

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Cornelia Thayer Livingston Pillard
(commonly known as Nina Pillard)

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

Circuit Judge for the United States Court of Appeals for the District of Columbia 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.

Georgetown University Law Center
600 New Jersey Avenue, NW, Room 416
Washington, DC 20001

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

1961; Cambridge, Massachusetts

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1984 – 1987, Harvard Law School; J.D. (*magna cum laude*), 1987

1979 –1983, Yale College; B.A. (*magna cum laude*, with Distinction in History), 1983

Fall 1982, Beijing Foreign Language Institute; no degree

Summer 1982, Beijing Language Institute; 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.

1997 – present
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, DC 20001
Professor (2005 – present)
Associate Professor (1997 – 2005)

2012 – 2013
Woodrow Wilson International Center For Scholars
One Woodrow Wilson Plaza
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Fellow
(on leave from Georgetown Law during spring semester 2013)

2008 – 2009
Center for Transnational Legal Studies
Swan House
37-39 High Holborn
London WC1V 6AA
United Kingdom
Academic Co-Director & Professor
(in the employ and on behalf of Georgetown Law)

1998 – 2000
Office of Legal Counsel
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Deputy Assistant Attorney General
(on leave from Georgetown Law)

1994 – 1997
Office of the Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant to the Solicitor General

1989 – 1994
NAACP Legal Defense & Educational Fund, Inc.
99 Hudson Street, Suite 1600
New York, New York 10013
(transferred to DC office, 1992 – 1994)
Assistant Counsel

Summer 1986, 1988 – 1989
American Civil Liberties Union
125 Broad Street
New York, New York 10004
Marvin M. Karparkin Fellow (1988 – 1989)
Summer Intern (Summer 1986)

1987 – 1988
The Honorable Louis H. Pollak
United States District Court for the Eastern District of Pennsylvania
601 Market Street
Philadelphia, Pennsylvania 19106
Law Clerk

1985 – 1987
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant to Professor Laurence Tribe (1986 – 1987)
Legal Methods Instructor for Professors Martha Minow and David Rosenberg (1985 – 1987)

Summer 1985
Kairys & Rudovsky
718 Arch Street, Suite 501
Philadelphia, Pennsylvania 19106
Summer Associate

1983 – 1984
Newsday (Asia Bureau)
San Li He residential complex
JianGuoMenWai
Beijing, People's Republic of China
Researcher and Office Assistant to Bureau Chief Jeff Sommers

1983 – 1984
Administrator Training School
24 BaiWanZhuang DaJie
Beijing, Peoples Republic of China
English Teacher

Other Affiliations (uncompensated):

2002 – present
Supreme Court Institute

Georgetown University Law Center
600 New Jersey Avenue, NW, Room 463
Washington, DC 20001
Faculty Co-Director (2011 – present)
Faculty Advisory Committee (approx. 2002 – 2011)

2005 – present
American Arbitration Association
120 Broadway, 21st Floor
New York, New York 10271
Executive Committee of the Board of Directors (2009 – present)
Board of Directors (2005 – present)

1991 – 1992
Double Discovery Center
Columbia University
Alfred Lerner Hall, Room 306
2920 Broadway
New York, New York 10027
Board of Directors

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

I have not served in the military. I am not required to register for the 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.

Public Policy Fellowship, Woodrow Wilson International Center for Scholars (2012 – 2013)

Visiting Scholar, Institute of Advanced Legal Study, London, United Kingdom (2006)

Georgetown Public Interest Professor of the Year Award (2005)

Marvin M. Karpatkin Fellowship, American Civil Liberties Union (1988 – 1989)

Harvard Law Review Book Review and Commentary Editor (1986 – 1987)

Harvard Law Review Editor (1985 – 1986)

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 Association of Law Schools (1997 – present)

American Bar Association (1997 – present)

Chair, Scholars' Reading Group, Standing Committee on the Federal Judiciary
(2005, 2006)

Bar Association of the District of Columbia (1992 – present)

Women's Bar Association of the District of Columbia (2013 – present)

10. **Bar and Court Admission:**

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

New York, 1989

Massachusetts, 1989 (inactive)

District of Columbia, 1990

There have been no lapses in bar membership, although as indicated, my membership in Massachusetts is inactive.

- 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, 1993

United States Court of Appeals for the Second Circuit, 1990

United States Court of Appeals for the Fourth Circuit, 1989

United States Court of Appeals for the Sixth Circuit, 1989

United States Court of Appeals for the Seventh Circuit, 1989

United States Court of Appeals for the Ninth Circuit, 1992

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.

American Arbitration Association

Executive Committee of the Board of Directors (2009 – present)

Board of Directors (2005 – present)

American Constitution Society

Liberty and Equality Working Group (2004 – 2008)

Center for Transnational Legal Studies

Academic Council (2008 – 2011)

Center for WorkLife Law

Advisory Board (2005 – 2007)

Corporate Social Responsibility in the Electronics Manufacturing Industry: The Implications of Soft Governance for Labor Standards, a research project of the Swiss Network for International Scholars

Associated member (2010 – present)

Double Discovery Center at Columbia University

Board of Directors (1991 – 1992)

Georgetown Law Supreme Court Institute

Faculty Co-Director (2011 – present)

Advisory Board (approx. 2002 – 2011)

Georgetown Journal of Gender and the Law

Board of Academic Advisors (1999 – present)

Grace Choral Society, Brooklyn (approx. 1988 – 1990)

Law Students For Reproductive Justice

Academic Advisory Council (2011 – 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 in response to question 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin 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.

Against the New Maternalism, 18 Mich. J. Gender & L. 229 (2012) (with Naomi Mezey). Copy supplied.

Introduction to Center for Transnational Legal Studies symposium, Why Transnational Legal Education? (2011). Copy supplied.

Profile of Associate Professor Eloise Pasachoff *in* Community of Scholars (2011). Copy supplied.

Comment, *Fenty Versus Gray: How to Decide*, All Life Is Local Blog (Aug. 24, 2010). Copy supplied.

United States v. Virginia: The Virginia Military Institute, Where the Men are Men and so are the Women, in Myriam Gilles & Risa Goluboff, Civil Rights Stories (Foundation, 2008). Copy supplied.

Profile of Associate Professor Alvaro Santos *in* Community of Scholars (2007). Copy supplied.

Our Other Reproductive Choices: Equality in Sex Education, Contraceptive Access, and Work-Family Policy, 56 Emory L.J. 941 (2007). Copy supplied.

A United States Perspective on Classwide Arbitration, in La Justice En March: Du Recours Collectif À L'Arbitrage Collectif (2007). Copy supplied.

The Human Right to Sex Equality at the Work-Family Fault Line, in Samantha Besson, Michel Hottelier and Franz Werro, Les Droits De L'Homme Au Centre – Human Rights Recentred (Schulthess, Zurich 2006). Copy supplied.

Unitariness and Myopia: The Executive Branch, Legal Process, and Torture, 81 Ind. L.J. 1297 (2006). Copy supplied.

Women as Supreme Court Advocates, 26 Sup. Ct. Hist. Soc. Q. 4, at 10 (2005), and 27 Sup. Ct. Hist. Soc. Q. 1, at 10 (2006). Copy supplied.

Bray v. Alexandria Women's Health Clinic, 506 U.S. 263 (1993), Entry, in 1 Encyclopedia of American Civil Liberties 180 (2006). Copy supplied.

Planned Parenthood of Missouri v. Danforth, 428 U.S. 52 (1976), Entry, in 2 Encyclopedia of American Civil Liberties 1172 (2006). Copy supplied.

Reproductive Freedom, Entry, in 3 Encyclopedia of American Civil Liberties 1320 (2006). Copy supplied.

The Unfulfilled Promise of the Constitution in Executive Hands, 103 Mich. L. Rev. 676 (2005). Copy supplied.

Plenary Power Underground in Nguyen v. INS: A Reply to Professor Spiro, 16 Geo. Imm. L.J. 835 (2002). Copy supplied.

Retroactivity of Legislation (update), Entry, in 5 Encyclopedia of the American Constitution (Leonard W. Levy, et al., eds., 2d ed. 2000). Copy supplied.

Taking Fiction Seriously: The Strange Results of Public Officials' Individual Liability Under Bivens, 88 Geo. L.J. 65 (1999). Copy supplied.

Skeptical Scrutiny of Plenary Power: Judicial and Executive Branch Decision Making in Miller v. Albright (with T. Alexander Aleinikoff), 1998 Sup. Ct. Rev. 1. Copy supplied.

Litigating 1985(3) Claims After Bray v. Alexandria Women's Health Clinic, in 9 Civil Rights Litigation & Attorney Fees (1993). Copy supplied.

Human Rights Violations in the United States: A Report on U.S. Compliance with the International Covenant on Civil and Political Rights, American Civil Liberties Union, Human Rights Watch (1993). I am credited in the Acknowledgements in my then-capacity as a lawyer in the employment discrimination litigation program at the NAACP Legal Defense & Educational Fund, Inc., with having "assisted" Alice Brown, the author of the chapter dealing with race discrimination. I do not, however, recall how or to what extent I may have assisted with the preparation of that chapter. Copy supplied.

Letter to the Editor, N.Y. Times (with David D. Cole) (Mar. 23, 1989). Copy supplied.

Note, *Plausible Pleadings: Developing Standards for Rule 11 Sanctions*, 100 Harv. L. Rev. 630 (1987). 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.

I have been on the Board of Directors for the American Arbitration Association since 2005. Although I played no role in drafting or editing them, the Annual Reports are available at <http://tinyurl.com/kemy8p6>.

Supreme Court Institute Annual Reports (2011-2012, 2012-2013). Copies supplied.

I served as Chair of the Scholars' Reading Group for the ABA Standing Committee on the Federal Judiciary in 2005 and 2006. Members of this reading group review writings of U.S. Supreme Court nominees and draft confidential memoranda for the Standing Committee regarding these nominees.

- 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.

Joint Letter to the Senate Judiciary Committee in Support of the Confirmation of Richard Gary Taranto to be a Circuit Judge, U.S. Court of Appeals for the Federal Circuit (Feb. 16, 2012). Copy supplied.

Joint Letter to the Senate Judiciary Committee Urging Action on the Nomination of Virginia Seitz to be Assistant Attorney General, Office of Legal Counsel (Mar. 15, 2011). Copy supplied.

Brief of the National Women's Law Center and Professors Samuel R. Bagenstos, Erwin Chemerinsky, Samuel Estreicher, Pamela S. Karlan, Cornelia T.L. Pillard, Robert C. Post, Reva Siegel, and Davis A. Strauss as Amici Curiae in Support of Appellant Tana Cummins and in Support of Reversal, *Cummins v. Illinois*, No. 05-3877 (7th Cir.). Copy supplied.

Joint Statement of Principles to Guide the Office of Legal Counsel (Dec. 21, 2004). Copy supplied.

Letter to District of Columbia City Council Member Kevin P. Chavous in Support of the Confirmation of Charles R. Lawrence to the School Board of the District of Columbia (Nov. 27, 2000). 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.

The following list reflects my best efforts to identify the speeches or talks that I have delivered. To compile the list, I consulted my own records, including annual reports to the Dean of my activities, and internet sources. There may, however, have been other speeches or talks that I have been unable to recall or identify, and I have spoken occasionally at minor events for which I did not retain any record.

April 9, 2013: Presenter, "Reinventing Work Law: Codes of Corporate Conduct in the New Global Workplace," Woodrow Wilson International Center for Scholars Fellows' Workshop, Washington, DC. Outline supplied.

October 23, 2012: Commentator, Georgetown Law Faculty Workshop, work in progress by Alvaro Santos, *The Trouble With Identity and Progressive Origins in Defending Labor Law*, Washington, DC. Notes supplied.

October 19, 2012: Panelist, Georgetown Supreme Court Institute Briefing for Georgetown Law alumni at Friends Weekend, Washington, DC. Notes supplied.

October 5, 2012: Speaker, lunch discussion at Georgetown Law Women's Legal Alliance. Along with my co-author, Naomi Mezey, I spoke about our paper *Against the New Maternalism*. I have no notes, transcript or recording. The address of the Women's Legal Alliance is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001.

September 15, 2012: Panelist, Georgetown Supreme Court Institute Briefing for students regarding October Term 2012, Washington, DC. I discussed issues presented by and importance of pending Supreme Court cases. I have no notes, transcript or recording. The address of the Supreme Court Institute is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001.

May 4, 2012: Panelist, Martin Daniel Gould Center for Conflict Resolution at Stanford Law School Second Annual Arbitration Conference, Palo Alto, CA. I discussed the development of the Supreme Court's interpretation of the Federal Arbitration Act as it relates to class claims. Notes supplied.

March 1, 2012: Luncheon Speaker, Georgetown Women's Legal Alliance brownbag to discuss *United States v. Virginia*, Washington, DC. I have no notes,

transcript or recording. The address of the Women's Legal Alliance is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001.

January 7, 2012: Panelist, American Association of Law Schools 2012 Annual Meeting, panel discussion on the Supreme Court and the Future of Arbitration (co-sponsored by the Section of Alternative Dispute Resolution, Section of Civil Procedure and the Section of Litigation), Washington, DC. Outline supplied.

November 17, 2011: Panelist, "*Reed v. Reed* at 40," Washington, DC. Transcript and press coverage supplied and video available at <http://www.nwlc.org/videos/reed-v-reed-40-equal-protection-and-women%E2%80%99s-rights>.

November 3, 2011: Panelist, Federal Judicial Center Symposium for Federal Judges, "Trends in the United States Supreme Court," Washington, DC. A handout prepared jointly with fellow panelist Paul Clement and my notes are supplied.

October 18, 2011: Moot Court Justice, Leahy Moot Court Competition at Georgetown Law, Washington, DC. I have no notes, transcript or recording, but press coverage is supplied. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington DC 20001.

October 14, 2011: Panelist, Supreme Court Term Preview for Georgetown Law Alumni, Supreme Court Institute, Washington, DC. I discussed issues presented by and importance of pending Supreme Court cases. I have no notes, transcript or recording, but a panel synopsis submitted for the conference is supplied. The address of the Supreme Court Institute is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington DC 20001.

September 19, 2011: Speaker, Supreme Court Institute press briefing: "Anticipating the Supreme Court's October Term 2011: What to Expect," Washington, DC. Notes and press coverage supplied.

May 20, 2011: Panelist, "(Re)Inventing Work Law: Voluntary Codes of Conduct Setting Labor Standards in Global Industries," CTLS Annual Conference, University of Fribourg, Fribourg, Switzerland. My presentation discussed a proposed paper regarding the evolution and importance of soft-law norms governing workers who make goods overseas for suppliers to multinational businesses. I have no notes, transcript or recording. This panel was sponsored by the Center for Transnational Legal Studies, Swan House 37-39 High Holborn London WC1V 6AA United Kingdom.

April 5, 2011: Commentator, Georgetown Law Faculty Workshop on work in progress by Visiting Professor Karen Knop, Washington, DC. Notes supplied.

March 29, 2011: Moderator, Post-Argument Panel Discussion of *Wal-Mart Stores v. Dukes*, Supreme Court Institute, Washington, DC. I have no notes, transcript or recording, but press coverage is supplied. The address of the Supreme Court Institute is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington DC 20001.

March 17-18, 2011: Panelist, "Procedural Fairness in Arbitration: Federal or State Law?" Conference on the Future of Arbitration, George Washington School of Law, Washington, DC. Notes supplied.

March 11, 2011: Panelist, "(Re)inventing Work Law in a Transnational Context" at the Annual Conference of the Association for the Study of Law, Culture and the Humanities (ASLCH), Las Vegas, NV. My presentation discussed the evolution and importance of soft-law norms governing workers who make goods overseas for suppliers to multinational businesses. I have no notes, transcript or recording. This conference was sponsored by the ASLCH, c/o Professor Linda Meyer, Quinnipiac University School of Law, 275 Mount Carmel Avenue, Hamden, CT 06518.

November 22, 2010: Presenter, Faculty workshop at University of Miami School of Law, "(Re)inventing Work Law in a Transnational Context," Coral Gables, FL. My presentation discussed the evolution and importance of soft-law norms governing workers who make goods overseas for suppliers to multinational businesses. I have no notes, transcript or recording. The address of the University of Miami School of Law is 1311 Miller Road, Coral Gables, FL 33146.

October 19, 2010: Panelist, American Constitution Society Briefing on *AT&T Mobility v. Concepcion*, Washington, DC. I have no notes, transcript or recording. Video recording available at <http://www.acslaw.org/acsblog/node/17367> and press coverage supplied.

May 21, 2010: Panelist, "The Future of Transnational Legal Education," Center for Transnational Legal Studies annual conference, Turin, Italy. I have no notes, transcript or recording. This panel was sponsored by the Center for Transnational Legal Studies, Swan House 37-39 High Holborn London WC1V 6AA United Kingdom.

May 14, 2010: Panelist, "Class Action Arbitration After *Stolt-Nielsen v. Animalfeeds*," national teleconference in which I participated from my office in Washington, DC. I discussed potential implications of the decision in *Stolt-Nielsen v. Animalfeeds*, in which I was lead counsel during the Supreme Court's 2009 Term. I have no notes, transcript or recording. The teleconference was sponsored by the American Bar Association Section of Dispute Resolution. The address of the American Bar Association Section of Dispute Resolution is 740 15th Street, NW, 9th Floor, Washington, DC 20005.

April 22, 2010: Panelist, "Litigating in the Marble Palace: The ABC's of Supreme Court Litigation," American Bar Association Section of Litigation Annual Conference, New York, NY. I discussed tips for litigating cases in the Supreme Court. I have no notes, transcript or recording. The address of the American Bar Association Section of Litigation is 321 North Clark Street, Chicago, IL 60654.

April 19, 2010: Commentator, book launch of Philippa Strum, "Mendez v. Westminster: School Desegregation and Mexican American Rights" at Woodrow Wilson International Center for Scholars, Washington, DC. Synopsis of comments and webcast available at <http://www.wilsoncenter.org/event/book-launch-imendez-v-westminster-school-desegregation-and-mexican-american-rights>.

April 15, 2010: Panelist, "A Debate on *Stolt-Nielsen*, Class Arbitration and International Parties," American Bar Association Section of International Law Spring Meeting, New York, NY. This debate discussed potential implications of the Court's *Stolt-Nielsen v. AnimalFeeds* decision on international cases. I have no notes, transcript or recording. The address of the American Bar Association Section of International Law is 321 North Clark Street, Chicago, IL 60654.

April 8, 2010: Panelist, "Class Action Arbitrations: The Supreme Court Revisits the Issue in *Stolt-Nielsen v. AnimalFeeds*," American Bar Association Section of Dispute Resolution Annual Conference, San Francisco, CA. I have no notes, transcript or recording. The address of the American Bar Association Section of Dispute Resolution is 740 15th Street, NW, 9th Floor, Washington, DC 20005.

March 19, 2010: Panel presentation of *The New Maternalism* (paper co-authored with Naomi Mezey) at the annual conference of the Association for the Study of Law, Culture & Humanities (ASLCH), Providence, RI. This talk related to what was later published as *Against the New Maternalism*, provided in response to 12(a). I have no notes, transcript or recording. This conference was sponsored by the ASLCH, c/o Professor Linda Meyer, Quinnipiac University School of Law, 275 Mount Carmel Avenue, Hamden, CT 06518.

February 26-28, 2010: Invited Faculty, Annual Peter Jennings Project on Journalism and the Constitution, Philadelphia, PA. I argued a moot court against Kenneth Starr on constitutional issues raised by a hypothetical case on rationing health care; led participants in a Case Analysis Workshop on a pending Supreme Court First Amendment case; and spoke on a panel, "Behind the Scenes: Arguing Before the High Court." Moot court video available at <http://www.c-spanvideo.org/program/292300-2> and transcript of panel supplied.

November 13, 2009: Moderator, student-initiated & -planned symposium, "A New Abortion Debate: Emerging Perspectives on Choice, Life and Law" at

Georgetown University Law Center, Washington, DC. The panel I moderated focused on comparative approaches to the law of abortion and reproduction in different countries or regions. I have no notes, transcript or recording. The panel was jointly sponsored by two student organizations at Georgetown Law, the Georgetown Progressive Alliance for Life and Georgetown Law Students for Reproductive Justice. The address of both sponsoring organizations is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington DC 20001.

June 5, 2009: Presenter, Faculty Workshop at Transitional Justice Institute, University of Ulster, Belfast, Northern Ireland, "Why Transnational Legal Theory?" I spoke on the curricular relevance of transnational legal theory for students, many of whom are likely to face transnational questions in legal practice. I have no notes, transcript or recording. The address of the Transitional Justice Institute is University of Ulster, Jordanstown Campus, Shore Road, Newtownabbey, BT37 0QB, Northern Ireland.

July 1, 2008: Speaker, brownbag discussion at Georgetown University Law Center. Along with my co-author, Naomi Mezey, I spoke about of a draft of the article that was later published as *Against the New Maternalism*, provided in response to 12(a). I have no notes, transcript or recording. The address of the Women's Legal Alliance is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001.

June 14, 2008: Moderator, "A Bill of Rights for the 21st Century," American Constitution Society Convention panel, Washington, DC. I have no notes, transcript or recording, but press coverage summarizing the panel is supplied. The address of the American Constitution Society for Law and Policy is 1333 H Street, NW, 11th Floor, Washington, DC 20005.

April 2008: Presenter, Faculty Workshop at University of San Diego Law School, "The New Maternalism," San Diego, CA. This was a faculty workshop (jointly with co-author Naomi Mezey) of a draft of the article that was later published as *Against the New Maternalism*, provided in response to 12(a). I have no notes, transcript or recording. The address of the University of San Diego Law School is 5998 Alcalá Park, San Diego, CA 92110.

April 2008: Presenter, Faculty Workshop at Loyola of Los Angeles Law School, "The New Maternalism," Los Angeles, CA. This was a faculty workshop (jointly with co-author Naomi Mezey) of a draft of the article that was later published as *Against the New Maternalism*, provided in response to 12(a). I have no notes, transcript or recording. The address of Loyola Law School is 919 Albany Street, Los Angeles, CA 90015.

July 25-28, 2007: Panelist, "Mother Love in the Public Sphere," Annual conference of the Law & Society Conference, Berlin, Germany. This was a panel

presentation (jointly with co-author Naomi Mezey) of a draft of the article that was later published as *Against the New Maternalism*, provided in response to 12(a). I have no notes, transcript or recording. The address of the Law and Society Association is 380 South 1400 East #313, Salt Lake City, Utah 84112.

April 29, 2007: Presenter, Faculty Workshop at University of Minnesota School of Law, "Our Other Reproductive Choices: Equality in Sex Education, Contraceptive Access, and Work-Family Policy," Minneapolis, MN. This was a faculty workshop of a draft of an article that was later published, and is supplied in response to 12(a). I have no notes, transcript or recording. The address of the University of Minnesota School of Law is 229 19th Avenue South, Minneapolis, Minnesota 55455.

April 21, 2007: Panelist, Yale Women Faculty Forum and American Constitution Society co-sponsored Conference on Progressive Family Values, panel on "Advocating our Family Values," at Yale Law School, New Haven, CT. I spoke on *Nevada v. Hibbs*. I have no notes, transcript or recording. The address of the Yale Women Faculty Forum is Yale University, P.O. Box 208347, New Haven, CT 06520; the address of the American Constitution Society for Law and Policy is 1333 H Street, NW, 11th Floor, Washington, DC 20005.

April 13, 2007: Presenter, Faculty Workshop at University of Southern California, "What's Sex Got to Do with It? Single Sex Education and Sex Equality," Los Angeles, CA. This was a faculty workshop on a draft of an article that I have not finalized or submitted for publication. Notes supplied.

March 13, 2007: Moderator, "Separation of Powers and National Security," Second Annual Dash Conference at Georgetown Law, Washington, DC. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

March 8, 2007: Moderator, Georgetown Law Corporate Counsel Institute, Supreme Court Review and Preview, Washington DC. Handout and notes supplied.

February 13, 2007: Moderator, "Security, Human Rights, and War Powers in the Post-9/11 Era: What Should We Expect from Congress?" Samuel Dash Conference on Human Rights, sponsored by the Human Rights Institute at Georgetown Law, Washington, DC. I have no notes, transcript or recording. The address of the Human Rights Institute is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington DC 20001.

December 7, 2006: Presenter, Workshop at Institute for Advanced Legal Studies, "Our Other Reproductive Choices: Equality in Sex Education, Contraceptive Access, and Work-Family Policy," London, UK. This was a fellows workshop of a draft of the article that was later published, and is supplied in response to 12(a).

I have no notes, transcript or recording. The address of the IALS is Charles Clore House, 17 Russell Square, London WC1B 5DR, United Kingdom.

June 29, 2006: Panelist, American Constitution Society Supreme Court Roundup of October Term 2005, Washington, DC. I spoke on the importance of decisions from that Supreme Court Term. I have no notes, transcript or recording. The address of the American Constitution Society for Law and Policy is 1333 H Street, NW, 11th Floor, Washington, DC 20005.

June 17, 2006: Moderator, "Next Generation Discrimination: Can the Law Address Unintended and Subtle Bias?" American Constitution Society National Convention, Washington, DC. Transcript supplied.

April 18, 2006: Speaker, "Briefing on Contraceptive Equity: Cummins v. Illinois," Washington, DC. I discussed a then-pending Seventh Circuit case on Title VII, contraception and state employees' health plans. I have no notes, transcript or recording. This briefing was sponsored by the Georgetown Law Student Chapter of the American Constitution Society for Law and Policy. The address of that ACS chapter is Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington DC 20001.

March 31, 2006: Keynote Speaker, University of Montreal Center for the Law of Business and International Trade conference, Justice en March: Du Recours Collectif à l'Arbitrage Collectif, Montreal, Canada. Text of speech published as *A United States Perspective on Classwide Arbitration*, in *La Justice en March: du Recours Collectif à l'Arbitrage Collectif* (2007), provided in response to Question 12(a).

March 3-4, 2006: Panelist, Columbia Law School Symposium, Reproductive Rights and Equality, New York, NY. This was the initial panel presentation of ideas that I developed into an article that was later published as *Our Other Reproductive Choices: Equality in Sex Education, Contraceptive Access, and Work-Family Policy*, provided in response to 12(a). I have no notes, transcript or recording. The address of the Columbia Law School is 435 West 116th Street, New York, NY 10025.

February 28, 2006: Roundtable Discussant, Yale Women Faculty Forum "Working for Care: Families and the Workplace," New Haven, CT. I participated in discussion of workplace law and practices to enable wage workers to care for themselves and others. I have no notes, transcript or recording. The address of the Yale Women Faculty Forum is Yale University, P.O. Box 208347, New Haven, CT 06520.

December 1, 2005: Panel moderator, Georgetown University Law Center, on *Planned Parenthood of New Hampshire v. Ayotte*, Washington, DC. I discussed the issue of as-applied vs. facial challenges to the statute at issue in the *Ayotte*

case. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue NW, Washington DC 20001.

November 11, 2005: Panelist, Supreme Court Briefing Breakfast, National Women's Law Center, Washington, DC. I discussed issues presented by and importance of cases in the upcoming Supreme Court Term. I have no notes, transcript or recording. The address of the National Women's Law Center is 11 Dupont Circle, NW, Washington, DC 20036.

October 16, 2005: Panelist, Supreme Court overview, Georgetown Law Alumni Weekend, Washington, DC. I discussed issues presented by and importance of cases in the upcoming Supreme Court Term. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington DC 20001.

October 7, 2005: Panelist, "War, Terrorism and Torture: Limits on Presidential Power in the 21st Century," Maurer School of Law at Indiana University symposium, Bloomington, IN. This was the initial panel presentation of ideas that I developed into an article that was later published as *Unitariness and Myopia: The Executive Branch, Legal Process, and Torture*, provided in response to 12(a). I have no notes, transcript or recording. The address of the Maurer School of Law at Indiana University is 211 South Indiana Avenue, Bloomington, Indiana 47405.

September 19, 2005: Panelist, Supreme Court Institute press briefing Washington, DC. I discussed issues presented by and importance of cases in the upcoming Supreme Court Term. I have no notes, transcript or recording. The address of the Supreme Court Institute is Georgetown University Law Center, 600 New Jersey Avenue NW, Washington, DC 20001.

July 30, 2005: Panelist, American Constitution Society Annual Convention, "New Directions in Equality," Washington, DC. I spoke about *Nevada v. Hibbs*. I have no notes, transcript or recording. The address of the American Constitution Society for Law and Policy is 1333 H Street, NW, 11th Floor, Washington, DC 20005.

July 7, 2005: Panelist, Legacy of Justice Sandra Day O'Connor, Georgetown Law, Washington, DC. Video recording available at <http://www.c-spanvideo.org/program/187506-1>.

June 20, 2005: Moderator, American Constitution Society Supreme Court Review panel at National Press Club, Washington DC. Transcript supplied.

May 25, 2005: Panelist, Human Rights Recentered conference, Charmey, Switzerland. This was the initial panel presentation of ideas that I developed into a book chapter that was later published as *The Human Right to Sex Equality at the*

Work-Family Fault Line, provided in response to 12(a). I have no notes, transcript or recording. The conference was sponsored by the Fribourg University Law School (Professor Franz Werro), Avenue de Beauregard 11, Office # 5.608, 1700 Fribourg, Switzerland.

April 28, 2005: Speaker, introducing Justice Stevens as guest of honor at Georgetown Law Supreme Court Institute reception for SCI participants and supporters, Washington, DC. Notes supplied.

January 6, 2005: Keynote Speaker, National Association of Women Lawyers program on Oral Argument in the Supreme Court, Washington, DC. The speech was published as *Women as Supreme Court Advocates*, provided in response to 12(a).

December 16, 2004: Presenter, faculty workshop at Georgetown Law, Washington, DC. This was a faculty workshop on a draft of the article, *What's Sex Got to Do With It? Sex Equality and the Single-Sex Schools Movement*, that I have not finalized or submitted for publication. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

November 29, 2004: Presenter, faculty workshop at University of Virginia School of Law, Charlottesville, VA. This was a faculty workshop on a draft of the article, *What's Sex Got to Do With It? Sex Equality and the Single-Sex Schools Movement*, that I have not finalized or submitted for publication. I have no notes, transcript or recording. The address of the University of Virginia School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

November 18, 2004: Discussant (with Yale Law School Professor Robert Post), American Constitution Society conversation on Progressive Visions for Constitutional Law at the University of Pennsylvania School of Law, Philadelphia, PA. I have no notes, transcript or recording, but press coverage is supplied. The address of the American Constitution Society for Law and Policy is 1333 H Street, NW, 11th Floor, Washington, DC 20005.

October 15, 2004: Panelist, American Bar Association, 8th Annual National Institute on Class Actions, New York, NY. I spoke about class actions and arbitration. I have no notes, transcript or recording. The address of the American Bar Association is 740 15th Street, NW, Washington, DC 20005.

September 17, 2004: Participant, Roundtable at Duke University School Of Law, Conference on Interrogation, Detention and the Powers of the Executive, Durham, NC. My remarks focused on the role of lawyers in the war on terror. I have no notes, transcript or recording. The address of Duke University School of Law is 210 Science Drive, Durham, NC 27708.

June 19, 2004: Panelist, "Sameness and Difference: What is Sex Discrimination?" American Constitution Society National Convention, Washington, DC. Transcript and press coverage supplied.

June 2004 (approximate date): Presenter, brownbag workshop for legal staff, Office of Legal Counsel, United States Department of Justice, Washington, DC. This was a workshop presentation of ideas that I developed into an article that was later published as *The Unfulfilled Promise of the Constitution in Executive Hands*, provided in response to 12(a). I have no notes, transcript or recording. The address of the OLC is 950 Pennsylvania Avenue, NW, Washington DC, 20530.

April 16, 2004: Presenter, faculty workshop at the Maurer School of Law at Indiana University, Bloomington, IN. This was a workshop presentation of ideas that I developed into an article that was later published as *The Unfulfilled Promise of the Constitution in Executive Hands*, provided in response to 12(a). I have no notes, transcript or recording. The address of the Maurer School of Law at Indiana University is 211 South Indiana Avenue, Bloomington, Indiana 47405.

March 13, 2004: Commentator, plenary session on *The Sanitized Workplace* by Vicki Schultz, at the annual conference of the Association for the Study of Law, Culture and the Humanities (ASLCH), University of Connecticut Law School, Hartford, CT. I have no notes, transcript or recording. This conference was sponsored by the ASLCH, c/o Professor Linda Meyer, Quinnipiac University School of Law, 275 Mount Carmel Avenue, Hamden, CT 06518.

February 13, 2004: Presenter, faculty workshop at the University of Texas School of Law, Austin, TX. This was a workshop presentation of ideas that I developed into an article that was later published as *The Unfulfilled Promise of the Constitution in Executive Hands*, provided in response to 12(a). I have no notes, transcript or recording. The address of the University of Texas School of Law is 727 East Dean Keeton Street, Austin, Texas 78705.

October 16, 2003: Speaker, Retreat of the Judges of the United States District Court for the Eastern District of Pennsylvania, Saint Michaels, MD. Notes supplied.

October 1, 2003: Panelist, Harvard Club of Washington DC review and preview of Supreme Court Terms, Washington, DC. I spoke about important cases in the preceding Supreme Court Term. I have no notes, transcript or recording. The address of the Harvard Club of Washington DC is 3220 N Street, NW #295, Washington, DC 20007.

October 1, 2003: Panelist, Supreme Court Roundup, University of Maryland School of Law, Baltimore, MD. I spoke about the Supreme Court's decision in *Nevada v. Hibbs*. I have no notes, transcript or recording. The address of the

University of Maryland School of Law is 500 West Baltimore Street, Baltimore, MD 21201.

September 25, 2003: Panelist, Georgetown Law Supreme Court Term Opener press briefing, Washington, DC. I discussed important cases in the upcoming Supreme Court Term. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington DC 20001.

July 30, 2003: Panelist, American Bar Association teleconference on the impact of *Green Tree v. Bazzle*, national teleconference in which I participated from my office in Washington, DC. I have no notes, transcript or recording. The address of the American Bar Association is 740 15th Street, NW, Washington, DC 20005.

July 13, 2003: Keynote speaker, Jack Kent Cooke Foundation Graduate Scholars introductory weekend, Landsdowne, VA. Notes supplied.

July 2003: Speaker, brownbag lunch speaker at O'Melveny & Myers, Washington, DC. I spoke about the experience of litigating *Nevada v. Hibbs* and the implications of the Court's decision. I have no notes, transcript or recording. The address of O'Melveny & Myers is 1625 I Street, NW, Washington, DC 20006.

April 25, 2003: Speaker, Commonwealth School luncheon honoring Charles E. Merrill, founder and former headmaster, at The Harvard Club, Boston, MA. I have no notes, transcript or recording. The address of Commonwealth School is 151 Commonwealth Avenue, Boston, Massachusetts 02116.

April 25, 2003: Speaker, all-school assembly at Commonwealth School, Boston, MA. I spoke to the student body at the high school from which I graduated about the experience of litigating *Nevada v. Hibbs* and the implications of the Court's decision. I have no notes, transcript or recording. The address of Commonwealth School is 151 Commonwealth Avenue, Boston, Massachusetts 02116.

March 7, 2003: Panelist, Annual Conference of the Association for the Study of Law, Culture and the Humanities (ASLCH), New York University School of Law, New York, NY. I spoke on work-family issues and the Family and Medical Leave Act. I have no notes, transcript or recording. This conference was sponsored by the ASLCH, c/o Professor Linda Meyer, Quinnipiac University School of Law, 275 Mount Carmel Avenue, Hamden, CT 06518.

January 24, 2003: Panelist, Conference on The New Glass Ceiling, American University, Washington College of Law, Washington, DC. I spoke on work-family issues and the Family and Medical Leave Act. I have no notes, transcript or recording. I believe that the conference sponsor was the Center for WorkLife

Law, which is currently located at University of California Hastings College of the Law, 200 McAllister Street, San Francisco, California 94102.

October 2002: Speaker, Vermont Law School event on Supreme Court oral advocacy and *Nevada v. Hibbs*, Royalton, VT. Notes supplied.

May 18, 2002: Delivered citation at Georgetown University Law Center graduation on occasion of conferral of honorary degree on Mayor Anthony A. Williams, Washington, DC. Copy supplied.

February 26, 2002: Presenter, Faculty Workshop at Georgetown University Law Center, Washington, DC. This was an early workshop presentation of ideas that I developed into an article that was later published as *The Unfulfilled Promise of the Constitution in Executive Hands*, provided in response to 12(a). I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

November 16-17, 2001: Panelist, Georgetown Immigration Law Journal Symposium, Washington, DC. This was a presentation of ideas that I developed into an article that was later published as *Plenary Power Underground in Nguyen v. INS: A Reply to Professor Spiro*, provided in response to 12(a). I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

I have also spoken at Georgetown University Law Center in two other capacities that I do not specifically enumerate here because I lack the necessary records. First, at the request of various Deans, I have addressed students about how to succeed in law school (note-taking, study habits and exam taking skills), and I have spoken at orientation to incoming law students and their families about what to expect in the first year of law school. Second, I have participated as an oral advocate or a Justice in reenactments of cases pending in the Supreme Court as part of programs for prospective or admitted law students or orientation for incoming students. During the past decade, I have typically assisted with one to four of these programs each year.

- 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.

Georgetown Law Brochure 2012-2113. Copy supplied.

Susan Page, *The Constitution Today: Federalism*, The Diane Rehm Show, National Public Radio (Nov. 15, 2010). Transcript supplied.

Class Actions Targeted in AT&T Mobility v. Concepcion: An Interview with Prof. Pillard, ASC Blog (Nov. 10, 2010). Available at: <http://www.acslaw.org/news/video/a-briefing-on-att-mobility-v-concepcion-0>.

Ben James, *High Court Nixes Class Arbitration in Stolt-Nielsen Case*, Law360 (Apr. 27, 2010). Copy supplied.

John Lawless, *Saxa Politica, Fines Are Fine, Records Aren't*, The Georgetown Voice (Jan. 15, 2009). Copy supplied.

Anne Cassidy, *Georgetown Goes Global*, Georgetown Law (Fall/Winter 2008). Copy supplied.

Gregg Re, *International Law Center Opens In London*, The Hoya (Oct. 10, 2008). Copy supplied.

Robert B. Bluey, *Supreme Court's Family Leave Ruling 'Bucks Trend' of States' Rights Cases*, CNSNewroom.com (July 7, 2008). Copy supplied.

Lynn Kirshbaum, *Georgetown Law Goes International*, The Georgetown Voice (Feb. 26, 2008). Copy supplied.

Rupal Doshi, *Supreme Court of the United States, October Term 2006 Overview*, Georgetown University Law Center Supreme Court Institute (June 28, 2007). Copy supplied.

Jerry Zremski, *Roberts' Style Conciliatory In Steering Deeply Divided High Court*, The Buffalo News (July 10, 2006). Copy supplied.

Richmond County Daily Journal Editorial Board, *Roberts Didn't End World*, Richmond County Daily Journal (July 6, 2006). Copy supplied.

Kennedy Is Court's New Swing Vote, The Arizona Republic (July 2, 2006). Copy supplied.

Abortion and the Supreme Court, CSPAN (Jan. 3, 2006). Video recording available at: <http://www.c-spanvideo.org/program/190565-1>.

Greg Langlois, *The Moot Court Program At Georgetown Law's Supreme Court Institute*, Georgetown Law (Fall/Winter 2005). Copy supplied.

Greg Langlois, *The Court As Classroom*, Georgetown Law (Fall/Winter 2005). Copy supplied.

Michael Doyle, *Roberts Will Face A Diet Of Legal Hot Potatoes*, The Sacramento Bee (Oct. 2, 2005) (reprinted in multiple outlets). Copy supplied.

Gregory J. Langlois, *Dress Rehearsal: The Moot Court Program At Georgetown Law Center's Supreme Court Institute*, Journal Of Appellate Practice And Process (Sept. 22, 2005). Copy supplied.

Tom Curry, *Stevens is Key to High Court's Future*, NBCNews.com (Sept. 21, 2005). Copy supplied.

Gretchen Cook, *U.S.-Women: Gender-Bias Victories Pay More Than Money*, Women's E-News (Dec. 1, 2004). Copy supplied.

Lawrence Hurley, *U of MD Seminar Hosts Supreme Court Victors*, Daily Record (Baltimore) (Oct. 2, 2003). Copy supplied.

Gregory Froom, *U.S. Supreme Court Returns Case To Arbitrator For Class Approval*, South Carolina Lawyers Weekly (June 30, 2003). Copy supplied.

Paul D. Boynton, *U.S. Supreme Court Rules State Can Be Sued Under FMLA*, Lawyers USA (June 9, 2003). Copy supplied.

Frank J. Murray, *Justice Reverses Himself On Rights; Breyer Rules With Majority On Family Leave*, Washington Times (June 2, 2003). Copy supplied.

David L. Hudson, *Court Surprises With Family Leave Act Ruling*, ABA J.E. Report (May 30, 2003). Copy supplied.

Jan Crawford Greenburg, *Court Bolsters Family Leave: Justices Reject Stereotypes; Say States Not Exempt From U.S. Law*, Chicago Tribune (May 28, 2003). Copy supplied.

Tony Batt, *High Court Opens Door To Family Leave Lawsuit*, Las Vegas Review-Journal (May 28, 2003). Copy supplied.

Pete Williams, *Supreme Court Rules Men Can Sue States Under Family And Medical Leave Act*, NBC Nightly News (May 27, 2003). Transcript supplied.

Nina Totenberg, *US Supreme Court To Hear Arguments In A Case Testing States' Immunity From Lawsuits When They Violate The Family And Medical Leave Act*, National Public Radio (Jan. 15, 2003). Transcript supplied and audio available at <http://www.npr.org/ramfiles/me/20030115.me.15.ram>.

Tony Batt, *U.S. Supreme Court: State Rights Challenged In Leave Case*, Las Vegas Review-Journal (Jan. 12, 2003) (reprinted in multiple outlets). Copy supplied.

Associated Press, *Former State Worker Pitted Against Nevada In Supreme Court Family Leave Case*, Las Vegas Sun (Jan. 12, 2003). Copy supplied.

Diane E. Lewis, *Case Weighs Worker's Suit Against Nev; Time Off To Care For Ill Relative Is Focus*, Boston Globe (June 30, 2002). Copy supplied.

Jim Stewart, *Attorney General John Ashcroft Keeping Low Profile Lately*, CBS Evening News (June 22, 2002). Transcript supplied.

David Chernicky and Troy Graham, *Hampton Likely To Fight Reedy Case In Court, Lawyers Say*, Daily Press (Apr. 19, 2002). Copy supplied.

Robert Cossack, *Battle Of Separation Of Church And State Rages On; Why Are American Men And Women Treated Differently When It Comes To Children Born Overseas?*, CNN (June 12, 2001). Transcript supplied.

Barbara Bradley, *Supreme Court Decision On U.S. Citizenship, All Things Considered*, National Public Radio (June 11, 2001). Transcript supplied.

David G. Savage, *High Court Rejects Strip-Search Case; Ruling Illustrates Bench's Tendency To Favor Protecting Public Officials Over Individuals*, Houston Chronicle (Nov. 11, 1997). Copy supplied.

Jan Crawford Greenburg, *This Couple Argues Before Highest Court*, Chicago Tribune (Oct. 15, 1997). Copy supplied.

Roger Parloff, *Fatal Protraction*, American Lawyer (Apr. 1993). Copy supplied.

Shoney's Approves 105 Million, Los Angeles Sentinel (Mar. 11, 1993). Copy supplied.

Blacks, Du Pont Fail To Settle Bias Suit, Lexington Herald-Leader (Dec. 19, 1992). Copy supplied.

Glenn Rutherford, *Ex-Workers Cheer Ruling Against Bias At Du Pont*, Lexington Herald-Leader (Nov. 19, 1992). Copy supplied.

Joe Ward, *Du Pont De Nemours Workers Win Damages in Discrimination Suit*, USA Today (Nov. 17, 1992). Copy supplied.

Julia Lawlor, *Shoney's Settles Race-Bias Lawsuit*, USA Today (Nov. 6, 1992). Copy supplied.

Joseph Menn, *High Court Won't Hear First Union Bias Suit*, Charlotte Observer (June 4, 1991). Copy supplied.

Sam Roberts, *Metro Matters; In A Bias Case, A Family's Quest For Vindication*, N.Y. Times (May 24, 1990). 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. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

I have not held office in or rendered services to any political party or election committee. I have not held a position or played a role in any 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 1987 to 1988, I was a law clerk to Judge Louis H. Pollak, United States District Court for the Eastern District of Pennsylvania.

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

I have practiced alone only when, during my employ as a law professor, I have acted as lead counsel for cases in the Supreme Court. In each such instance, while my own practice was solo, I collaborated with lawyers in law firms or in nonprofit organizations.

- 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.

1988 – 1989
American Civil Liberties Union
125 Broad Street
New York, New York, 10004
Marvin M. Karpatkin Fellow

1989 – 1994
NAACP Legal Defense & Educational Fund, Inc.
99 Hudson Street, Suite 1600
New York, New York 10013
(transferred to DC office, 1992 – 1994)
Assistant Counsel

1994 – 1997
Office of the Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant to the Solicitor General

1998 – 2000
Office of Legal Counsel
United States Department of Justice
1300 Pennsylvania Avenue, NW
Washington, DC 20530
Deputy Assistant Attorney General
(on leave from Georgetown Law)

2008 – 2009
Center for Transnational Legal Studies
Swan House
37-39 High Holborn
London WC1V 6AA
United Kingdom
Academic Co-Director & Professor
(in the employ and on behalf of Georgetown Law)

2012 – 2013
Woodrow Wilson International Center For Scholars
One Woodrow Wilson Plaza
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Fellow
(on leave from Georgetown Law during spring semester 2013)

1997 – present
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, DC 20001
Professor (2005 – present)
Associate Professor (1997 – 2005)

- 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 an arbitrator or mediator.

b. Describe:

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

During my one year as a Marvin M. Karpatkin Fellow, I worked in the ACLU's national legal office in New York, performing legal research, and working on litigation projects and various briefs.

As Associate Counsel at the NAACP Legal Defense and Educational Fund, Inc., I worked under the supervision of senior counsel on trial, appellate and Supreme Court cases in federal courts. I successfully petitioned for certiorari and then briefed the merits in two Supreme Court cases. I argued four appeals in four different federal courts of appeals and briefed more than ten federal appeals. I also did intensive pretrial discovery and briefing in approximately five cases in federal district courts. I was co-counsel at trial in two cases, one before a jury in Miami, Florida, and one before a judge in Cincinnati, Ohio. I also worked on issues relating to the structure and administration of settlements and court awards.

As Assistant to the Solicitor General, I drafted Supreme Court briefs on the merits under the supervision of the Deputy SG and the SG; argued cases in the Supreme Court and assisted colleagues in preparing to argue their cases in the Court; drafted petitions and briefs in opposition to petitions for certiorari; and made recommendations to the SG regarding whether the SG should grant permission for government appeals to intermediate courts of appeals or to the Supreme Court. I presented six oral arguments in the Supreme Court and briefed approximately fifteen additional cases.

As Deputy Assistant Attorney General in the Office of Legal Counsel, I provided authoritative legal advice to the President, the Attorney General, and executive branch agencies. I also helped to supervise the Office's approximately twenty Attorney Advisors as well as the non-legal staff, researched and reviewed proposed advice, and consulted frequently and at length with the other Deputies and the Assistant Attorney General who headed the Office to ensure the best resolution of all the legal matters under our consideration.

For more than a decade, the bulk of my work has been as a professor. My principal activities are teaching students, carrying on legal research and writing, and fulfilling service commitments to my students, alumni, the law school and the wider community. I also have acted as lead counsel in three cases in the United States Supreme Court and as co-counsel on one other case and one unsuccessful petition for certiorari. As a member of the Faculty Advisory Committee and now as Faculty Co-Director, I have also assisted other lawyers to prepare for oral argument in the Supreme Court by acting as a moot court justice on dozens of occasions.

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

When I worked in the nonprofit sector, my clients were principally individuals or, on occasion, small private firms or organizations. Typically they had suffered retaliation, discrimination or violation of other basic constitutional or statutory rights and could not afford counsel.

At the Office of the Solicitor General and the Office of Legal Counsel, my clients were the United States Government and federal officials or entities.

In my practice as a law professor, I have represented in the Supreme Court a taxpayer, a corporation, consumers, an individual employee, and two elementary school students.

- 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.

With the exception of my work as Assistant Attorney General, Office of Legal Counsel from 1998 to 2000, which was advisory, all of my law practice has been in federal litigation. As a law professor, I have been lead counsel in the Supreme Court in three cases, and I have been co-counsel in two others. As Assistant to the Office of the Solicitor General, I argued six cases in the Supreme Court and drafted briefs on the merits in approximately fifteen cases. As Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc., I argued four cases in United States Courts of Appeals, wrote the briefs in more than ten appeals, and did intensive discovery and pretrial litigation in five cases in United States District Courts, two of which I tried with co-counsel.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 100% |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

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

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

I participated as associate counsel in two cases that were tried to verdict.

- i. What percentage of these trials were:
 - 1. jury: 50%
 - 2. non-jury: 50%
- 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.

Argued cases:

Stolt-Nielsen S.A. v. AnimalFeeds Int'l Corp., 130 S.Ct. 1758 (2010) (transcript, 2009 WL 4662509; brief for respondent, 2009 WL 3404244)

Green Tree Financial Corp. v. Bazzle, 539 U.S. 444 (2003) (transcript, 2003 WL 1989562; brief for respondents, 2003 WL 1701523; brief of respondents in opposition (following remand), 2004 WL 745106)

Nevada Dep't of Human Resources v. Hibbs, 538 U.S. 721 (2003) (transcript, 2003 WL 145272; brief for respondent, 2002 WL 31655020; brief in opposition, 2001 WL 34116242)

Inter-Modal Rail Employees Ass'n v. Atchison, Topeka and Santa Fe Ry. Co., 520 U.S. 510 (1997) (transcript, 1997 WL 129186; brief for the United States as amicus curiae supporting petitioners, 1997 WL 24906)

Lewis v. United States, 518 U.S. 322 (1996) (transcript, 1996 WL 206926)

Ornelas-Ledesma v. United States, 517 U.S. 690 (1996) (transcript, 1996 WL 146310; brief for the United States, 1996 WL 32774)

Behrens v. Pelletier, 516 U.S. 299 (1996) (transcript, 1995 WL 674477; brief for the United States as amicus curiae supporting petitioner, 1995 WL 782861)

Johnson v. Jones, 515 U.S. 304 (1995) (transcript, 1995 WL 243454; brief for the United States as amicus curiae supporting petitioners, copy supplied)

American Airlines, Inc. v. Wolens, 513 U.S. 219 (1995) (transcript, 1994 WL 759074; brief of the United States as amicus curiae in support of reversal, 1994 WL 16012085)

Briefed cases:

Knight v. C.I.R., 552 U.S. 181 (2008) (petitioner's brief, 2007 WL 2428375; reply brief, 2007 WL 3276499)

Crawford-El v. Britton, 523 U.S. 574 (1998) (brief for the United States as amicus curiae, 1997 WL 33485505)

Jenkins by Hall v. Herring, 522 U.S. 966 (1997) (certiorari petition, 1997 WL 33549229; reply brief, 1997 WL 33549172)

Richardson v. McKnight, 521 U.S. 399 (1997) (brief for the United States as amicus curiae supporting respondent, 1997 WL 63323)

United States v. Hughes Aircraft, 520 U.S. 1183 (1997) (certiorari petition, 1997 WL 33557586; reply brief, 1997 WL 33557815)

Warner-Jenkinson Co., Inc. v. Hilton Davis Chem. Co., 520 U.S. 17 (1997) (brief for the United States as amicus curiae, 1996 WL 172221)

United States v. Virginia, 518 U.S. 515 (1996) (certiorari petition, 1995 WL 17013870; brief for petitioner, 1995 WL 703403; brief in opposition to conditional cross-petition, 1995 WL 17013897; brief for cross-respondent, 1995 WL 745010; reply brief, 1996 WL 32776)

Reno v. Bossier Parish School Bd., 520 U.S. 471 (1996) (jurisdictional statement, 1996 WL 439256; brief for the federal appellant, 1996 U.S. S. Ct. Briefs LEXIS 447; reply brief, 1996 WL 607731)

Board of Comm'rs, Wabaunsee Cty. v. Umbehr, 518 U.S. 668 (1996) (brief for the United States as amicus curiae supporting respondent, 1995 WL 782875) (briefed sub nom *Heiser v. Umbehr*)

United States v. D.F., 517 U.S. 1231 (1996) (certiorari petition, copy supplied; reply brief, 1996 WL 33467349)

North Carolina Power v. North Carolina Utilities Comm'n, No. 94-1986, *cert. denied*, 516 U.S. 1092 (1996) (brief of the United States as amicus curiae in support of certiorari, copy supplied)

Kimberlin v. Quinlan, 515 U.S. 321 (1995) (vacated and remanded in light of *Johnson v. Jones*) (brief for the United States as amicus curiae (petition stage), copy supplied; brief for the United States as amicus curiae supporting reversal (merits), 1995 U.S. S. Ct. Briefs LEXIS 145)

Adarand Constructors v. Peña, 515 U.S. 200 (1995) (brief in opposition, 1994 WL 16012041; brief for respondents, 1994 WL 694992)

City of Edmonds v. Oxford House, Inc., 514 U.S. 725 (1995) (brief for the United States, 1995 WL 31812)

West Penn Power Co. v. Pennsylvania Public Utility Comm'n, No. 93-1341, *cert. denied*, 513 U.S. 925 (1994) (brief of the United States as amicus curiae in support of certiorari, copy supplied)

Rivers v. Roadway Express, 511 U.S. 298 (1994) (petition for certiorari, copy supplied; petitioner's brief, 1993 WL 329989; reply brief, 1993 WL 664650)

Bray v. Alexandria Women's Health Clinic, 506 U.S. 263 (1993) (NAACP LDF brief as amicus curiae in support of respondent, 1991 U.S. S. Ct. Briefs LEXIS 953)

United States v. Verdugo-Urquidez, 494 U.S. 259 (1990) (brief of ACLU as amicus curiae in support of respondent, 1989 WL 1127209)

As an Assistant to the Solicitor General, I also wrote dozens of briefs in opposition petitions for certiorari against the government. The United States' briefs in opposition are public documents filed in court, but the practice of the Solicitor General's office is not to list the name of the drafting Assistant to the Solicitor General on those briefs, and I did not maintain records of which such briefs I wrote.

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. *Stolt-Nielsen S.A. v. AnimalFeeds International Corp.*, 130 S.Ct. 1758 (2010)

I was lead Supreme Court counsel for the respondent, AnimalFeeds International Corp., and I drafted the brief in opposition and the merits brief and argued the case in the Supreme Court. My client sought to recover, on a class-wide basis, civil damages flowing from a criminal antitrust conspiracy. The issue in the Supreme Court was whether the Federal Arbitration Act preempted class-wide arbitration under an agreement that expressed no intent to authorize class proceedings. The Court articulated a default presumption under the Federal

Arbitration Act that parties who agree to arbitrate do not thereby consent to arbitrate on a class-wide basis.

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2. *Green Tree Financial Corp. v. Bazzle*, 539 U.S. 444 (2003)

I was lead Supreme Court counsel for two classes of homeowners, and I drafted the merits brief and argued the case in the Supreme Court. The case arose from thousands of home improvement loans that plaintiffs claimed were made in systematic violation of South Carolina's consumer protection law. The issue in the Supreme Court was whether the Federal Arbitration Act preempted class-wide arbitration that the arbitrator had conducted and the state high court approved under an arbitration clause that empowered the arbitrator to decide "all disputes" between the parties, but said nothing specific about class proceedings. The Court held that the Federal Arbitration Act allocates to the arbitrator, not the trial court, the decision whether such an arbitration clause authorizes class proceedings.

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3. *Nevada Dep't of Human Resources v. Hibbs*, 538 U.S. 721 (2003)

I was lead Supreme Court counsel for the respondent, Hibbs, whose state employer violated his Family and Medical Leave Act (FMLA) rights when Hibbs sought leave to care for his seriously ill wife. I was the principal drafter of the brief in opposition, as well as respondent's brief on the merits, and I argued the

case in the Supreme Court. The issue in the Supreme Court was whether Congress's enactment of the family-care provision of the FMLA was a valid exercise of congressional authority under Section 5 of the Fourteenth Amendment to remedy a widespread pattern of state sex discrimination. The Court held that it was.

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4. *Warner-Jenkinson Co., Inc. v. Hilton Davis Chem. Co.*, 520 U.S. 17 (1997)

I was the principal drafter of the brief for the United States as amicus curiae in this case addressing the doctrine of equivalents for patent infringement. Under the equitable, extra-statutory doctrine of equivalents, a product or process that does not literally infringe a patent because it has elements that differ from those specified in the patent claim limitations may nonetheless be held to infringe if the differences are insubstantial. A fractured Federal Circuit opinion had left the nature and application of the doctrine unclear. The United States argued for, and the Court sustained, a slightly narrowed and clarified doctrine.

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5. *United States v. Virginia*, 518 U.S. 515 (1997)

I was the principal drafter of the briefs for the United States in this equal protection challenge to Virginia Military Institute's exclusion of women and the Commonwealth of Virginia's development of a separate and substantially different program for women. The United States initiated this case in response to a complaint by a young woman denied admission to VMI based on her sex. The Supreme Court held that VMI's exclusion of women violated the Equal Protection Clause, as did its effort to remedy that violation by establishing a women-only program that was in many material respects unequal to VMI.

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6. *Board of Comm'rs, Wabaunsee Cty. v. Umbehr*, 518 U.S. 668 (1996)

I was the principal drafter of the brief for the United States as amicus curiae in this case addressing whether the First Amendment protects government contractors against retaliatory termination of government contracts based on

speech on matters of public concern. Respondent was a trash hauler whose contract with the county was automatically renewable and terminable at will, and he contended that the county cancelled his contract in retaliation for his public criticism at meetings and in the newspaper of the county's misuse of public equipment on private construction projects, excessive public landfill rate hikes, and planned closure of the landfill. The United States urged that viewpoint-based public contract termination, like other viewpoint-based grant or withdrawal of public benefits, is presumptively unconstitutional. The Supreme Court held that the First Amendment protects public contractors against speech-based retaliation and that an adjusted *Pickering* balancing test adequately accounts for the government's countervailing interests as contractor.

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7. *Lewis v. United States*, 518 U.S. 322 (1996)

I argued this case in the Supreme Court on behalf of the United States. The issue was whether a defendant who is prosecuted for multiple petty offenses in a single proceeding has a Sixth Amendment right to a jury trial. Criminal defendants

accused of serious crimes have a constitutional right to trial by jury, but this right is inapplicable to “petty” offenses, and any offense for which the legislature provided a maximum authorized sentence less than six months had been treated as presumptively petty. The Court held that a potential aggregate sentence exceeding six months does not convert the underlying petty offenses into serious crimes triggering the jury right.

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8. *Ornelas-Ledesma v. United States*, 517 U.S. 690 (1996)

I was the principal drafter of the brief on the merits for the United States and argued this case in the Supreme Court. The issue was whether determinations of reasonable suspicion to stop and probable cause for a warrantless search are subject to *de novo* review, or only review for clear error. The United States had prevailed below on the more deferential standard, but before the Supreme Court the government argued for the *de novo* standard and the Court appointed counsel to defend the judgment of the court of appeals. The Court held that determinations of reasonable suspicion and probable cause for a warrantless search should be reviewed *de novo*.

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9. *Behrens v. Pelletier*, 516 U.S. 299 (1996)

I was the principal drafter of the brief for the United States as amicus curiae, and I argued the case in support of petitioner Behrens in the Supreme Court. The question in this case was whether a public official who had already taken an interlocutory appeal of the denial of qualified immunity at the motion to dismiss stage is entitled to a second interlocutory appeal of denial of a summary judgment motion reasserting qualified immunity. The Court held that an official is not limited to one interlocutory appeal on qualified immunity grounds.

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10. *Adarand Constructors v. Peña*, 515 U.S. 200 (1995)

I was the principal drafter of the briefs for the United States in this equal protection challenge to the Small Business Administration's Disadvantaged Business Enterprise program, which permitted official consideration of race as a factor in determining business disadvantage. The United States defended the Disadvantaged Business Enterprise program under *Fullilove v. Klutznick*, 448 U.S. 448 (1980). The Court held that any official consideration of race, even in affirmative action programs, must be strictly scrutinized under the Equal Protection Clause.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The main focus of my practice has been litigation or preparation for litigation on behalf of my own clients. I have also, however, done substantial counseling and advising, such as when I worked in the Office of Legal Counsel in the United States Department of Justice. Other significant non-litigation legal activities include the following:

In my service through the Supreme Court Institute (SCI) at Georgetown University Law Center, first as a member of the Faculty Advisory Committee and now as Faculty Co-Director, I have been a frequent volunteer justice for moot court panels. The SCI conducts moot courts on a first-come, first-served basis to assist counsel in preparing to argue in the United States Supreme Court. I have assisted dozens of lawyers in preparing their arguments, without regard to the issue or their position. I have also served as an advisor to and advocate for the SCI executive staff regarding the administration and expansion of the SCI and its many other educational programs and activities.

As a member of the Board of Directors and the Executive Committee of the American Arbitration Association (AAA), I have attended and participated in annual meetings of the Board and quarterly meetings of the Executive Committee. I bring to the AAA experience and knowledge of legal processes drawn from my law practice and teaching, as well as detailed knowledge of the Federal Arbitration Act (FAA) and judicial interpretations of it that I developed through briefing and arguing two Supreme Court cases under the FAA. I have sought as a Board and Executive Committee member to use my knowledge and experience to assist the AAA in fulfilling its mission of providing prompt, effective and economical methods of dispute resolution to parties who choose to arbitrate or mediate their disputes under the auspices of the AAA. In 2003, at the invitation of the AAA General Counsel before I joined the Board, I consulted with the Association in drafting the AAA Supplementary Rules for Class Arbitrations.

I have not engaged in any lobbying or registered as a lobbyist.

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

I have been a member of the Georgetown University Law Center faculty since 1997, with occasional leaves of absence or sabbaticals to engage in other employment, teaching, and research opportunities. In my years as a professor I have taught the following courses:

Advanced Constitutional Law Seminar (co-taught with Professor J. Michael Seidman): 2004

This was an advanced, workshop-style course, with invited outside faculty presenting different topics each week, followed by students presenting their own research papers on constitutional law subjects. A syllabus for the course is supplied.

Civil Procedure: 1998, 2001, 2002, 2004, 2011

This course covered pleading, motions, trial, appeal, personal jurisdiction, subject matter jurisdiction, *Erie* and choice of law, preclusion, alternative dispute resolution, and remedies. A syllabus for the course is supplied.

Constitutional Law I: The Federal System: 2000, 2001, 2002, 2005

This course covered judicial review, federalism, and separation of powers. A syllabus for the course is supplied.

Constitutional Law I & II (Bar Review): 2012

This course, consisting of four lectures, covered judicial review, federalism, separation of powers, due process, equal protection, fundamental rights, and the First Amendment. I did not develop a syllabus for this course, but based my teaching on a proprietary curriculum developed especially for LL.M. students.

Constitutional Law II: Individual Rights & Liberties (co-taught with Professor David Cole at Georgetown Summer Program in Florence, Italy): 2000

This course covered due process, equal protection, and the First Amendment. I did not retain a syllabus for this course, but taught from the casebook, *Constitutional Law*, by Stone, Seidman and Sunstein.

Corporate Accountability for Workers in the Global Supply Chain: 2012, 2013

This seminar examines issues relating to establishing, monitoring, complying with and enforcing private codes that set standards for workers in global value chains supplying goods to the U.S. market. A syllabus for the course is supplied.

Employment Seminar: Theory, Law and Policy: 2006

This course covered a different topic each week, including globalizing labor markets; work-family tensions; minimum wage, Earned Income Tax Credit or living wage policies; the Fair Labor Standards Act; nondiscrimination based on sexual orientation; workplace diversity; cognitive bias and law & economics approaches to unconscious discrimination at work. A syllabus for the course is supplied.

International Law of Labor & Employment: 2009, 2010

This survey course covered the International Labor Organization, work-related human rights, litigation of international work-related claims, trade-labor linkage, work law in the European Union, private regulation of work through codes of conduct, migrant workers, and women workers. A syllabus for the course is supplied.

Law of Work in the Global Economy Seminar (co-taught with Professor Kerry Rittich, University of Toronto at the Center for Transnational Legal Studies, London, United Kingdom): 2008

This seminar covered the structure of the new global economy, regulatory flexibility, post-industrial employment, contingent work, working time and work/family policy, social insurance, transnational labor organizing, transnational regulation, new governance, and labor migration. A syllabus for the course is supplied.

Legal Justice Seminar: 1997, 2000, 2001, 2002, 2004, 2005

This small-group, first-year course is a survey of 20th century legal theory, with a curriculum designed by a group of faculty. Topics typically include classical legal thought, American legal realism, legal process, law and economics, critical legal studies, critical race theory, feminist jurisprudence, and modern rights theory. I did not develop a syllabus for this course, but taught based on reading materials collected by the 5-6 faculty members who taught sections of the course in the same year.

Legal Process and Society: 2005, 2007-2008, 2010-2011

This is a full-year civil procedure course for Section 3, an optional first-year curriculum that takes a more theoretical, interdisciplinary and integrated approach to the traditional first-year curriculum. I taught the regular civil procedure subjects – pleading, motions, trial, appeal, personal jurisdiction, subject matter jurisdiction, *Erie* and choice of law, preclusion, alternative dispute resolution, and remedies – and assigned additional secondary readings on issues such as the importance of fair process, the growing importance of arbitration, and class actions. A syllabus for the course is supplied.

Regulating the Workplace in the Global Economy (co-taught with Assistant Professor Alvaro Santos): 2008

This seminar examined the transformation of the global labor market, workforce development, challenges and opportunities of global labor markets, and conventional and alternative institutions of worker representation. A syllabus for the course is supplied.

Social Welfare and Economic Liberty in Constitutional and Human Rights Law Seminar: 2007

This seminar explored different constitutional and human rights approaches to protection of economic liberties and providing for the social welfare. The

readings included political theory and social science as well as legal texts and analysis. A reading list and seminar requirements handout are supplied.

Transnational Law Colloquium (co-taught with Professor David Cole): 2008, 2009

This was a workshop-style course with invited speakers and structured student participation. Speaker lists are supplied.

Transnational Legal Theory Seminar (co-taught with Professor David Luban): 2009

This seminar surveyed contemporary issues in transnational legal theory, including laissez-faire, globalism, realism, human rights, pluralism and relativism, the fragmentation of the international legal system, the laws of war, the question whether global justice is a coherent concept, global justice and poverty, women and international legal theory, trans-national legal translation, and the future of the nation state. A syllabus for the course is supplied.

Work Law in Flux: Labor and Employment for the 21st Century (co-taught with Katie Corrigan): 2011

This “practicum” course combined student externship placements in labor or employment law offices with weekly seminar meetings to discuss case studies, as well as cross-cutting issues of work law, including the economics of workplace regulation, labor law, employment law, employment discrimination law, the shifting employer-employee relationship, human rights protections for workers, and job creation. A syllabus for the course 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.

I have no anticipated receipts from deferred income arrangements.

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

If confirmed, I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse from any case on which I had previously worked and any case in which I had an interest raising an appearance of bias or which presented a ground on which my impartiality might reasonably be questioned. My recent law practice has been as a professor, and I am not aware of any individuals or entities with whom I have a personal, financial or professional relationship that is likely to present a conflict of interest. If a potential conflict arose, I would apply the standards of 28 U.S.C. § 455 and the Code of Judicial Conduct for United States Judges, as well as any other pertinent principles of judicial ethics, to determine whether to recuse.

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

In order to avoid any potential conflict of interest, I would consult rules and decisions that address what constitutes a conflict of interest, including 28 U.S.C. § 455 and the Code of Judicial Conduct for United States Judges, and based on such sources, I would compile a comprehensive list of matters, clients or other persons so that I could readily identify potential conflicts of interest. In close cases, I would consult other judges and any person designated by the court or judicial organizations to provide advice on such questions as they arise.

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.

I was lead counsel, pro bono, in the United States Supreme Court in *Nevada Department of Human Services v. Hibbs*. I spent several hundred hours briefing the case at the petition and merits stages and arguing the case.

I worked with a Georgetown colleague on a pro bono basis in preparing the merits brief in *Knight v. C.I.R.*, 552 U.S. 181 (2008). I also worked on a pro bono basis with the NAACP Legal Defense & Educational Fund, Inc. to prepare the petition for certiorari in *Jenkins by Hall v. Herring*, 522 U.S. 966 (1997). I have assisted many other lawyers who represent disadvantaged clients, advising them on litigation planning and briefing.

I spend many hours each year volunteering my time on moot court panels for lawyers preparing to argue before the Supreme Court. I do not limit those pro bono contributions to any particular type of client or issue, but many of the lawyers I have mooted over the years were representing disadvantaged clients. I also have assisted many other lawyers who represent disadvantaged clients, advising them on litigation planning and briefing.

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 January 2013, I was contacted by an official from the White House Counsel's Office, inquiring whether I was interested in being considered for a vacancy on the United States Court of Appeals for the District of Columbia Circuit and discussing my legal career. In March, I received a follow-up call informing me that I would be placed under further consideration. Since March 15, 2013, I have been in contact with officials from the Office of Legal Policy in the Department of Justice. On May 8, 2013, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On May 17, 2013, I met with the White House Counsel in Washington, DC. On June 4, 2013, 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.

AFFIDAVIT

I, Cornelia T. L. Pillard, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

June 13, 2013
(DATE)

[Signature]
(NAME)

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 13 DAY OF June, 2013.
BY Cornelia T. L. Pillard
Roberta Kelley Paul
NOTARY PUBLIC

Roberta Kelley Paul
(NOTARY)

