

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kathryn Kimball Mizelle
Kathryn Anne Kimball (maiden)
Kat (nickname)

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

United States District Judge for the Middle District of Florida

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.

Jones Day
51 Louisiana Avenue, NW
Washington, D.C. 20001

Jones Day
600 Brickell Avenue
Suite 300
Miami, Florida 33131

Alexandria, Virginia (residence)

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

1987; Lakeland, Florida

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.

2009 – 2012, University of Florida Levin College of Law; J.D. (*summa cum laude*), 2012
2005 – 2009, Covenant College; B.A. (*summa cum laude*), 2009
Summer 2005, Summer 2008, Southeastern University; no degree

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2020 – present
University of Florida Levin College of Law
309 Village Drive
Gainesville, Florida 32611
Adjunct Professor of Law

2019 – present
Jones Day
51 Louisiana Avenue, NW
Washington, D.C. 20001
Issues and Appeals Associate

2018 – 2019
Supreme Court of the United States
One First Street, NE
Washington, D.C. 20543
Law Clerk to the Honorable Clarence Thomas

2018
United States Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, NW
Washington, D.C. 20001
Law Clerk to the Honorable Gregory G. Katsas

2017 – 2018
Office of the Associate Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Counsel to the Associate Attorney General

2014 – 2017
Tax Division
Southern Criminal Enforcement Section
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Trial Attorney

2014 – 2015
United States Attorney's Office for the Eastern District of Virginia
2100 Jamieson Avenue

Alexandria, Virginia 22314
Special Assistant United States Attorney

2013 – 2014
United States Court of Appeals for the Eleventh Circuit
1729 Fifth Avenue North
Birmingham, Alabama 35203
Law Clerk to the Honorable William H. Pryor Jr.

2012 – 2013
United States District Court for the Middle District of Florida
801 North Florida Avenue
Tampa, Florida 33602
Law Clerk to the Honorable James S. Moody Jr.

2012
State Attorney's Office for the Eighth Judicial Circuit of Florida
945 North Temple Avenue
Starke, Florida 32091
Certified Legal Intern

2011
White & Case, LLP
200 South Biscayne Boulevard
Miami, Florida 33131
Summer Associate

2010 – 2012
University of Florida Levin College of Law
309 Village Drive
Gainesville, Florida 32611
Senior Research Assistant to Professor Michael L. Seigel

2010
United States Attorney's Office for the Middle District of Florida
400 West Washington Street
Suite 3100
Orlando, Florida 32801
Law Clerk

2009
Chalmers Center for Economic Development
507 McFarland Road B
Lookout Mountain, Georgia 30750
Special Projects Assistant

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for selective service.

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

Temple Bar Scholar, American Inns of Court, 2019

Outstanding Young Law Alumnus Award, University of Florida Levin College of Law, 2019

Outstanding Young Alumni Award, University of Florida Alumni Association, 2018

First graduate of the University of Florida Levin College of Law to clerk at the Supreme Court of the United States, 2018

John Marshall Fellow, Claremont Institute for the Study of Statesmanship and Political Philosophy, 2017

Leonine Fellow, Leonine Forum, 2015 – 2016

Honors Program, United States Department of Justice, 2014

W.D. Macdonald Prize (first in class), University of Florida Levin College of Law, 2012

Degree from University of Florida Levin College of Law, *summa cum laude*, 2012

“Book Award” Recipient in eight courses for highest grade (Civil Procedure, Corporations, Criminal Law, Criminal Clinic: Prosecutor, Criminal Procedure Adversary Systems, Evidence, Law Review, and Legal Drafting), University of Florida Levin College of Law, 2009 – 2012

Darrey A. Davis Memorial Scholarship (awarded to second-year law student for public service, academic achievement, and highest ethical standards), University of Florida Levin College of Law, 2010

Florida Blue Key (honor society), University of Florida, 2011 – 2012

Criminal Justice Certificate, University of Florida Levin College of Law, 2012

Pro Bono Certificate, University of Florida Levin College of Law, 2012

Florida Bar Young Lawyers Division Scholarship, 2012

Central Florida Association for Women Lawyers Scholarship, 2012

Florida Law Review, 2010 – 2012; Executive Notes & Comments Editor, 2011 – 2012;
Research Editor, 2010 – 2011

University of Florida Levin College of Law Honor Committee (administers college Honor Code); Vice Chair, 2011 – 2012; Secretary, 2010 – 2011

Degree from Covenant College, *summa cum laude* (4.0 GPA), 2009

MacLellan Scholar (academic and leadership award), Covenant College, 2005 – 2009

Senior Thesis Award for best econometric research, Covenant College, 2009

Student Body / Student Senate President, Covenant College, 2008 – 2009

Omicron Delta Epsilon (International Economics Honor Society), Chapter Founder & Vice President, Covenant College, 2007 – 2009

Tri-Beta (Biology Honor Society) Leadership Board, Covenant College, Member, 2006 – 2009

Council for Christian Colleges & Universities Full Tuition Recipient, 2005 – 2009

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.

The Florida Bar, 2012 – present

Appellate Practice Section, 2020 – present

Government Lawyer Section, 2020 – present

Federalist Society for Law and Public Policy, Member, 2012 – present

D.C. Young Lawyers Chapter Steering Committee, Member 2014 – 2017

Goldburg & Cacciatore Criminal Law Inn of Court (Tampa, Florida), American Inns of Court, Pupil 2012 – 2013

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.

Florida, 2012.

There has been no lapse 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, 2018

United States Court of Appeals for the District of Columbia Circuit, 2018

United States Court of Appeals for the Fourth Circuit, 2015

United States Court of Appeals for the Fifth Circuit, 2017

United States Court of Appeals for the Sixth Circuit, 2019

United States Court of Appeals for the Eleventh Circuit, 2019

There have been no lapses in membership.

11. **Memberships:**

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

University of Florida Law Alumni Council, Member (2012 – present)

Florida Blue Key, Alumni (2012 – present)

Teneo Network, Member (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.

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

12. Published Writings and Public Statements:

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

“2019 Temple Bar Scholar Report,” American Inns of Court, 2019. Copy supplied.

Dedication: “Michael Seigel—In Memoriam,” 63 Fla. L. Rev. No.2, March 2015. Copy supplied.

Losing Our Soul: Judicial Discretion in the Sentencing of Child Pornography Offenders, 63 Fla. L. Rev. 1515 (2011). Copy supplied.

For Sisters: Assurance Comes After Obedience, The Bagpipe, Mar. 26, 2009. Copy supplied.

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

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

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

Winter 2017. While serving in the Associate Attorney General’s Office at the Department of Justice, I testified before the Administrative Conference of the United States about the Department’s views related to proposals concerning special procedural rules for social security cases in federal district court. The testimony occurred at the U.S. Courts Administrative Office located at 1 Columbus Circle NE, Washington, D.C. 20002. I have no notes, transcript, or recording of the testimony.

Letter to John Fitzgibbons, Statewide Chair of Florida Federal Judicial

Nominating Commission, Application of Michael Seigel, August 26, 2013. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

July 25, 2020: Panelist, "Introduction to The Federalist Society Lawyers Division," 2020 Student Leadership Conference, The Federalist Society for Law & Public Policy Studies, Amelia Island, Florida. I was one of several panelists who provided remarks about involvement with the lawyers' division. The address for The Federalist Society for Law & Public Policy Studies is 1776 I Street, NW, Suite 300, Washington, D.C. 20006. I have no notes, transcripts, or recording from the event.

February 2020: Speaker, "Former U.S. Supreme Court Clerks join Jones Day's Issues & Appeals Practice," Jones Day. Video available at https://www.youtube.com/watch?time_continue=4&v=2BuKY15FE48&feature=emb_logo.

January 31, 2020: Speaker, "Banquet and Discussion with Justice Clarence Thomas," 2020 Annual Florida Chapters Conference, The Federalist Society for Law & Public Policy Studies, Lake Buena Vista, Florida. Video available at <https://www.youtube.com/watch?v=RvmGHEYmXSQ>.

January 25, 2020: Speaker, "Clerkship Experience," University of Florida Levin College of Law, Law Center Association, Winter Business Meeting. I briefly spoke to the members of the Law Center Association about my experiences clerking. The address for the University of Florida Levin College of Law is 309 Village Drive, Gainesville, Florida 32611. I have no notes, transcripts, or recording from the event.

January 23, 2020: Speaker, "Clerkship Conversation with Kathryn Kimball Mizelle," University of Florida Levin College of Law. Professor Merritt McAllister hosted a question and answer presentation for law students about my experiences as a federal law clerk. The address for the University of Florida Levin College of Law is 309 Village Drive, Gainesville, Florida 32611. I have no notes, transcripts, or recording from the event.

October 17, 2019: Panelist, "The Role of the Supreme Court in the U.S. Federal

System,” The Honourable Society of the Middle Temple, London, U.K. I was one of several panelists who discussed the role that the United States Supreme Court plays in the American federal system and how it differs from the court system in the United Kingdom. The address for the Honourable Society of the Middle Temple is Middle Temple Lane, Temple, London EC4Y 9AT, United Kingdom. I have no notes, transcripts, or recording from the event.

September 27, 2019: Speaker, “In Pursuit of Truth: How the Framers Protected Liberty in the First Amendment,” Constitution Day Lecture, Geneva College, Beaver Falls, Pennsylvania. Audio available at https://www.geneva.edu/academics/lecture_audio.

September 23, 2019: Speaker, “Career in Public Service,” Congressional Classroom, Randy Roberts Foundation, Washington, DC. I provided an overview of my time in various federal government roles to a group of high school students from Polk County, Florida. The address for the Randy Roberts Foundation is P.O. Box 2753, Lakeland, Florida 33806. I have no notes, transcripts, or recording from the event.

February 2, 2017: Speaker, “A Clerkship Discussion with Kathryn Kimball,” University of Florida Levin College of Law. Professor Dennis Calfee hosted a question and answer presentation for law students about my experiences at the Department of Justice and as a federal law clerk. The address for the University of Florida Levin College of Law is 309 Village Drive, Gainesville, Florida 32611. I have no notes, transcripts, or recording from the event.

July 21, 2016: Speaker, “Dinner with Professor Hadley Arkes,” D.C. Young Lawyers Chapter, The Federalist Society for Law & Public Policy Studies, Washington, DC. I introduced Professor Arkes. The address for The Federalist Society for Law & Public Policy Studies is 1776 I Street, NW, Suite 300, Washington, D.C. 20006. I have no notes, transcripts, or recording from the event.

May 23, 2016: Speaker, “Dinner with Justice Charles T. Canady,” D.C. Young Lawyers Chapter, The Federalist Society for Law & Public Policy Studies, Washington, DC. I introduced Justice Canady. The address for The Federalist Society for Law & Public Policy Studies is 1776 I Street, NW, Suite 300, Washington, D.C. 20006. I have no notes, transcripts, or recording from the event.

July 16, 2015: Speaker, “A Conversation with Judge Bill Pryor and Judge Brett Kavanaugh,” D.C. Young Lawyers Chapter, The Federalist Society for Law & Public Policy Studies, Washington, DC. I introduced Judge Pryor, then-Judge Kavanaugh, and Jan Crawford, who moderated the discussion. The address for The Federalist Society for Law & Public Policy Studies is 1776 I Street, NW, Suite 300, Washington, D.C. 20006. I have no notes, transcripts, or recording

from the event.

April 21, 2015: Speaker, "Beyond a Reasonable Doubt? A Prosecutor's and Detective's Perspectives on the Podcast Serial," D.C. Young Lawyers Chapter, The Federalist Society for Law & Public Policy Studies, Washington, D.C. I introduced the speakers, Zach Terwilliger and Jim Trainum, and the moderator, John Malcolm. The address for The Federalist Society for Law & Public Policy Studies is 1776 I Street, NW, Suite 300, Washington, D.C. 20006. I have no notes, transcripts, or recording from the event.

- 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.

Meet 3 Lakeland Christian School alumni doing big things, LAL Today, Apr. 21, 2020. Copy supplied.

From Campus to Court, The View (alumni magazine for Covenant College), Spring 2020. Copy supplied.

Kathryn Kimball Mizelle Encourages Students to Exercise First Amendment Rights, Geneva Magazine, Winter 2020. Available at https://issuu.com/genevacollege/docs/magazine_winter_2019_nocrops_lores.

Lauren Levy, *UF Law Alumna Kathryn Kimball on Becoming Justice Clarence Thomas' First Gator Clerk*, The Brief, Feb. 6, 2017. Copy supplied.

Go Greater Campaign: Influencing the Future, University of Florida Levin College of Law campaign fundraiser, February 2017. Copy supplied.

Paige Fry, *UF Alumna Makes History as First Supreme Court Clerk from Levin*, The Alligator, Sept. 15, 2016. Copy Supplied.

Covenant College Alumna Selected for SCOTUS Clerkship, Covenant College News, Sept. 15, 2016. Copy supplied.

Richard Goldstein, *Alumna Makes History as UF Law's First SCOTUS Clerk*, Sept. 13, 2016. Copy supplied.

2016: I was interviewed via video by Covenant College as part of a capital campaign. The video clips are not publicly available. The address for Covenant College is 14049 Scenic Highway, Lookout Mountain, Georgia 30750. I have no notes, transcripts, or recording from the event.

Autumn 2012: *Former Valedictorian Kathryn Kimball Tops UF Law Class*,

Engage (alumni magazine for Lakeland Christian School). Copy supplied. Part of the interview for this article was video recorded and clips are available here:
<https://youtu.be/GGHJAt289Jk>
<https://youtu.be/zHhwUTZISpY>
<https://youtu.be/5tQer3NFSz8>
<https://youtu.be/IXifwnpv0yk>
<https://youtu.be/mW8YdKC0ykI>
<https://youtu.be/tgSn1Wm71Io>
<https://youtu.be/aqWILzRmfl8>
<https://youtu.be/zOtCzT1USac>
<https://youtu.be/3wYAkJuL4BQ>
<https://youtu.be/WcY7LumNI34>

Hannah Vanbiber, *'Green Initiative' culminates in formation of new Campus Stewardship Committee*, The Bagpipe, Apr. 23, 2009. Copy Supplied.

Kate Harrison, *Popcorn with a Purpose*, The Bagpipe, Feb. 26, 2009. 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 not held public office, nor have I had an unsuccessful candidacy for elective office or unsuccessful nomination for appointed office.

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

I have not held any office in a political party or election committee nor have I held a position in a 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 2012 to 2013, I served as a law clerk to the Honorable James S. Moody Jr., United States District Court for the Middle District of Florida.

From 2013 to 2014, I served as a law clerk to the Honorable William H. Pryor Jr., United States Court of Appeals for the Eleventh Circuit.

In 2018, I served as a law clerk to the Honorable Gregory G. Katsas, United States Court of Appeals for the D.C. Circuit.

From 2018 to 2019, I served as a law clerk to the Honorable Clarence Thomas, Supreme Court of the United States.

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

I have not practiced law alone.

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

Summer 2010

United States Attorney's Office for the Middle District of Florida
400 West Washington Street
Suite 3100
Orlando, Florida 32801
Law Clerk

Summer 2011

White & Case, LLP
200 South Biscayne Boulevard
Miami, Florida 33131
Summer Associate

2012

State Attorney's Office for the Eighth Judicial Circuit of Florida
945 North Temple Avenue
Starke, Florida 32091
Certified Legal Intern

2014 – 2015

United States Attorney's Office for the Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, Virginia 22314
Special Assistant United States Attorney

2014 – 2017

Tax Division
Southern Criminal Enforcement Section
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Trial Attorney

2017 – 2018

Office of the Associate Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Counsel to the Associate Attorney General

2019 – present

Jones Day
51 Louisiana Avenue, NW
Washington, D.C. 20001
Issues and Appeals Practice Group

2020 – present
University of Florida Levin College of Law
309 Village Drive
Gainesville, Florida 32611
Adjunct Professor of Law

- 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.

In 2012, I worked at the State Attorney's Office for the Eighth Judicial Circuit of Florida. Under the supervision of an assistant state attorney, I conducted criminal jury trials, argued and presented witnesses at hearings before state trial judges, took depositions (Florida law permits these in criminal matters unlike the federal system), and handled numerous felony and misdemeanor cases, from investigation to sentencing.

From 2014 to 2017, I was a career federal prosecutor at the United States Department of Justice in two capacities. From 2014 to 2015, I served as a Special Assistant U.S. Attorney in the United States Attorney's Office for the Eastern District of Virginia. In that role, I prosecuted a wide variety of federal misdemeanors and felonies, ranging from illegal re-entry and aggravated identity theft, to sex trafficking and child pornography, to mail, wire, and passport fraud. I appeared in federal district court multiple times a week on behalf of the United States in arraignments, plea hearings, supervised release violation hearings, probation violation hearings, bond hearings, and sentencing hearings. I also regularly represented the United States before federal grand juries; drafted criminal complaints; prepared search warrants, including for cell phones and email accounts; managed and produced high-volume discovery in complex cases; and litigated a habeas proceeding on behalf of the federal government. In total, I managed nearly 40 cases during my time at the United States Attorney's Office.

From 2015 to 2017, I served as a trial attorney in the Southern Criminal Enforcement Section of the Tax Division. In that role, I prosecuted traditional Title 26 offenses such as tax evasion, filing false tax returns, and conspiracy to defraud the IRS, as well as other white-collar crimes, including wire fraud, mail fraud, and money laundering. I also led several

significant grand jury investigations of multi-million dollar fraudulent tax schemes and tax shelters. During this time, I frequently appeared in federal district courts and presented to grand juries throughout the southeast region of the United States. While at the Tax Division, I personally indicted nine defendants and assisted in the investigation and subsequent indictment of an additional three defendants. I also drafted dozens of prosecution memorandums recommending authorization or declination of federal tax prosecutions across the United States and providing strategic legal advice to Assistant U.S. Attorneys about how best to litigate complex tax-loss calculations, to address evidentiary difficulties, and to employ the various methods of proof for establishing a tax owed.

From 2017 to 2018, I was Counsel to the Associate Attorney General at the Department of Justice. In that role, I advised on litigation handled by the Department's Civil and Civil Rights Divisions, and I also provided oversight of the Tax Division, including supervising significant civil and criminal litigation. In addition, I advised on projects for the Department's Regulatory Reform Task Force, the Department's efforts to promote free speech on college campuses, and the Department's religious liberty working group.

From 2019 to present, I have served as an attorney in the Issues & Appeals Practice Group at Jones Day. I provide strategic legal advice to clients in a variety of matters, ranging from constitutional challenges in civil and administrative cases to white-collar prosecutions and general commercial litigation. My practice includes litigation in federal appellate courts and district courts, where I am frequently the principal drafter of dispositive motions. I also represent clients in arbitration proceedings and provide strategic counseling for clients that engage with federal agencies.

I also currently serve as an adjunct professor of law at the University of Florida Levin College of Law.

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

At the State Attorney's Office, I represented the State of Florida in criminal cases during investigations and trial court proceedings.

At the United States Attorney's Office and the Tax Division at the Department of Justice, I represented the United States in criminal cases during investigations, trial court proceedings, appeals, and post-conviction litigation.

As a member of the Issues & Appeals Practice at Jones Day, I represent

clients in both federal district court and federal courts of appeals. I do not specialize in a subject matter area. The firm's typical clients are large corporations and trade associations, although I have also represented individuals.

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

My practice has been focused primarily on trial litigation and litigation-related advice. When I was at the State Attorney's Office and the United States Attorney's Office, I appeared in court frequently, ordinarily multiple times a week. When I was at the Tax Division, I regularly appeared in federal district court. When I was at the Associate Attorney General's Office, I did not appear in court, but frequently advised on trial and appellate matters on behalf of the United States. While at Jones Day, I have appeared in federal district court and am awaiting the scheduling of oral argument in an appeal that I will argue in the Sixth Circuit.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-------------|
| 1. federal courts: | <u>95</u> % |
| 2. state courts of record: | <u>5</u> % |
| 3. other courts: | <u> </u> % |
| 4. administrative agencies: | <u> </u> % |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-------------|
| 1. civil proceedings: | <u>10</u> % |
| 2. criminal proceedings: | <u>90</u> % |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried two cases to verdict. I was co-counsel in one and associate counsel in the other. I have also argued as lead counsel numerous contested hearings, including multiple supervised release violation and violation of probation hearings (similar to bench trials), sentencing hearings, and a *Williams* hearing where I conducted the direct examination of the minor victim in a capital sexual battery case. I have also conducted the direct examination of an expert witness.

- i. What percentage of these trials were:

- | | |
|--------------|--------------|
| 1. jury: | <u>100</u> % |
| 2. non-jury: | <u>0</u> % |

- 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 practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Bonner*, 1:14-cr-425 (Eastern District of Virginia, Judge Liam O'Grady; judgment entered January 22, 2016)

United States v. Randall, 1:15-cr-39 (Eastern District of Virginia, Judge Liam O'Grady, judgment entered October 23, 2015)

United States v. McLaughlin, 1:15-cr-79 (Eastern District of Virginia Judge Liam O'Grady, judgment entered June 24, 2016)

Robert Bonner was the leader of an interstate sex trafficking venture that prostituted over 55 women in at least seven states, making it the largest sex trafficking venture ever uncovered in the Eastern District of Virginia at the time. Bonner and his co-conspirators recruited victims from Internet websites and used victims' substance abuse issues as a means to manipulate them to perform commercial sex acts for his financial gain. In one instance, he caused a fentanyl patch to be provided to a 21-year old victim who overdosed as a result and died in the hotel room from which Bonner was prostituting her. Bonner was indicted for multiple counts of sex trafficking by force, fraud, and coercion and drug distribution with death resulting, which carried a mandatory life sentence if convicted. Michael Frank and I were co-counsel on the investigation and prosecutions. I conducted at least two dozen witness interviews and, along with my co-counsel, presented the superseding indictment to the grand jury. At trial, I would have conducted the direct examinations of 15 of the 24 witnesses and presented opening statements. On the business day before trial was to begin in July 2015, Bonner pleaded guilty and was sentenced to 30 years in prison. Co-conspirator Michael Anthony Randall pleaded guilty to sex trafficking of a child

and received a 25-year sentence. Co-conspirator Stephanie McLaughlin pleaded guilty to sex trafficking and received a 24-month sentence. I argued the sentencing hearing for Bonner where I successfully secured the maximum sentence permissible under the terms of the plea agreement (Bonner had entered a plea under Federal Rule of Criminal Procedure (c)(1)(C) that limited the judge's discretion from 20 to 30 years of imprisonment). For my involvement in this case, I was nominated for a United States Department of Justice award.

Co-counsel

Magistrate Judge Michael J. Frank
[Then at the United States Attorney's Office for the Eastern District of Virginia]
United States Courthouse
One North Palafox St.
Pensacola, Florida 32502
(850) 691-0704

Counsel for Defendant Bonner

Andrew Michael Stewart
Dennis Stewart & Krischer PLLC
2007 15th Street N.
Suite 201
Arlington, Virginia 22201
(703) 248-0626

Counsel for Defendant Randall

Christie A. Leary
Law Offices of Christine A. Leary PC
10476 Armstrong Street
Fairfax, Virginia 22030
(703) 359-7111

Counsel for Defendant McLaughlin

Alan H. Yamamoto
Law Office of Alan Yamamoto
643 S. Washington Street
Alexandria, Virginia 22314
(703) 684-4700

2. *United States v. Indivior*, 1:19-cr-16 (Western District of Virginia, Judge James Jones, sentencing hearing scheduled for October 20, 2020)

The United States Attorney's Office for the Western District of Virginia and the United States Department of Justice's Consumer Protection Branch brought an indictment against Indivior, Inc., and Indivior PLC for charges of healthcare, wire, and mail fraud. The superseding indictment alleged fraud based on the marketing, sale, promotion, and distribution of the opioid-addiction-treatment drug, Suboxone

Film. The superseding indictment also sought \$3 billion in forfeiture. Upon joining Jones Day, I have played a principal role in this "Bet the Company" case. Among other things, I drafted the motion to dismiss the superseding indictment and related responses, a motion to suppress evidence recovered from the search warrant of Indivior's headquarters, multiple motions *in limine* and responses to the government's motions *in limine*, objections to the government's proposed jury instructions, and the defendants' proposed jury instructions and verdict form. The two-month trial was originally scheduled to begin in May 2020, but it was rescheduled in light of COVID. On July 27, 2020, the parties filed a global resolution agreement with the district court, and a subsidiary of Indivior pleaded guilty to making a false statement and agreed to pay \$600 million to settle all related charges. The sentencing hearing has been scheduled for October 20, 2020.

Co-counsel

Peter Romatowski
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
(202) 879-7625

James Wooley
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7345

James Loonam
Jones Day
250 Vesey Street
New York, New York 10281
(212) 326-3808

Georgina Druce
Jones Day
250 Vesey Street
New York, New York 10281
(212) 326-3421

Counsel for the United States

Daniel P. Bubar
Acting United States Attorney
310 First Street, S.W. Room 906
Roanoke, Virginia 24008
(540) 857-2250

Gustav W. Eyler
United States Department of Justice, Civil Division
Director, Consumer Protection Branch
450 5th St. NW, Office LSB 6254
Washington, D.C. 20530
(202) 307-3009

Steven Randall Ramseyer
United States Attorney's Office
180 West Main Street, Suite B19
Abingdon, Virginia 24210
(276) 628-7399

Albert Pilavin Mayer
United States Department of Justice, Civil Division
Commercial Litigation Branch
P.O. Box 261
Washington, D.C. 20044
(202) 353-1291

3. *United States v. Martin*, 1:16-cr-430 (Middle District of North Carolina, Judge William L. Osteen, judgment entered June 5, 2017)

United States v. Taylor, 1:16-cr-434 (Middle District of North Carolina, Chief Judge Thomas Schroeder, judgment entered May 24, 2017)

Herbert Martin owned and operated a tax preparation business in Rockingham, North Carolina, where he prepared and filed thousands of federal income tax returns that fraudulently claimed refunds for clients. In addition to fictitious income and dependency exemptions, he would use stolen personal identifying information of individuals, including minor children, to generate larger fraudulent refunds. In total, he caused more than \$10.6 million in losses to the United States Treasury. I led the multi-year grand jury investigation and prosecution, including interviews of more than 60 witnesses, and successfully secured an 11-year sentence, as well as a \$10.6 million dollar restitution order based on a complicated tax-loss calculation. At the time, it was one of the longest sentences ever received by a fraudulent tax preparer. Jessica Taylor, a co-conspirator, also entered a plea after indictment and was sentenced to 24 months in prison for her role in the scheme.

Co-counsel

Clifton Thomas Barrett
Chief of Criminal Division
United States Attorney's Office for the Middle District of North Carolina
101 S. Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401
(336) 332-6316

Counsel for Defendant Martin

Robert O'Hale
Clifford Clendenin & O'Hale, LLP
415 W. Friendly Avenue
Greensboro, North Carolina 27401
(336) 378-1212

Counsel for Taylor

Robert Broadie
Carolina Legal Solutions
2807 Earham Place
High Point, North Carolina 27263
(336) 885-1529

4. *United States v. Stainback*, 1:15-cr-390 (Middle District of North Carolina, Judge William L. Osteen, judgment entered May 3, 2016)

United States v. Smith, 1:15-cr-390 (Middle District of North Carolina, Judge William L. Osteen, judgment entered May 3, 2016)

Kenneth Stainback, the former president of the North Carolina Board of Funeral Service, and Stephen Smith, the president of McClure Funeral Service, conspired to defraud the United States by filing false corporate tax returns for McClure through a sophisticated fraud scheme. For over a decade, they diverted gross receipts from the business into a separate corporate account, omitting that income from the corporation's tax returns and instead using the proceeds for personal expenditures. To conceal their fraud, they deleted and altered invoices in the accounting system, even after learning that the IRS was examining the business's records. Stainback also opened yet another account which he used to embezzle additional funds from McClure without the knowledge of Smith. I was the lead prosecutor on the investigation and prosecution, handling grand jury and all court appearances. After a half-day sentencing hearing, I successfully secured a term of imprisonment for both defendants; Stainback was sentenced to 14 months in prison and Smith was sentenced to six months in prison. I also secured an order of restitution, despite complex restitution problems as a result of how the defendants organized their business records.

Co-counsel

Clifton Thomas Barrett
Chief of Criminal Division
United States Attorney's Office for the Middle District of North Carolina
101 S. Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401
(336) 332-6316

Counsel for Defendant Stainback

Robert L. McClellan
Ivey McClellan Gatton & Siegmund, LLP
P.O. Box 3324
Greensboro, North Carolina 27402
(336) 274-4540

Counsel for Defendant Smith

David B. Smith
100 S. Elm Street, Suite 520
Greensboro, North Carolina 27401
(336) 574-2533

5. *United States v. Baird*, 1:16-cr-345 (Middle District of North Carolina, Chief Judge Thomas Schroeder, judgment entered May 24, 2017)

Henti Lucian Baird, a former IRS Revenue Officer and owner of HL Baird's Tax Consultants, evaded paying over \$500,000 in taxes through the use of more than ten nominee bank accounts held in his children's names, thousands of deposits and fraudulent transfers between the accounts, and manipulation of Chapter 13 bankruptcy proceedings. Even after he pleaded guilty to tax evasion and corruptly endeavoring to impede the due administration of the IRS, he continued to forge documents. I was the lead prosecutor at all stages of litigation, from grand jury to sentencing; I drafted all pleadings and argued all hearings, including the sentencing hearing where I proved that Baird continued to commit fraud following his guilty plea. Baird received 43 months in prison and, significantly, lost a 3-point Guidelines reduction for acceptance of responsibility.

Co-counsel

Clifton Thomas Barrett
Chief of Criminal Division
United States Attorney's Office for the Middle District of Alabama
101 S. Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401
(336) 332-6316

Counsel for Defendant Baird

Locke T. Clifford
Clifford Clendenin & O'Hale, LLP
415 W. Friendly Avenue
Greensboro, North Carolina 27401
(336) 378-1212

6. *In re: American Federation of Labor and Congress of Industrial Organizations*, No. 20-1158, U.S. Court of Appeals for the D.C. Circuit (Panel denying petition included Judges Henderson, Wilkins, and Rao)

Petitioner American Federation of Labor and Congress of Industrial Organizations filed an emergency petition for a writ of mandamus ordering the Occupational Safety and Health Administration, United States Department of Labor, to issue an emergency temporary standard in light of COVID-19. The Secretary of Labor had earlier denied petitioner's administrative petition to issue such an order. I participated in drafting the brief Jones Day filed on behalf of the Chamber of Commerce and several other business associations in support of the Secretary on the basis that existing OSHA regulations, coupled with up-to-date and evolving guidance to regulated businesses, adequately protected American workplaces and provided flexible industry-specific safety requirements. The D.C. Circuit denied the petition for a writ of mandamus in a per curiam order in June 2020.

Co-counsel

Brett A. Shumate
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
(202) 879-3835

John M. Gore
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
(202) 879-3930

Jacqueline M. Holmes
Jones Day
51 Louisiana Avenue, N.W.
Washington, DC 20001
(202) 879-3620

J. Benjamin Aguinaga
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
(202) 879-3655

Counsel for Petitioner American Federation of Labor and Congress of Industrial Organizations

Andrew D. Roth
Bredhoff & Kaiser PLLC
805 15th Street, NW, Suite 1000
Washington, D.C. 20005
(202) 842-2600

7. *State v. Covington*, 04-2011-CF00553-A (Circuit Court of the Eighth Judicial Circuit, Felony Division, Bradford County, Florida, Judge Ysleta McDonald, judgment entered April 17, 2012)

In September 2011, Travis Covington escalated what should have been a simple traffic stop into a high-speed car chase with police officers. He nearly collided into another civilian driver and ultimately wrecked the vehicle that he was driving. Even after crashing into a fence, he nonetheless continued to flee apprehension by officers on foot; eventually, he was found in a wooded area along with four bags of cocaine, crack cocaine, and marijuana. Under the supervision of an assistant state attorney, Janet Owens and I co-chaired this felony jury trial. We selected the jury and conducted the direct examinations of multiple witnesses; I delivered the opening statements. A jury convicted Travis Covington of four counts: possession of over 20 grams of cannabis; driving while license suspended or revoked; resisting an officer without violence; and fleeing or attempting to elude an officer.

Co-counsel

Duane E. Triplett

[Then at the State Attorney's Office for the Eighth Judicial Circuit]
16th Judicial Circuit
623 Petronia Street
Key West, Florida 33040
(305) 292-3549

Janet C. Owens

[Then at the State Attorney's Office for the Eighth Judicial Circuit]
Rogers Towers
1301 Riverplace Boulevard
Suite 1500
Jacksonville, Florida 32207
(904) 346-5553

Counsel for Defendant Covington

Salvatore Dennis Mollica
P.O. Box 86
Earleton, Florida 32631
(352) 475-1830

8. *United States v. Smith*, 1:15-cr-42 (Eastern District of Virginia, Judge T.S. Ellis III, judgment entered February 3, 2017)

Milton Smith was the first of eleven defendants charged in an international child exploitation conspiracy (eight charged in the Eastern District of Virginia; two charged abroad). Milton and his co-defendants operated two websites where they coerced and enticed minor children, some as young as eight years old, to engage in sexually explicit conduct on live web cameras. The co-conspirators created false profiles on

social networking sites, such as YouTube, that portrayed them as young teenagers and would lure children into the websites they controlled where they would then play pre-recorded videos of minors to trick the victims into thinking they were chatting with other minors. Based on their contribution to the success of enticing children into the websites to create explicit videos, co-conspirators would earn points which allowed them access to the recorded sexually exploitative videos. The FBI identified hundreds of minor victims in the United States and an estimated 1,600 minors were lured to the websites. Along with co-counsel, I helped investigate the case and initially charged Smith by criminal complaint, later securing an indictment for conspiracy to produce child pornography and conspiracy to distribute child pornography. Smith was then charged in a superseding indictment along with other co-conspirators and pleaded guilty to conspiracy to produce child pornography and was sentenced to a substantial term of imprisonment (this occurred after I left the United States Attorney's office).

Co-counsel

Matthew J. Gardner

[Then at the United States Attorney's Office for the Eastern District of Virginia]

Wiley

1776 K Street NW

Washington, D.C. 20006

(202) 719-4108

Counsel for Smith

John Zwerling

Zwerling/Citronberg PLLC

114 North Alfred Street

Alexandria, Virginia 22314

(703) 684-8000

Cary Citronberg

Zwerling/Citronberg PLLC

114 North Alfred Street

Alexandria, Virginia 22314

(703) 684-8000

9. *United States v. Wells*, 2:16-cr-88 (Middle District of Alabama, Judge Kristi DuBose, judgment entered November 28, 2016)

Alana Wells worked at a healthcare company where she had access to patient information protected under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). She stole the names, dates of birth, and social security numbers of patients and provided that information to co-conspirators who then used it to file fraudulent tax returns seeking refunds from the IRS. I, along with co-counsel, indicted her for one count of a multi-object conspiracy to commit identity theft and wire fraud, two counts of possessing 15 or more unauthorized access devices, two

counts of aggravated identity theft, and one count of wrongful disclosure of personally identifiable information in violation of HIPAA. At the time of the indictment, it was the first time the Tax Division had ever charged an individual for a criminal violation of HIPAA. Shortly before trial, Wells pleaded guilty to conspiracy to commit wire fraud and identity theft and aggravated identity theft and she was sentenced to 26 months in prison. Along with co-counsel, I investigated and presented the case for indictment to the grand jury. Wells entered a plea agreement shortly before the scheduled trial. In the interim, I led the trial preparations for half of the witnesses, whose direct examination I would have conducted had we not secured a guilty plea. I also prepared the opening statements, which I would have delivered, and identified and prepared the exhibits we would have offered at trial.

Co-counsel

Jason Poole
Chief of Northern Criminal Enforcement Section
Tax Division, United States Department of Justice
150 M Street, N.E.
Washington, D.C. 20002
(202) 514-0302

Counsel for Defendant Wells

Paul Roy Cooper
Cooper & Cooper
800 S. McDonough
Suite 100
Montgomery, Alabama 36104
(334) 262-4887

10. *United States v. Kalmar*, 2:17-cr-10 (Middle District of Florida, Judge Sheri Polster Chappell, judgment entered on September 5, 2018)

Attila Kalmar was charged with mail fraud, money laundering, and corruptly endeavoring to obstruct the IRS through filing fictitious trust income tax returns on behalf of a nominee entity that falsely reported large interest income. I was assigned as lead counsel to the case immediately before the statute of limitations expired and successfully secured grand jury testimony of key witnesses and a timely indictment. I drafted and filed a brief arguing that Kalmar should be detained due to his flight risk, ultimately securing detention pending trial (a result that is highly unusual in tax prosecutions). I also secured a restraining order to prevent dissipation of the fraud proceeds. Kalmar later pleaded guilty and was sentenced to 18 months of imprisonment (this occurred after I left the Tax Division).

Co-counsel

Judge Michael Bagge-Hernandez
[Then at the United States Attorney's Office for the Middle District of Florida]
Thirteenth Judicial Circuit Hillsborough County

County Civil Division L
800 E. Twiggs Street, Room 315
Tampa, Florida 33602
(813) 272-6806

William M. Montague
Tax Division, Southern Criminal Enforcement Section
United States Department of Justice
150 M Street, N.E.
Washington, D.C. 20002
(202) 616-2386

Counsel for Defendant Kalmar
Martin Der Ovanessian
Federal Public Defender's Office for the Middle District of Florida
2075 W. Main Street Ste 300
Ft. Myers, Florida 33901
(239) 334-0397

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.)

For much of my career, I served as a criminal prosecutor on behalf of the Department of Justice. While at the Tax Division, I was heavily involved in several significant grand jury investigations—including investigations of multi-million dollar tax shelters—but that did not culminate in indictments during my time at the Department. Because that material is protected under Federal Rule of Criminal Procedure 6, I cannot disclose further information.

Additionally, a large part of my responsibilities at the Tax Division included reviewing criminal IRS investigations and recommending authorization or declination to prosecute on particular Title 26 or other tax-related offenses. The specific details are protected from public disclosure.

While at Jones Day, I have advised a national airline on significant regulatory matters that did not culminate in litigation.

I have not performed any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe

briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In January 2020, I co-taught with Justice Clarence Thomas a two-week course entitled “Religion Clauses of the First Amendment” at the University of Florida Levin College of Law. The course offered an introduction to the historical foundations and interpretations by the Supreme Court of the Free Exercise and Establishment Clauses. A copy of the syllabus is 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.

The only other income I expect is from retirement accounts (IRAs and 401(k) accounts) and potentially the Federal Employees’ Retirement System.

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

I have no outside commitments. However, if my schedule permits, I plan to continue teaching as an adjunct professor at the University of Florida Levin College of Law. This position is uncompensated and is ordinarily a week-long course.

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).

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain

how you would address any such conflict if it were to arise.

Cases most likely to present conflicts of interest would be those related to my prior service at the Department of Justice and Jones Day. If confirmed, I would recuse myself in any matter in which, during my government service, I had participated as counsel, adviser, or material witness or had expressed an opinion concerning the merits. *See* 28 U.S.C. § 455(b)(3). I would also recuse myself in accordance with § 455(b)(2) for matters handled while at Jones Day. Finally, because my husband is also an attorney, I would likewise recuse consistent with § 455(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 would evaluate any potential conflicts of interest under the standards set forth in 28 U.S.C. § 455 and Canon 3C of the Code of Conduct for United States Judges, both of which address the question when federal judges must disqualify themselves due to conflicts. In considering those rules, I would further consult any judicial decisions or Judicial Conference opinions applying the rules to particular cases or circumstances.

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

Since entering private practice, I have devoted a considerable amount of time to litigating pro bono matters. I was appointed by the United States Court of Appeals for the Sixth Circuit to represent Mr. Terrance Miles in his federal habeas petition in which he challenged a murder conviction in state court. *See Miles v. Jordan*, Case No. 19-5340. Because of the novel legal issues presented and because the Commonwealth of Kentucky never transcribed his jury trial, I have devoted nearly 300 hours to that appeal and will likely spend even more time this fall when preparing for oral argument. I have also conducted mock oral arguments for my colleagues in several appeals on behalf of domestic violence victims and habeas petitioners in federal court.

Prior to joining Jones Day, I worked exclusively in positions with public-service responsibilities, such as a prosecutor, counsel to the Associate Attorney General, and federal law clerk. Each of these positions substantially restricts outside legal work, even when performed on a pro bono basis.

- 26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and

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

In early June 2020, I discussed with a lawyer in the White House Counsel's Office whether I was interested in being considered for the judicial vacancy on the United States District Court for the Middle District of Florida. I then submitted a resume to both Senator Rubio's and Senator Scott's offices as well as the White House Counsel's Office. On June 16, 2020, I interviewed with members of the White House Counsel's Office and the Department of Justice's Office of Legal Policy.

On June 22, 2020, I interviewed with Senator Rubio's General Counsel. On July 9, 2020, I interviewed with Senator Rubio's Federal Judicial Advisory Commission for the Middle District of Florida. On July 17, 2020, the White House Counsel's Office informed me that I should submit all necessary paperwork for the FBI to complete a background investigation and for the Office of Legal Policy to complete its vetting process. I have had additional conversations with representatives of those offices since then.

- 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 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		398	790	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		95	375	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			
Real estate owned – see schedule				Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		6	464				
Cash value-life insurance							
Other assets itemize:							
Thrift Savings Plan		265	181				
Federal Employees Retirement System		38	070				
				Total Liabilities			0
				Net Worth		803	880
Total Assets		803	880	Total Liabilities and Net Worth		803	880
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

Jones Day 2050 Fund	\$14,590
Vanguard 500 Index Fund Admiral	39,249
Vanguard Energy Fund Investor Shares	12,832
Vanguard Health Care Fund Investor Shares	9,497
Vanguard Small-Cap Index Fund	19,207

Total Listed Securities	\$95,375
-------------------------	----------------

AFFIDAVIT

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

8/3/20

(DATE)

Kathryn Kimball Mizelle

(NAME)

District of Columbia: SS

This instrument was acknowledged before me
on 2 day of Aug, 2020 by [Signature]

[Signature]
(NOTARY)

Notary Public's Signature
My Commission Expires November 16, 2021

