

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Jane Emma Nitze

Former name: Jane Emma Nicole Kucera

Nickname: Janie

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

Member, Privacy and Civil Liberties Oversight Board

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.

National Security Institute, Antonin Scalia Law School, George Mason University  
3301 Fairfax Drive, Arlington, VA 22201

Current city and state of residence: Washington, DC

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

3/12/82. Boston, MA

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.

J.D. 2008, Harvard Law School. Attended 2005-08

M.A. 2004, Statistics, Harvard University. Attended 2000-04

B.A. 2004, Physics, Harvard University. Attended 2000-04

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.

<i>Employer &amp; Address</i>	<i>Job description</i>
National Security Institute Antonin Scalia School of Law George Mason University 3301 Fairfax Drive, Arlington, VA 22201	National Security Fellow 10/17 to present
Justice Neil Gorsuch U.S. Supreme Court 1 First Street NE, Washington, DC 20543	Independent Contractor 10/17 to present
Justice Neil Gorsuch U.S. Supreme Court 1 First Street NE, Washington, DC 20543	Law Clerk 4/17 – 7/17
Harvard Law School 1563 Massachusetts Avenue, Cambridge, MA 02138	Climenko Fellow 7/16 – 3/17
Office of Legal Counsel U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530	Attorney Advisor 10/12 – 6/16
Justice Sonia Sotomayor U.S. Supreme Court 1 First Street NE, Washington, DC 20543	Law Clerk 7/11 – 7/12
Kellogg, Hansen, Todd, Figel & Frederick <sup>1</sup> 1615 M Street NW #400, Washington, DC 20036	Associate 11/09 – 4/11
Then-Judge Neil Gorsuch U.S. Court of Appeals for the Tenth Circuit 1823 Stout Street, Denver, Colorado 80257	Law Clerk 8/08 – 8/09
Munger, Tolles & Olson 350 South Grand Ave., 50th Fl., Los Angeles, CA 90071 560 Mission Street, 27th Fl., San Francisco, CA 94105	Summer Associate 5/07 – 8/07
World Intellectual Property Organization 34 Chemin des Colombettes, CH-1211 Geneva 20 Switzerland	Summer Intern 6/06 – 8/06
Harvard Law Review 1511 Massachusetts Avenue, Cambridge, MA 02138	Editor & Alumni Chair 8/06 – 6/08
Harvard Law School 1563 Massachusetts Avenue, Cambridge, MA 02138	RA: Professor Tribe 8/06 – 6/08

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<sup>1</sup> Formerly known as Kellogg, Huber, Hansen, Todd, Evans & Figel.

TA: Professor Hanson  
One semester in the 2007-08  
academic year

Medicine in Need  
85 Bolton Street, Cambridge, Massachusetts 02138<sup>2</sup>

Employee  
6/04 – 8/05

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.

None

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.

Climenko Fellowship, Harvard Law School  
John Harvard Scholar, Harvard College

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.

None

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.

District of Columbia: No. 997805. 11/05/10 to present. Active.

California: No. 262455. 1/09 to present. 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.

U.S. Supreme Court: 5/29/12 to present

U.S. Court of Appeals for the Tenth Circuit: 5/4/09 to present

Courts in the jurisdiction of Washington, D.C.: 11/5/10 to present

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<sup>2</sup> When I was employed by the company, its mission was to deliver affordable vaccines to the developing world. It appears that the company currently does not exist in that capacity.



State courts of California: 01/09 to 02/12

**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.

Circle Society of the National Gallery of Art: 2013 to present

Federalist Society: Attended events since law school; paid dues on intermittent basis

- b. 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.

None

**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.

Articles published as a law student:

- Note: *Harmonizing Copyright's Internationalization with Domestic Constitutional Constraints*, 121 Harv. L. Rev. 1798 (2008)
- Recent Case: *Ninth Circuit Upholds Conditioning Receipt of Welfare Benefits on Consent to Suspicionless Home Visits*, Sanchez v. County of San Diego, 464 F.3d 916 (9th Cir. 2006), 120 Harv. L. Rev. 1996 (2007)

Articles published as a college student:

- G.W. Fuchs et al., *Spectroscopy of Linear Carbon Chain Radicals - The Case of  $C_nN$  Chains*, 91 Springer Proceedings in Phys. 99 (2004)
- M.C. McCarthy et al., *Rotational Spectra of  $C_4N$ ,  $C_6N$ , and the Isotopic Species of  $C_3N$* , 118 J. Chem. Phys. 3549 (2003)

- 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.

None

- 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.
- Letter from former law clerks of Justice Gorsuch to the Senate Committee on the Judiciary. 2/14/17.
  - Letter from female former law clerks of Justice Gorsuch to the Senate Committee on the Judiciary. 3/20/17
- 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.
- Heritage Foundation: panel discussion about then-Judge Gorsuch. 3/13/17
  - Students from Northeastern University's Law & Policy Doctorate program: question-and-answer session about being a law clerk. 12/6/12.
  - Students from Northeastern University's Law & Policy Doctorate program: question-and-answer session about being a law clerk and attorney in the Office of Legal Counsel. 12/3/15
  - Lectures as a Climenko Fellow at Harvard Law School. 2016-17 academic year.<sup>3</sup>
- 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.

I gave numerous interviews in connection with the nomination and confirmation efforts for Justice Neil Gorsuch. To the best of my recollection, I gave the following interviews at the noted dates:

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<sup>3</sup> I welcomed a daughter in early January 2017, so a colleague covered many of my classes for the Spring semester. In addition, I am unable to locate the final version of a lecture given on March 27, 2017, and have included the most recent version I could locate; the subject matter covered was oral arguments.

- Bloomberg Radio's Bloomberg Law. 1/24/17
- Richard Wolf, USA Today. Appx 1/24/17.
- Sara Randazzo, Wall Street Journal. 1/26/17
- Judicial Crisis Network (used by the organization for an advertisement in support of Justice Gorsuch). 1/27/17
- Andrea Dukakis, NPR. 1/30/17 (interview for background information); 2/1/17 (radio interview)
- Nathan Heffel, CPR. 1/31/17
- Bret Baier, Fox News. 1/31/17
- Andrew Chung, Thomson Reuters. 1/31/17
- Liz Mineo, Harvard Gazette. Appx 2/1/17
- Sean Hannity, Fox News. 2/1/17
- Mike Sacks, E.W. Scripps Company. 2/1/17
- Local Fox 5. 2/2/17
- Kimberly Kindy, Washington Post. 2/3/17
- Kelsey Harkness, Daily Signal. Appx 2/3/17
- Scott Sands Show, Ohio. 2/6/17
- Derrell Day Show, Florida. 2/9/17
- Coastal Daybreak, North Carolina. 2/9/17
- Mark Matthews, Denver Post. 2/4/17
- The Larry O'Connor Show, DC/NoVa. 2/6/17
- The Dan Caplis Show. 2/9/17
- Kelsey Harkness, Daily Signal. 3/13/17
- Arnie Seipel, NPR. 3/20/17
- Neil Cavuto, Fox News. 3/20/17
- Countdown to Closing Bell, Fox Business. 3/21/17
- Sirius Morning Briefing with Tim Farley. 3/23/17
- Press conference with Senators at Supreme Court. 3/29/17

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

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

None

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

None

14. **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;

Then-Judge Neil Gorsuch, U.S. Court of Appeals for the Tenth Circuit,  
8/08 – 8/09

Justice Sonia Sotomayor, U.S. Supreme Court, 7/11 – 7/12

Justice Neil Gorsuch, U.S. Supreme Court, 4/17 – 7/17

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

No

- 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.

World Intellectual Property Organization: Summer intern, 6/06 – 8/06  
34 Chemin des Colombettes, CH-1211 Geneva 20, Switzerland

Munger, Tolles & Olson: Summer associate, 5/07 – 8/07  
350 South Grand Ave., 50th Fl., Los Angeles, CA 90071  
560 Mission St., 27th Fl., San Francisco, CA 94105

Kellogg, Hansen, Todd, Figel & Frederick: Associate, 11/09 – 4/11  
1615 M St NW #400, Washington, DC 20036

Office of Legal Counsel, Dep't of Justice: Attorney Advisor, 10/12 – 6/16  
950 Pennsylvania Avenue, NW Washington, DC 20530

- 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.

No



b. Describe:

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

Since graduating law school in 2008, I have spent close to five years in government practice: approximately two and a half years as a law clerk, and approximately three and a half years as an attorney in the Office of Legal Counsel. Between my first two clerkships, I spent approximately a year and a half at a law firm representing private clients. For exact dates please see response to question 14(a).

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

In law firm practice, my clients included private companies and individuals. Please see responses to questions 15-16 for more detail. During my work as an attorney in the Office of Legal counsel, I specialized in counterterrorism and intelligence matters, the use of military force abroad, and the Emoluments Clause.

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

- i. Indicate the percentage of your practice in:

1. federal courts;
2. state courts of record;
3. other courts;
4. administrative agencies

- ii. Indicate the percentage of your practice in:

1. civil proceedings;
2. criminal proceedings.

In the nearly ten years since I graduated law school, I have devoted about a year and a half to litigation. The majority took place as an associate at Kellogg, Hansen, Todd, Figel & Frederick. To my best recollection, the matters were civil and in federal courts. I did not appear in court. I also participated, to a limited degree, in some litigation-related matters as an attorney in the Office of Legal Counsel. To my best recollection, the matters were civil and in federal courts.

As a result, to the best of my recollection, approximately 15% of my practice has been in litigation. Of that, approximately 100% has been in federal court and 100% has involved civil matters; and 0% has been in state courts and 0% has involved criminal matters.

- 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. What percentage of these trials were:
1. jury;
  2. non-jury.

I have not tried a case in district court or trial court to final decision. (I have worked on cases at the appellate level that have resulted in a final decision from a court of law, but do not read the question to encompass those matters.) As a result, the question of percentages is not applicable.

- 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.

As an associate at Kellogg, Hansen, Todd, Figel & Frederick, I assisted in drafting briefs at the certiorari and merits stages:

- *Bruesewitz v. Wyeth*, No. 09-152: Merits briefs for petitioners
- *Fernandez v. Frost National Bank*, No. 10-674: Petition for a writ of certiorari

15. **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.
- i. *Bruesewitz v. Wyeth*
- Supreme Court, No. 09-152
  - Citation of reported decision: 562 U.S. 223 (2011)
  - Approximate dates of representation: 12/09 – 4/11

As an associate at Kellogg, Hansen, Todd, Figel & Frederick, I assisted in drafting petitioners' merits briefs. The question presented asked whether the National Childhood Vaccine Injury Act of 1986 preempted all vaccine design-defect claims against vaccine manufacturers, even in cases of vaccines whose side effects were avoidable. In a 7-2 decision, the Court answered in the affirmative.

Additional attorneys on petitioners' briefs:

David C Frederick (counsel of record)  
Derek T. Ho  
Brendan J. Crimmins  
Kellogg, Hansen, Todd, Figel & Frederick, PLLC  
1615 M Street, NW, Suite 400  
Washington, D.C. 20036  
202 326 7900

John Eddie Williams  
John T. Boundas  
Williams Kherkher Hart Boundas, LLP  
8441 Gulf Freeway, Suite 600  
Houston, TX 77017  
713 230 2200

Collyn A Peddie  
The Law Offices of Collyn Peddie  
440 Louisiana, Suite 1710  
Houston, TX 77002  
713 422 1205

Counsel for respondents:

Kathleen M. Sullivan (counsel of record)  
Faith E. Gay  
Sanford I. Weisburst  
William B. Adams  
Quinn Emanuel Urquhart & Sullivan, LLP  
51 Madison Ave., 22nd Floor  
New York, NY 10010  
212 849 7000

Daniel J. Thomasch  
Richard W. Mark  
E. Joshua Rosenkranz  
Lauren J. Elliot  
John L. Ewald



Orrick, Herrington & Sutcliffe LLP  
51 W. 52nd Street  
New York, NY 10019  
212 506 5000

ii. *Fernandez v. Frost National Bank*

- Petition for a Writ of Certiorari, Supreme Court, No. 10-674
- Approximate dates of representation: 09/10-11/10

As an associate at Kellogg, Hansen, Todd, Figel & Frederick, I assisted in drafting a petition for a writ of certiorari on behalf of Ann M. Fernandez. The question presented asked “[w]hether a state’s refusal to apply the discovery rule to claims of inheritance rights made by non-marital children violates the Equal Protection and Due Process Clauses of the Fourteenth Amendment, where state law presents no such barrier to claims made by marital children.” The petition was denied.

Additional attorneys on petitioners’ briefs:

David C Frederick (counsel of record)  
Derek T. Ho  
Kellogg, Hansen, Todd, Figel & Frederick, PLLC  
1615 M Street, NW, Suite 400  
Washington, D.C. 20036  
202 326 7900

Julia F. Pendery  
3030 LBJ Freeway  
Suite 1630, LB 50  
Dallas, TX 75234  
972 243 1999

Michele Mobley  
Michael McCrea  
DuBois, Bryant & Campbell, LLP  
700 Lavaca Street  
Suite 1300  
Austin, TX 78767  
512 381 8030

Marcos G. Ronquillo  
Shawn M. McCaskill  
Godwin Ronquillo PC  
1201 Elm Street  
Suite 1700  
Dallas, TX 75270

214 939 8613

iii. *Nova Chemicals Inc. v. Sekisui Plastics*

- U.S. District Court, Western District of Pennsylvania, Hon. David S. Cercone
- 2:06-cv-00478-DSC
- Approximate dates of representation: 4/10 – 10/10

As an associate at Kellogg, Hansen, Todd, Figel & Frederick, I assisted in the representation of a Japanese plastics company that had been sued by Nova Chemicals for tortious business interference. The case was dismissed after settlement.

Additional attorneys at the firm who worked on the case:

Reid Figel  
Kellogg, Hansen, Todd, Figel & Frederick, PLLC  
1615 M Street, NW, Suite 400  
Washington, D.C. 20036  
202 326 7918

Co-counsel:

Walter H. Flamm, Jr.  
William H. Platt  
Flamm, Boroff & Bacine  
794 Penllyn Pike  
Blue Bell, PA 19422  
267 419 1501

Michael J. McCaney, Jr.  
15th Floor  
1515 Market Street  
Philadelphia, PA 19102  
215 496 0177

Plaintiff's attorneys:

Jayme L. Butcher  
John M. McIntyre  
Kevin S. Katona  
Reed Smith  
225 Fifth Avenue, Suite 1200  
Pittsburgh, PA 15222  
412 288 7116

Robert J. Diaz

Hahn Loeser & Parks  
200 Public Square  
3300 BP Tower  
Cleveland, OH 44114  
216 621 0150

iv. *Murtaza Ali v. Dinwiddie*

- Tenth Circuit, No. 09-5151. Judges Briscoe, Ebel, O'Brien
- Citation of reported decision: 437 F. App'x 695.
- Approximate dates of representation: 6/10 – 1/11

As an associate at Kellogg, Hansen, Todd, Figel & Frederick, I assisted in the pro bono representation of an inmate incarcerated in state prison. He had filed a pro se 42 U.S.C. §1983 lawsuit alleging that prison officials had mistreated him. The district court dismissed his case, and I assisted in the representation of the inmate on appeal on one of his claims. The U.S. Court of Appeals for the Tenth Circuit reversed the district court's dismissal of that claim.

Additional attorneys at the firm who worked on the case:

David Frederick  
Kellogg, Hansen, Todd, Figel & Frederick, PLLC  
1615 M Street, NW, Suite 400  
Washington, D.C. 20036  
202 326 7999

Attorneys listed on respondents' brief:

Lisa E. Endres  
Margie Weaver  
Attorney General for the State of Oklahoma  
313 NE 21st Street  
Oklahoma City, OK 73105  
405 521 3921

v. *In re Chocolate Confectionary Antitrust Litigation*

- District Court for the Middle District of Pennsylvania, Hon. Christopher C. Conner
- 1:08-mdl-01935-CCC
- Approximate dates of representation: 11/09 – 02/10

As an associate at Kellogg, Hansen, Todd, Figel & Frederick, I assisted in the firm's representation of a putative class of consumer purchasers of chocolate confectionery products. Plaintiffs alleged a price fixing conspiracy by chocolate confectionary product manufacturers.



There is an extensive list of counsel for each of the parties. Please see the appendix for a printout of pacer that lists each counsel and their contact information.

16. **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.)

This response does not include work conducted as a law clerk or as an attorney in the Office of Legal Counsel.

Aside from matters listed elsewhere on this form, as an associate at Kellogg, Hansen, Todd, Figel & Frederick, I assisted in the firm's representation of the Bank of New York Mellon in connection with an investigation by the New York Attorney General's office into actions taken by the Bank in the foreign exchange markets. Largely after I departed the firm, other entities and individuals also had begun to investigate or file suit against the Bank, and the matter moved from the investigative phase to litigation. In addition, largely after I departed the firm, the firm also represented various then-current and former employees of the Bank. I was an associate on the matter, and I principally engaged in fact gathering, drafted white papers, and met with the clients and attorneys from the New York Attorney General's office. The approximate dates of the firm's representation are 12/09–9/17, and of my representation are 12/09–4/11. The details of the cases are as follows:

United States District Court for the Southern District of New York

*United States v. The Bank of New York Mellon*, No. 11 Civ. 6969 – Judge Lewis A. Kaplan

*In re: Bank of New York Mellon Corp. Forex Transactions Litigation*, No. 12 MD 2335 – Judge Lewis A. Kaplan

- *In re Bank of New York Mellon Corp. Shareholder Derivative Litigation*, No. 11 Civ. 8471 [Appealed to 2nd Circuit, No. 13-3064]
- *Clark v. Hassell*, No. 11 Civ. 8810
- *Louisiana Municipal Police Employees' Retirement System v. The Bank of New York Mellon Corp.*, No. 11 Civ. 9175 (
- *Bank of New York Mellon Corp. False Claims Act Foreign Exchange Litigation v. Bank of New York Mellon Corp.*, No. 12 Civ. 3064
- *Southeastern Pennsylvania Transportation Authority v. The Bank of New York Mellon Corp.*, No. 12 Civ. 3066
- *International Union of Operating Engineers v. The Bank of New York Mellon Corp.*, No. 12 Civ. 3067

- *Terrazas v. The Bank of New York Mellon Corp.*, No. 12 Civ. 3068
- *Sansano v. The Bank of New York Mellon Corp.*, No. 12 Civ. 3069
- *Ohio Police & Fire Pension Fund v. The Bank of New York Mellon Corp.*, No. 12 Civ. 3470
- *Los Angeles County Employee Retirement Association, ex rel. FX Analytics v. The Bank of New York Mellon Corp.*, No. 12 Civ. 8990
- *Carver v. The Bank of New York Mellon*, No. 12 Civ. 9248

Supreme Court of the State of New York, County of New York

*In re: The Bank of New York Mellon Corporation State Derivative Litigation*, Index No. 112133/2011 – Justice Richard F. Braun

- *Aronson v. Hassell*, Index. No. 650216/2012
- *Zucker v. Hassell*, Index No. 112133/2011

*Simon v. Hassell*, Index No. 100640/2012 – Justice Richard F. Braun

*The People of the State of New York, et al. v. The Bank of New York Mellon*, Index No. 09/114735 – J.S.C. Marcy S. Friedman

Circuit Court for Fairfax County, Virginia

*Commonwealth of Virginia, ex rel. FX Analytics v. The Bank of New York Mellon*, Case No. CL-2009-15377 – Judge R. Terrence Ney

Circuit Court of the Second Judicial Circuit, Leon County, Florida

*State of Florida, ex rel. FX Analytics v. The Bank of New York Mellon*, Case No. 2009 CA 4140 – Judge John C. Cooper

Superior Court of the Commonwealth of Massachusetts, Suffolk County

*The Commonwealth of Massachusetts ex rel. FX Analytics v. The Bank of New York Mellon Corporation, et al.*, Civil Action No. 09-4490-G – Justice Carol S. Ball

*Commonwealth of Massachusetts, ex rel. Grant W. Wilson v. The Bank of New York Mellon*, Civ. Action No. 12-1955-G – Justice Christine M. Roach



Commonwealth of Massachusetts Office of the Secretary of the Commonwealth  
Securities Division

*In the Matter of: The Bank of New York Mellon Corporation and The Bank of New York Mellon*, Docket No. 2011-0044 – William Francis Galvin, Secretary of the Commonwealth; Diane Young-Spitzer, Presiding Officer

17. **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.

First-Year Legal Research and Writing, Harvard Law School, 2016-17 academic year.

As described on the law school's website,

The First-Year Legal Research and Writing Program is a series of sequenced, interrelated exercises introducing students to the way lawyers conduct legal research, analyze and frame legal positions, and present their work in writing and in oral argument. The course includes weekly meetings led by Climenko Fellows, library staff, and upper class teaching assistants. Students actively learn research and writing skills by preparing multiple drafts of memoranda and other documents and by becoming familiar with accessing both print and electronic research materials.<sup>4</sup>

18. **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.

See attached financial disclosure report.

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

I anticipate continuing in the following position:

- National Security Fellow at the National Security Institute, Antonin Scalia School of Law, George Mason University

20. **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

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<sup>4</sup> <http://hls.harvard.edu/dept/lrw/>



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.

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

See attached statement and schedules.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

In connection with this nomination process, I have consulted with the Office of Government Ethics and the Privacy and Civil Liberties Oversight Board's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's agency ethics official. I am not aware of any other potential conflicts of interest.

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

In connection with this nomination process, I have consulted with the Office of Government Ethics and the Privacy and Civil Liberties Oversight Board's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's agency ethics official. I am not aware of any other potential conflicts of interest.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

As an associate at Kellogg, Hansen, Todd, Figel & Frederick, I assisted in the pro bono representation of an inmate incarcerated in state prison. He had filed a pro se 42 U.S.C. §1983 lawsuit alleging that prison officials had mistreated him. The district court

dismissed his case. We represented one of the inmate's claims on appeal and won a reversal by the U.S. Court of Appeals for the Tenth Circuit. I spent a total of approximately 140 hours on the matter. I conducted additional pro bono work at the law firm for approximately 15 hours.