, and the law of war detention. Students are required to write a Supreme Court opinion (with a majority and dissent) on an unsettled

issue of national security law. Copies of syllabus supplied.

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.

If nominated and confirmed, within two years of my separation as a partner from Skadden, Arps, Slate, Meagher & Flom LLP, I will be entitled to a return of the capital I have contributed to the partnership.

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.

If nominated and confirmed, I would hope to be able to continue teaching law at the University of Chicago Law School and Northwestern University Pritzker School of Law.

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).

Please see attached financial disclosure.

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

Please see attached statement of net worth.

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 myself from any case where I have ever played any role. For a period of time, I anticipate recusing myself in all cases where my current law firm, Skadden, Arps Slate, Meagher & Flom LLP, represents a party. I will evaluate any other real or potential conflict of interest, or relationship that could give rise to the appearance of a conflict of interest, on a case-by-case basis and determine appropriate action, including recusal, with the input of parties and

consultation of applicable canons of judicial ethics.

- 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 section 455 of Title 28 of the United States Code and all applicable canons of the Code of Conduct for United States Judges, as well as any and all other laws, rules, practices, and procedures governing such circumstances.

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

Since becoming a lawyer, I have devoted substantial time and energy to *pro bono* work. For example, while at Jones Day from 2000 to 2002, I argued at least three times before Circuit Courts on a *pro bono* basis. See *Guyton v. United States*, 23 F. App'x 539 (7th Cir. 2001); *Goodwin v. Ghee*, 330 F.3d 446 (6th Cir. 2003) (two arguments - *en banc* and before a panel). Furthermore, in 2001 and 2002, I actively participated with a Jones Day partner in a habeas corpus evidentiary hearing in federal court in Mississippi on behalf of a death row inmate. See *Nixon v. Hargett*, 194 F. Supp.2d 501 (S.D. Miss. 2002). In 2002, I also worked with another Jones Day partner on a petition for clemency for an Ohio death row inmate, Richard E. Fox.

Since joining Skadden, Arps, Slate, Meagher, & Flom LLP in 2009, I have remained active in providing *pro bono* service. I estimate that I have participated in or supervised at least approximately 75 *pro bono* cases or matters, which have included two jury trials. In 2017, I assisted a colleague with preparing for oral argument before the Supreme Court of the United States in *Moore v. Texas*, No. 15-797, a death penalty case presenting the question whether assessments of a defendant's intellectual disability should be measured under standards presently used in the medical community. I also regularly provide *pro bono* advice to American veterans residing at housing facilities of Catholic Charities of the Archdiocese of Chicago.

I am a member of the Northern District of Illinois Federal Defender Panel Program, where I volunteer approximately once per year to serve as the daily duty attorney in the Federal Defender's Office. This service resulted in 2014 in my receiving an award from the United States District Court for the Northern District of Illinois for Excellence in Pro Bono and Public Interest Service. Similarly, in 2017, I received an award from the Northwestern University Pritzker School of Law Student Funded Public Interest Fellowship Program for outstanding contributions to public service and the legal community.

In addition to my efforts to integrate *pro bono* work into my own practice, I have written

four articles more broadly promoting the importance of *pro bono* work, including in Big Law.

- With Jay Mitchell, *Making Pro Bono Work: Building Sponsorship Relationships*, Law360 (Oct. 25, 2017).
- *Law Students Should Explore Big Law Pro Bono Options*, Law360 (Aug. 15, 2016).
- *Firms Should Support Graduates' Goal to Provide Pro Bono Service*, Nat'l L.J. (Aug. 24, 2015).
- *Harnessing Idealism: Avoiding Burnout and Doing Good at the Same Time*, Chi. Law. (March 2015).

26. **Selection Process:**

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

On June 6, 2017, I received a call from the White House Counsel's Office regarding my interest in applying for a seat on the United States Court of Appeals for the Seventh Circuit. On June 14, 2017, I interviewed at the White House with attorneys from the Counsel's Office and the Department of Justice Office of Legal Policy. On October 12, 2017, I interviewed in Chicago, Illinois, with a screening committee established by Senators Richard Durbin and Tammy Duckworth. Based upon a recommendation I understand was made by the Senators' screening committee, I then interviewed separately with Senators Durbin and Duckworth on October 23, 2017 in Washington, D.C. On December 4, 2017, the White House Counsel's Office informed me that, subject to clearing the required background investigation, I would be recommended to the President for nomination to the United States Court of Appeals for the Seventh Circuit. Since then, I have been in contact with officials from the White House Counsel's Office and the Department of Justice Office of Legal Policy regarding my nomination. On February 12, 2018, the President submitted my nomination to the Senate.

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

so, explain fully.

No.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Scudder, Jr., Michael Y.	2. Court or Organization Circuit Court - Seventh Circuit	3. Date of Report 02/16/2018
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Article III Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 02/15/2018 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2017 to 02/01/2018
7. Chambers or Office Address 155 North Wacker Drive, Suite 2700 Chicago, IL 60606-1720		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Partner	Skadden, Arps, Slate, Meagher & Flom LLP
2. Adjunct Professor of Law	Northwestern University Pritzker School of Law
3. Lecturer in Law	University of Chicago Law School
4. Director	Chicago Council on Global Affairs
5. Director	Archdiocese of Chicago School Board
6. Director	Catholic Charities of Archdiocese of Chicago
7. Director	Midtown Educational Foundation

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 2009	Partnership Agreement with my current law firm, Skadden, Arps, Slate, Meagher & Flom LLP, which entitles me to a return of my capital over a period of years.
2. 2009	Skadden, Arps, Slate, Meagher & Flom LLP Retirement Plan
3. 2016	Skadden, Arps, Slate, Meagher & Flom LLP Cash Balance Plan
4. 2009	Skadden, Arps, Slate, Meagher & Flom LLP 401(k) Savings Plan (managed by Wells Fargo)

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Date of Report

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III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of filing instructions.)**A. Filer's Non-Investment Income**☐ NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2018	Skadden, Arps, Slate, Meagher & Flom LLP - partnership income	\$56,760.00
2. 2018	Rental income - farmland in LaGrange County, Indiana	\$2,340.00
3. 2018	University of Chicago Law School - Teaching	\$0.00
4. 2017	Skadden, Arps, Slate, Meagher & Flom LLP - partnership income	\$3,060,000.00
5. 2017	Rental income - farmland in LaGrange County, Indiana	\$2,340.00
6. 2017	Northwestern University Pritzker School of Law - Teaching	\$0.00
7. 2017	University of Chicago Law School - Teaching	\$0.00
8. 2016	Skadden, Arps, Slate, Meagher & Flom LLP - partnership income	\$2,550,000.00
9. 2016	Rental income - farmland in LaGrange County, Indiana	\$2,340.00

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.

(Dollar amount not required except for honoraria.)

☒ NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE (No reportable reimbursements.)

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*SOURCEDESCRIPTIONVALUE

1. Exempt

2.

3.

4.

5.

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒NONE *(No reportable liabilities.)*CREDITORDESCRIPTIONVALUE CODE

1.

2.

3.

4.

5.

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)		B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure		(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1.	JPMorgan Chase Bank Account #1	A	Interest	L	T	Exempt				
2.	JPMorgan Chase Bank Account #2	A	Interest	M	T					
3.	JPMorgan Chase Bank Account #3	A	Interest	J	T					
4.	Navy Federal Credit Union Account	A	Int./Div.	J	T					
5.	PNC Bank Account #1	A	Interest	J	T					
6.	PNC Bank Account #2	A	Interest	J	T					
7.	PNB Bank Account #3	A	Interest	J	T					
8.	Merrill Lynch Cash Management Account (H)									
9.	Bank of America Deposit Account	A	Interest	J	T					
10.	Merrill Lynch Investment Account (H)									
11.	Bank of America Deposit Account	A	Interest	K	T					
12.	Northeastern IL University CTFS PARTN Capital Improvement Bond	A	Interest	J	T					
13.	Pfizer Inc. Stock (PFE)	A	Dividend	J	T					
14.	ALPS Sector Dividend DOGS Fund (SDOG)	A	Dividend	K	T					
15.	Blackrock Muni Enhanced Fund (MEN)	B	Dividend	K	T					
16.	Fidelity Advisor Limited Term Municipal Income Fund - Class A (FASHX)	A	Dividend	L	T					
17.	Fidelity Advisor Municipal Income Fund - Class A (FAMUX)	B	Dividend	L	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
18. Investco Municipal Opportunity Trust Fund (VMO)	A	Dividend	J	T					
19. Legg Mason Low Volatility - High Dividend ETF (LVHD)	A	Dividend	K	T					
20. Nuveen Municipal Value Fund (NUV)	A	Dividend	J	T					
21. Nuveen New York Quality Municipal Income Fund (NAN)	A	Dividend	K	T					
22. Nuveen Enhanced Municipal Value Fund (NEV)	A	Dividend	J	T					
23. Nuveen Municipal 2021 Target Term Fund (NHA)	A	Dividend	J	T					
24. Nuveen Intermediate Duration Municipal Term Fund (NID)	B	Dividend	K	T					
25. Powershares National AMT Free Municipal Bond (PZA) Portfolio Fund	A	Dividend	K	T					
26. Tekla World Healthcare Fund (THW)	B	Dividend	K	T					
27. Vaneck Vectors Fallen Angel High Yield Bond Fund (ANGL)	A	Dividend	J	T					
28. Citi Private Bank Investment Account (H)									
29. Western Asset Institutional Government Money Market Deposit Account	A	Interest	M	T					
30. iShares Russell TR 1000 Value ETF (IWD)	A	Dividend	L	T					
31. iShares Russell TR 1000 Growth ETF (IWF)	A	Dividend	L	T					
32. iShares TR Russell 2000 ETF (IWM)	A	Dividend	K	T					
33. iShares TR JPMorgan USD Emerging Markets Bond ETF (EMB)	A	Dividend	K	T					
34. PIMCO ETF TR Enhanced Short Maturity Active ETF (MINT)	A	Dividend	K	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. SPDR Bloomberg Barclays High Yield Bond ETF (JNK)	A	Dividend	K	T					
36. SPDR Nuveen Bloomberg Barclays Municipal Bond ETF (TFI)	A	Dividend	M	T					
37. SPDR Nuveen Bloomberg Barclays Short Term Municipal Bond ETF (SHM)	A	Dividend	N	T					
38. Vanguard FTSE Developed Markets ETF (VEA)	A	Dividend	L	T					
39. Vanguard Int'l Equity Index FDS FTSE Emerging Markets ETF (VWO)	A	Dividend	K	T					
40. Citi Private Bank Individual Retirement Account #1 (H)									
41. Western Asset Institutional Government Money Market Deposit Account	A	Interest	J	T					
42. iShares Russell TR 1000 Value ETF (IWD)	A	Dividend	L	T					
43. iShares Russell TR 1000 Growth ETF (IWF)	A	Dividend	L	T					
44. iShares TR Russell 2000 ETF (IWM)	A	Dividend	J	T					
45. SPDR Bloomberg Barclays High Yield Bond Fund ETF (JNK)	A	Dividend	J	T					
46. Vanguard Total Bond Market ETF (BND)	A	Dividend	K	T					
47. Vanguard FTSE Developed Markets ETF (VEA)	A	Dividend	L	T					
48. Vanguard Charlotte FDS Total International Bond ETF (BNDX)	A	Dividend	J	T					
49. Vanguard Int'l Equity Index FDS FTSE Emerging Markets ETF (VWO)	A	Dividend	K	T					
50. TD Ameritrade Investment Account #1 (H)									
51. TD Ameritrade FDIC Insured Deposit Account	A	Interest	J	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
52. Guggenheim BulletShares 2021 ETF (BSCL)	A	Dividend	L	T					
53. Guggenheim BulletShares 2020 ETF (BSCK)	A	Dividend	M	T					
54. Guggenheim Ultra Short Duration ETF (GSY)	A	Dividend	L	T					
55. iShares Core High Dividend ETF (HDV)	B	Dividend	K	T					
56. iShares Gold Trust ETF (IAU)		None	K	T					
57. ProShares Short S&P 500 New ETF (SH)	A	Dividend	K	T					
58. Vanguard Dividend Appreciation ETF (VIG)	A	Dividend	K	T					
59. Vanguard Growth ETF (VUG)	A	Dividend	K	T					
60. Vanguard Value ETF (VTV)	B	Dividend	L	T					
61. Vanguard Total Stock Market ETF (VTI)	A	Dividend	L	T					
62. DoubleLine Flexible Income Fund I (DFLEX)		None	L	T					
63. DoubleLine Low Duration Bond Fund Class I (DBLSX)	B	Dividend	M	T					
64. TD Ameritrade Investment Account #2 (H)									
65. TD Ameritrade FDIC Insured Deposit Account	A	Interest	J	T					
66. Guggenheim 2023 Corporate Bond ETF (BSCN)	A	Dividend	J	T					
67. Guggenheim BulletShares 2022 ETF (BSCM)	A	Dividend	J	T					
68. Guggenheim BulletShares 2021 ETF (BSCL)	A	Dividend	J	T					

1. Income Gain Codes: A = \$1,000 or less B = \$1,001 - \$2,500 C = \$2,501 - \$5,000 D = \$5,001 - \$15,000 E = \$15,001 - \$50,000
(See Columns B1 and D4) F = \$50,001 - \$100,000 G = \$100,001 - \$1,000,000 H1 = \$1,000,001 - \$5,000,000 H2 = More than \$5,000,000
2. Value Codes J = \$15,000 or less K = \$15,001 - \$50,000 L = \$50,001 - \$100,000 M = \$100,001 - \$250,000
(See Columns C1 and D3) N = \$250,001 - \$500,000 O = \$500,001 - \$1,000,000 P1 = \$1,000,001 - \$5,000,000 P2 = \$5,000,001 - \$25,000,000
3. Value Method Codes Q = Appraisal R = Cost (Real Estate Only) S = Assessment T = Cash Market
(See Column C2) U = Book Value V = Other W = Estimated

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. Guggenheim BulletShares 2020 ETF (BSCK)	A	Dividend	J	T					
70. iShares Core High Dividend ETF (HDV)	A	Dividend	J	T					
71. iShares Gold Trust ETF (IAU)		None	J	T					
72. ProShares Short S&P 500 New ETF (SH)	A	Dividend	J	T					
73. Vanguard Dividend Appreciation ETF (VIG)	A	Dividend	J	T					
74. Vanguard All-World ex-US ETF (VEU)	A	Dividend	J	T					
75. Vanguard Growth ETF (VUG)	A	Dividend	J	T					
76. Vanguard Value ETF (VTI)	A	Dividend	J	T					
77. Vanguard Total Stock Market ETF (VTI)	A	Dividend	J	T					
78. DoubleLine Flexible Income Fund I (DFLEX)		None	J	T					
79. DoubleLine Low Duration Bond Fund Class I (DBLSX)	A	Dividend	J	T					
80. Skadden Arps Retirement Savings Plan - Wells Fargo Ret. Services (H)									
81. Vanguard Federal Money Market Fund (VMFXX)	A	Dividend	K	T					
82. Vanguard Wellington Admiral Fund (VWENX)	C	Dividend	K	T					
83. Vanguard Institutional Target Retirement Income Fund (VITRX)	D	Dividend	M	T					
84. FPS Trust Individual Retirement Account #3 (H)									
85. Standard Insurance Co. IRA Stable Asset Fund	D	Dividend	K	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
86. Illinois Bright Directions 529 Account (H)									
87. Invesco Government Agency Portfolio C			K	T					
88. Bright Directions Age-Based Allocation			L	T					
89. West Virginia Smart Select 529 Account #1 (H)									
90. All Equity Portfolio D			K	T					
91. West Virginia Smart Select 529 Account #2 (H)									
92. All Equity Portfolio D			K	T					
93. Farm land - LaGrange County, Indiana	B	Rent	M	W					
94. REC RT, L.L.C. 125 12.5% Preferred Units (REIT)	A	Dividend	J	U					
95.									
96.									
97.									
98.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

In Part VII, I have disclosed two accounts in the West Virginia Smart Select 529 Plan. In both accounts, the principal is invested in an all equity portfolio. The Plan's fund manager is the Hartford Life Insurance Company. Beyond choosing an all equity portfolio concentration, I do not make or receive information about individual investment decisions within the accounts. The investment statements I receive show only the aggregate market value of the accounts at reporting dates, not specific equity holdings that the Plan chose to invest in.

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ Michael Y. Scudder, Jr.**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		269	188	Notes payable to banks-secured (auto)		14	500
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule	2	935	437	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		874	418
Real estate owned – see schedule	3	200	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		35	000				
Cash value-life insurance							
Other assets itemize:							
Law Firm Capital Account	1	123	600				
Skadden Arps Cash Balance Plan		98	804				
Skadden Arps Defined Contribution Plan		356	555				
Illinois 529 Plan Account		71	450				
West Virginia 529 Plan Accounts		41	850	Total liabilities		888	918
Federal Thrift Savings Plan		7	987	Net Worth	7	250	953
Total Assets	8	139	871	Total liabilities and net worth	8	139	871
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)			No
On leases or contracts				Are you defendant in any suits or legal actions?			No
Legal Claims				Have you ever taken bankruptcy?			No

Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Merrill Lynch Investment Account:

Northeastern IL Univ. CTFS PARTN Capital Improvement Bond	\$ 8,278
Pfizer Inc. stock (PFE)	3,704
ALPS Sector Dividend DOGS Fund (SDOG)	24,045
Blackrock Muni Enhanced Fund (MEN)	21,640
Fidelity Advisor Limited Term Municipal Income Fund Class A (FSHX)	66,635
Fidelity Advisor Municipal Income Fund Class A (FAMUX)	84,446
Investco Municipal Opportunity Trust Fund (VMO)	11,870
Legg Mason Low Volatility High Dividend ETF (LVHD)	22,064
Nuveen Municipal Value Fund (NUV)	9,590
Nuveen New York Quality Municipal Income Fund (NAN)	19,935
Nuveen Enhanced Municipal Value Fund (NEV)	13,630
Nuveen Municipal 2021 Target Term Fund (NHA)	14,204
Nuveen Intermediate Duration Municipal Term Fund (NID)	30,024
Powershares National AMT Free Municipal Bond Portfolio Fund (PZA)	25,340
Tekla World Healthcare Fund (THW)	17,350
Vaneck Vectors Fallen Angel High Yield Bond Fund (ANGL)	12,044
Total	\$ 384,799

Citigroup Investment Account:

Western Asset Institutional Government Money Market	\$ 163,762
iShares Russell TR 1000 Value ETF (IWD)	94,715
iShares Russell TR 1000 Growth ETF (IWF)	95,643
iShares TR Russell 2000 ETF (IWM)	17,825
iShares TR JPMorgan USD Emerging Markets Bond ETF (EMB)	35,646
PIMCO ETF TR Enhanced Short Maturity Active ETF (MINT)	23,597
SPDR Bloomberg Barclays High Yield Bond ETF (JNK)	31,966
SPDR Nuveen Bloomberg Barclays Municipal Bond ETF (TFI)	248,394
SPDR Nuveen Bloomberg Barclays Short Term Municipal Bond ETF (SHM)	250,084
Vanguard FTSE Developed Markets ETF (VEA)	93,557
Vanguard International Equity Index FDS FTSE Emerging Markets ETF (VWO)	37,430
Total	\$ 1,092,619

Citigroup Individual Retirement Account:

Western Asset Institutional Government Money Market	\$4,584
iShares Russell TR 1000 Value ETF (IWD)	76,521
iShares Russell TR 1000 Growth ETF (IWF)	78,934
iShares TR Russell 2000 ETF (IWM)	14,854

SPDR Bloomberg Barclays High Yield Bond ETF (JNK)	3,743
Vanguard Total Bond Market ETF (BND)	24,571
Vanguard FTSE Developed Markets ETF (VEA)	80,071
Vanguard Charlotte FDS Total International Bond ETF (BNDX)	9,136
Vanguard International Equity Index FDS FTSE Emerging Markets ETF (VWO)	40,769
Total	\$ 333,183

Ameritrade Investment Account:

Guggenheim BulletShares 2021 ETF (BSCL)	\$ 79,208
Guggenheim BulletShares 2020 ETF (BSCK)	118,973
Guggenheim Ultra Short Duration ETF (GSY)	79,514
iShares Core High Dividend ETF (HDV)	35,047
iShares Gold Trust ETF (IAU)	31,925
ProShares Short S&P 500 New ETF (SH)	39,081
Vanguard Dividend Appreciation ETF (VIG)	31,609
Vanguard Growth ETF (VUG)	48,080
Vanguard Value ETF (VTV)	62,345
Vanguard Total Stock Market ETF (VTI)	62,827
DoubleLine Flexible Income Fund I (DFLEX)	79,213
DoubleLine Low Duration Bond Fund Class I (DBLSX)	118,955
Total	\$ 786,777

Ameritrade Investment Account (Erin Scudder):

Guggenheim 2023 Corporate Bond ETF (BSCN)	\$ 7,986
Guggenheim BulletShares 2022 ETF (BSCM)	7,984
Guggenheim BulletShares 2021 ETF (BSCL)	8,005
Guggenheim BulletShares 2020 ETF (BSCK)	8,025
iShares Core High Dividend ETF (HDV)	3,689
iShares Gold Trust ETF (IAU)	5,762
ProShares Short S&P 500 New ETF (SH)	5,636
Vanguard Dividend Appreciation ETF (VIG)	3,215
Vanguard All-World ex-US ETF (VEU)	5,784
Vanguard Growth ETF (VUG)	12,771
Vanguard Value ETF (VTV)	13,916
Vanguard Total Stock Market ETF (VTI)	11,554
DoubleLine Flexible Income Fund I (DFLEX)	5,706
DoubleLine Low Duration Bond Fund Class I (DBLSX)	12,188
Total	\$ 112,221

Skadden Arps 401(k) Savings Plan Account:

Vanguard Federal Money Market Fund (VMFXX)	\$ 48,165
Vanguard Wellington Admiral Fund (VWENX)	36,758
Vanguard Institutional Target Retirement Income Fund (VITRX)	108,778
Total	\$ 193,701

FPS Trust (Sarah Scudder Individual Retirement Account):

Standard Insurance Co. IRA Stable Asset Fund	\$ 32,137
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Total Listed Securities	\$ 2,935,437
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Real Estate Owned

Personal residence	\$ 1,000,000
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Farm property and vacation residence	2,200,000
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Total Real Estate Owned	\$ 2,200,000
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Real Estate Mortgages Payable

Vacation residence – mortgage	\$ 874,418
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Total Real Estate Mortgages Payable	\$ 874,418
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AFFIDAVIT

I, Michael Y. Scudder Jr., do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

2/12/18

(DATE)

M Y Scudder Jr.

(NAME)



Cassandra R Hathaway

(NOTARY)