

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jordan Emery Pratt

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

United States District Judge for the Middle District of Florida

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

Florida Fifth District Court of Appeal
Duval County Courthouse
501 West Adams Street
Jacksonville, Florida 32202

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

1987; Tampa, Florida

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

2009 – 2012, University of Florida College of Law; J.D. (high honors), 2012

2006 – 2009, University of Florida; B.A. (co-valedictorian), 2009

2008, Universidad Internacional Menéndez-Pelayo; no degree received

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.

2023 – present
Florida Fifth District Court of Appeal

Duval County Courthouse
501 West Adams Street
Jacksonville, Florida 32202
District Judge

2021 – 2023
First Liberty Institute
1331 Pennsylvania Avenue Northwest
Suite 1410
Washington, District of Columbia 20004
Senior Counsel

2020 – 2021
United States Small Business Administration
409 Third Street Southwest
Washington, District of Columbia 20416
Deputy General Counsel

2019 – 2020
United States Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Senior Counsel (2020)
Counsel (2019)

2015 – 2019
Florida Department of Legal Affairs (aka “Florida Office of the Attorney General”)
The Capitol, PL-01
Tallahassee, Florida 32399
Deputy Solicitor General

2014 – 2015
United States Court of Appeals for the Fifth Circuit
515 Rusk Street
Houston, Texas 77002
Law Clerk to the Honorable Jennifer Walker Elrod

2014
Alliance Defending Freedom
15100 North Ninetieth Street
Scottsdale, Arizona 85260
Blackstone Legal Fellowship Mentor

2012 – 2014
United States District Court for the Middle District of Florida

300 North Hogan Street
Jacksonville, Florida 32202
Law Clerk to the Honorable Harvey E. Schlesinger

2014
Florida Coastal School of Law
8787 Baypine Road
Jacksonville, Florida 32256
Adjunct Professor

2011 – 2012
Federalist Society for Law and Public Policy Studies
1776 I Street Northwest
Washington, District of Columbia 20006
Research Assistant

2011
United States District Court for the Middle District of Florida
801 North Florida Avenue
Tampa, Florida 33602
Intern to the Honorable James S. Moody, Jr.
Intern to the Honorable Anthony E. Porcelli

2011
United States Court of Appeals for the Sixth Circuit
85 Marconi Boulevard
Columbus, Ohio 43215
Intern to the Honorable Jeffrey S. Sutton

2010 – 2011
University of Florida College of Law
309 Village Drive
Gainesville, Florida 32611
Research Assistant to Professor Lyrissa Lidsky

2010
Alliance Defending Freedom
15100 North Ninetieth Street
Scottsdale, Arizona 85260
Blackstone Fellowship

2009
Publix Supermarkets Store Number 1312
Butler Plaza West
3930 Southwest Archer Road
Gainesville, Florida 32608

Front End Clerk

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

I did not serve in the United States Military. I registered for selective service.

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

Leonine Fellow, Leonine Forum, 2021 – 2022

Participant, Originalism Boot Camp, Georgetown University Law Center, Center for the Constitution, 2017

Olin–Searle Part-Time Visiting Fellow, Florida State University College of Law, 2015 – 2016

John Marshall Fellow, Claremont Institute for the Study of Statesmanship and Political Philosophy, Center for Constitutional Jurisprudence, 2015

James Wilson Fellow, James Wilson Institute on Natural Rights and the American Founding, 2014

University of Florida College of Law, 2012

Graduated *magna cum laude*, 2012

Order of the Coif, 2012

Editor, *Florida Law Review*, 2010 – 2011

Research Editor, *Florida Law Review*, 2011 – 2012

Executive Editor, *Harvard Journal of Law and Public Policy*, Volume 35, Issue 1

Book Award, Federal Courts

Book Award, Supreme Court Workshop

Book Award, Professional Responsibility

Outstanding Tutor Award, *Florida Law Review*

Blackstone Fellow, Blackstone Legal Fellowship, Alliance Defending Freedom, 2010

University of Florida, 2009

Co-Valedictorian, College of Liberal Arts and Sciences, 2009

Phi Beta Kappa, 2009

Honors Program, 2006 – 2009

National Merit Scholarship Recipient, 2006 – 2009

Robert C. Byrd Scholarship Recipient, 2006 – 2009

Florida Bright Futures Scholarship Recipient, 2006 – 2009

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

Conference of Florida District Court of Appeal Judges, Member, 2023 – present

Florida District Court of Appeal Education Committee

Member, 2024 – 2025

Co-Chair, 2025 – present

Jacksonville Bar Association, Member, 2023 – present

Clay County Bar Association, Member, 2023 – present

The District of Columbia Bar, Member, 2022 – present

Garland R. Walker American Inn of Court, Member, 2014 – 2015

The Florida Bar, Member, 2012 – present

The Federalist Society for Law and Public Policy Studies, Member, 2009 – present

Religious Liberties Practice Group Executive Committee Member, 2017 – present

Federalism & Separation of Powers Practice Group Executive Committee

Member, 2019 – present

Tallahassee Lawyers Chapter, President, 2016 – 2019

Florida Chapters Conference Planning Committee, Member, 2016 – 2019

Florida Student Chapter, President, 2012

Christian Legal Society, Member, 2009 – 2012

Florida Student Chapter, President, 2011 – 2012

Republican Idealists Furthering Legal Education (2011 – 2012)

Master-at-Arms (2011 – 2012)

10. **Bar and Court Admission:**

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

Florida, 2012

District of Columbia, 2022

There have been no lapses in membership. I am on judicial membership status in the District of Columbia.

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.

United States Supreme Court, 2016
United States Court of Appeals for the District of Columbia Circuit, 2016
United States Court of Appeal for the Second Circuit, 2023
United States Court of Appeals for the Fifth Circuit, 2015
United States Court of Appeals for the Eleventh Circuit, 2016
United States District Court for the District of Columbia, 2022
United States District Court for the Middle District of Florida, 2018
United States District Court for the Northern District of Florida, 2017
United States District Court for the Southern District of Florida, 2018
United States District Court for the Western District of Michigan, 2022

To the best of my recollection, there have been no lapses in membership, aside from any lapses that resulted from my decision not to renew a membership due to my lack of continued practice before the court(s).

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 Numismatic Association, Member, 2020 – 2021

University of Florida Law Alumni Council, Member, 2013 – 2014

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 above-listed organizations currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor,

editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

From the Bench: 5th District Court of Appeal Judge Jordan Pratt, Jacksonville Daily Record (Nov. 2, 2023). Copy supplied.

A Tale of Two Colleges: The Right Way (and the Wrong Way) to Handle the Gender Debate, The Western Journal (Apr. 28, 2022). Copy supplied.

35 Naval Special Warfare Soldiers Obtain Preliminary Injunction Against Vaccine Mandate Under the Free Exercise Clause and Religious Freedom Restoration Act, FedSoc Blog (Jan. 18, 2022). Copy supplied.

City Is Punishing Homeless Ministry for Helping During a Crisis, Tallahassee Democrat (Aug. 15, 2021). Copy supplied.

Thanks to You, First Liberty Defends Massachusetts Church from Unconstitutional Restrictions, First Liberty, May 21, 2021. Copied supplied.

Court Grants Certiorari in Mississippi Abortion Case, Dismisses Title X Cases, FedSoc Blog (May 18, 2021). Copy supplied.

Chinese Dissidents Lodge Powerful Plea for Donor Privacy in Americans for Prosperity v. Bonta, FedSoc Blog (May 3, 2021). Copy supplied.

SBA Proposes Rule to Eliminate Regulations that Discriminate Against Religious Applicants for Loans and Disaster Assistance, FedSoc Blog (Jan. 25, 2021). Copy supplied.

Interesting Establishment Clause Case in the Eleventh Circuit – Kondrat’Yev v. City of Pensacola, FedSoc Blog (Feb. 20, 2018). Copy supplied.

Docket Watch: League of Women Voters of Florida v. Scott, FedSoc Blog (Dec. 18, 2017). Copy supplied.

Disregard of Unconstitutional Laws in the Plural State Executive, 86 MISS. L.J. 881 (2017). Copy supplied.

Uncommon Firearms as Obscenity, 81 TENN. L. REV. 633 (2014). Copy supplied.

A First Amendment-Inspired Approach to Heller’s “Schools” and “Government Buildings,” 92 NEB. L. REV. 537 (2014). Copy supplied.

Pennsylvania Supreme Court Vacates Trial Court’s Denial of a Minor’s Application to Obtain an Abortion, State Court Docket Watch (May 8, 2012). Copy supplied.

Arkansas Supreme Court Strikes Down Ban on Adoption by Unmarried Cohabiting Couples, State Court Docket Watch (Nov. 16, 2011). Copy supplied.

An Open and Shut Case: Why (and How) the Eleventh Circuit Should Restrain the Government's Forum Closure Power, 63 FLA. L. REV. 1487 (2011). Copy supplied.

Letter to the Editor, *Florida Alligator* (Mar. 30, 2009). Copy supplied.

Letter to the Editor, *Florida Alligator* (Nov. 13, 2008). Copy supplied.

El Álamo, *The Anole Magazine*, Volume 1, Issue 2 (Nov. 13, 2007). Copy supplied.

Materials I have edited:

Florida Law Review

Volume 62 Number 4 (Sept. 2010)

Volume 63 Number 2 (Apr. 2011)

Volume 63 Number 5 (Sept. 2011)

Volume 64 Number 2 (Apr. 2012)

Harvard Journal of Law & Public Policy

Volume 35, Issue 1 (Winter 2012)

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

None.

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

None.

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

copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify events responsive to this question, based on a review of my records and searches of internet databases and other publicly-available information. There may, however, be some events that I have been unable to recall or identify.

January 17, 2025: Judge, 39th Annual Zimmerman Kiser Sutcliffe Moot Court Competition, University of Florida Moot Court Team, Gainesville, Florida. The moot court competition concerned whether AI-generated content can give rise to liability for defamation, and whether the First Amendment or the Communications Decency Act provides any immunity from liability. I have no press reports, notes, transcripts, or recordings. The address for the University of Florida Moot Court Team is 309 Village Drive, Gainesville, Florida 32611.

November 14, 2024: Panelist, Post-Oral Argument Discussion with Students, Florida Fifth District Court of Appeal, Daytona Beach, Florida. Immediately following an oral argument session of our court, several of my colleagues and I spoke about law, the legal profession, and judging with students from Daytona State College's Pre-Law Society. I have no press reports, notes, transcripts, or recordings. The address for the Fifth District Court of Appeal is 300 South Beach Street, Daytona Beach, Florida 32114.

April 18, 2024: Panelist, Post-Oral Argument Discussion with Students, Florida Fifth District Court of Appeal, Orange Park, Florida. Immediately following an oral argument session of our court, several of my colleagues and I spoke about law, the legal profession, and judging with students from the Clay High School Public Safety Academy and the Clay County Teen Court Program. I have no press reports, notes, transcripts, or recordings. The address for the Fifth District Court of Appeal is 300 South Beach Street, Daytona Beach, Florida 32114.

February 22, 2024: Panelist, Breaking Eggs: Effecting Change as a DCA Judge, Florida Student Chapter of the Federalist Society for Law & Public Policy Studies, Gainesville, Florida. I shared my perspectives on being the newest member of my court, and I discussed court collegiality with other state appellate judges. I have no press reports, notes, transcripts, or recordings. The address for the Federalist Society for Law and Public Policy Studies is 1776 I Street Northwest, Suite 300, Washington, District of Columbia, 20006.

February 16, 2024: Moot Court Judge, Young Lawyers Section Young Lawyer Symposium, Written and Oral Advocacy Panel, Jacksonville Bar Association, Jacksonville, Florida. Notes supplied. Video available at <https://vimeo.com/923824965/ff1eab6076>.

January 22, 2024: Interviewer, Election Law at the Supreme Court. Miami Student Chapter of the Federalist Society for Law & Public Policy Studies, Miami, Florida. I interviewed speaker Ken Klukowski about election law developments at the United

States Supreme Court. I have no press reports, notes, transcripts, or recordings. The address for the Federalist Society for Law and Public Policy Studies is 1776 I Street Northwest, Suite 300, Washington, District of Columbia, 20006.

July 25, 2023: Panelist, Practicing Before the Fifth District Court of Appeal, Jacksonville Bar Association, Appellate Section, Jacksonville, Florida. Several of my colleagues and I discussed tips for practicing before our court. I have no press reports, notes, transcripts, or recordings. The address for the Jacksonville Bar Association is One Independent Drive, Suite 120, Jacksonville, Florida 32202.

July 13, 2023: Panelist, Practicing Before the Fifth District Court of Appeal, Clay County Bar Association, Orange Park, Florida. Several of my colleagues and I discussed tips for practicing before our court. I have no press reports, notes, transcripts, or recordings. The address for the Clay County Bar Association is Post Office Box 755, Orange Park, Florida 32073.

February 4, 2023: Panelist, Post-Pandemic Legal Landscape and the Next Crisis, Ninth Annual Florida Chapters Conference, Florida Lawyers Chapters of the Federalist Society for Law and Public Policy Studies, Orlando, Florida. Video available at https://www.youtube.com/watch?v=zIVTy8tOb_0.

October 26, 2022: Speaker, Keep Calm and Carry On: The Supreme Court and the Future of Gun Rights, Triangle Lawyers Chapter of the Federalist Society for Law & Public Policy Studies, Raleigh, North Carolina. I reviewed the Supreme Court's Second Amendment decisions and offered predictions on which issues might generate future litigation. I have no press reports, notes, transcripts, or recordings. The address for the Federalist Society for Law and Public Policy Studies is 1776 I Street Northwest, Suite 300, Washington, District of Columbia, 20006.

March 3, 2022: Speaker, Houston Community College System v. Wilson, Post-Argument SCOTUScast, Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Recording available at <https://www.youtube.com/watch?v=LE92ShJpXbQ>.

September 17, 2021: Speaker, Constitution Day, Federalist Society for Law and Public Policy Studies, Linden, Virginia. I spoke via zoom to a Virginia middle school class about the importance of our federal Constitution and its separation of powers. I have no press reports, notes, transcripts, or recordings. The address for the Federalist Society for Law and Public Policy Studies is 1776 I Street Northwest, Suite 300, Washington, District of Columbia, 20006.

January 19, 2021: Speaker, The Confirmation of Justice Amy Coney Barrett in Context, Tampa Bay Lawyers Chapter of the Federalist Society for Law & Public Policy Studies, Tampa, Florida. I discussed Justice Barrett's confirmation process and its significance. I have no press reports, notes, transcripts, or recordings. The address for the Federalist Society for Law and Public Policy Studies is 1776 I Street Northwest, Suite 300, Washington, District of Columbia, 20006.

March 6, 2020: Speaker, Remarks on the Investiture of Judge Rachel Nordby, Florida First District Court of Appeal, Tallahassee, Florida. Notes supplied.

February 28, 2020: Interviewer, A Conversation with Judge Lawrence VanDyke, United States Department of Justice, Office of Legal Policy, Washington, District of Columbia. I interviewed Judge VanDyke shortly after his confirmation during a brown bag lunch so that DOJ attorneys and interns could learn about his journey to the federal bench. I have no press reports, notes, transcripts, or recordings. The address for the United States Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, District of Columbia 20530.

Spring 2020: Interviewer, A Conversation with Judge Robert Luck, United States Department of Justice, Office of Legal Policy, Washington, District of Columbia. I interviewed Judge Luck shortly after his confirmation during a brown bag lunch so that DOJ attorneys and interns could learn about his journey to the federal bench. I have no press reports, notes, transcripts, or recordings. The address for the United States Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, District of Columbia 20530.

January 8, 2020: Speaker, Remarks on the Confirmation of Judge Lawrence VanDyke, United States Department of Justice, Environment and Natural Resources Division, Washington, District of Columbia. Notes supplied.

August 2, 2018: Panelist, Blackstone and Beyond: A View from Some Fellows, Alliance Defending Freedom, Blackstone Legal Fellowship, Arlington, Virginia. I described how I have navigated my legal career as a person of faith. I have no press reports, notes, transcripts, or recordings. The address for Alliance Defending Freedom is 15100 North Ninetieth Street, Scottsdale, Arizona 85260.

August 3, 2017: Panelist, Blackstone and Beyond: A View from Some Fellows, Alliance Defending Freedom, Blackstone Legal Fellowship, Arlington, Virginia. I described how I have navigated my legal career as a person of faith. I have no press reports, notes, transcripts, or recordings. The address for Alliance Defending Freedom is 15100 North Ninetieth Street, Scottsdale, Arizona 85260.

February 3, 2017: Panel Introducer, The Legacy of Justice Scalia, Annual Florida Chapters Conference, Florida Lawyers Chapters of the Federalist Society for Law & Public Policy Studies, Orlando, Florida. Video recording available at https://www.youtube.com/watch?v=luf_DWq5VAs.

August 4, 2016: Panelist, Blackstone and Beyond: A View from Some Fellows, Alliance Defending Freedom, Blackstone Legal Fellowship, Arlington, Virginia. I described how I have navigated my legal career as a person of faith. I have no press reports, notes, transcripts, or recordings. The address for Alliance Defending Freedom is 15100 North Ninetieth Street, Scottsdale, Arizona 85260.

March 1, 2014: Panelist, New Frontiers in the Second Amendment, Tennessee Law Review, University of Tennessee College of Law. I spoke on a panel to present my article for a symposium issue of the *Tennessee Law Review*. I have no press reports, notes, transcripts, or recordings. The address for the *Tennessee Law Review* is 1505 Cumberland Avenue, Knoxville, Tennessee 37996.

October 30, 2013: Panelist, The Ins and Outs of Judicial Clerkships, Florida Student Chapter of the Federalist Society for Law & Public Policy Studies, Gainesville, Florida. I described my duties as a judicial law clerk and advised students on how to navigate the clerkship application process. I have no press reports, notes, transcripts, or recordings. The address for the Federalist Society for Law and Public Policy Studies is 1776 I Street Northwest, Suite 300, Washington, District of Columbia, 20006.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

I have not always kept records of my interviews. I compiled the list below by reviewing my records and searching publicly available databases. Although I believe this list is complete, there may be additional interviews that I cannot recall.

Taylor Penley, *NY church launches suit against 'discriminatory' law banning guns in houses of worship but not secular sites*, Fox News, Mar. 30, 2023. Copy supplied.

Church Urges Federal Court to Protect First and Second Amendment Rights of NY's Houses of Worship, First Liberty, Mar. 20, 2023. Copy supplied.

Jordan Pratt – Attorney with First Liberty Institute, *on some major court battles they're involved with over religious liberty issues*, Pilgrim Radio, Feb. 22, 2023. Audio available at <https://pilgrimradio.com/2023/02/22/jordan-pratt-attorney-with-first-liberty-institute-on-some-major-court-battles-theyre-involved-with-over-religious-liberty-issues/>.

Tyler O'Neil, *'New York Must Stop Disarming Its Religious Citizens' Under New Court Order*, The Daily Signal, Jan. 4, 2023. Copy supplied.

Tonya Alanez, *Transgender Worker Denied Health Care Files Discrimination Complaint*, Boston Globe, Jan. 2, 2023. Available at <https://www.boston.com/news/the-boston-globe/2023/01/02/transgender-worker-denied-health-care-files-discrimination-complaint/>.

Kathy McCormack, *Transgender Worker Denied Coverage Alleges Discrimination*, AP News, December 16, 2022. Copy supplied.

US: Washington's Muslim, Jewish firefighters sue over policy banning beards, Middle East Eye, Nov. 28, 2022. Copy supplied.

Amanda Gomez, *D.C. Firefighters And Paramedics Sue City Over Policy Banning Beards*, DCist/WAMU, Nov. 28, 2022. Copy supplied.

Jasmine Hilton, *D.C. firefighters sue over policy banning beards for employees*, The Washington Post, Nov. 26, 2022. Copy supplied.

Billy Hallowell, *Pastor Sues NY Over House of Worship Gun Ban, Warns of 'Extreme' Second Amendment Crackdown*, Faithwire, Nov. 18, 2022. Video available at <https://www.faithwire.com/2022/11/18/pastor-sues-ny-over-house-of-worship-gun-ban-warns-of-extreme-second-amendment-crackdown/>.

Ryan Foley, *New York church challenges state ban on firearms in houses of worship*, Christian Post Reporter, Nov. 8, 2022. Copy supplied.

Mark Kellner, *Facial hair flap reignites after D.C. fire department reinstates beard ban*, The Washington Times, Nov. 7, 2022. Copy supplied.

New York Church Challenges State Ban on Firearms in Houses of Worship, First Liberty, Nov. 3, 2022. Copy supplied.

Trey Paul, *Christian PA sues hospital for allegedly firing her because of her faith*, FISM News, Oct. 19, 2022. Copy supplied.

Gillian Richards, *Physician Assistant Sues Hospital for Religious Discrimination Over Transgender Stance*, The Daily Signal, Oct. 12, 2022. Available at Copy supplied.

In the Market with Janet Parshall, Moody Audio, Oct. 10, 2022. Audio available at <https://moodyaudio.com/products/news-and-analysis-4>.

Healthcare worker called "evil" then fired for Christian beliefs on gender, Metro Voice Newspaper, Oct. 5, 2022. Copy supplied.

Janice Hisle, *Health Care Worker Illegally Fired for Christian Beliefs About Gender Identity, Lawyers Say*, The Epoch Times, Oct. 5, 2022. Copy supplied.

Talia Wise, *Michigan Physician Assistant Fired and Called 'Evil' for Opposing Transgender Ideology*, The Christian Broadcasting Network, Oct. 4, 2022. Copy supplied.

Gary Perilloux, *Medical worker fights faith-related firing*, World News Group, Oct. 4, 2022. Copy supplied.

Hospital Fired Christian Employee for Religious Beliefs, FaithPot. Oct. 3, 2022. Copy supplied.

Jon Brown, *Michigan Health terminated physician assistant for religious beliefs, lawyer says: 'Serious injustice'*, Fox News, Sept. 29, 2022. Copy supplied.

Michael Gryboski, *Michigan Health accused of wrongfully firing female PA for refusing to perform trans procedures*, The Christian Post, Sept. 28, 2022. Copy supplied.

Physician Assistant Fired by Michigan Health Because She Requested Religious Accommodation for Her Beliefs about Gender, First Liberty, Sept. 27, 2022. Copy supplied.

Michael Foust, *Hospital Fired Christian Employee over Her Stance on Pronouns, Trans Surgery: Law Firm*, Crosswalk, Sept. 27, 2022. Available at Copy supplied.

Jorge Gomez, *No More Discrimination for Christian Ministry & Jewish Congregations*, First Liberty, Sept. 16, 2022. Copy supplied.

Karl Etters, *As fines pile up, judge rules city planners erred in denying City Walk homeless shelter*, Tallahassee Democrat, Sept. 9, 2022. Copy supplied.

Judge rules in favor of City Walk Urban Mission, Florida Action Committee, Sept. 9, 2022. Copy supplied.

Judge rules in favor of City Walk Urban Mission, WTXL ABC 27, Sept. 8, 2022. Video available at https://www.youtube.com/watch?v=idcBy1_wT8w.

Brandon Spencer, *Leon County Circuit Judge over-rules city's decision to deny permit for City Walk Shelter*, WCTV Eyewitness News, Sept. 8, 2022. Copy supplied.

Judge rules in favor of City Walk on operation of homeless shelter, WTXL ABC 27, Sept. 7, 2022. Copy supplied.

Tamara Quimiro, *"Attorney Jordan Pratt from First Liberty Institute Explains How His Legal Team was Able to Secure a Victory for a Church in San Diego After They Were Told They Could not Rent Space from a Local Theater to Hold Their Christmas Pageant"*, The Bottom Line, Aug. 8, 2022. Available at <https://thebottomlineshow.com/attorney-jordan-pratt-from-first-liberty-institute-explains-how-his-legal-team-was-able-to-secure-a-victory-for-a-church-in-san-diego-after-they-were-told-they-could-not-rent-space-from-a-local-thea/>.

Unwelcoming: San Diego Church Barred from Renting Local Venue for Christmas Show Because It's "Religious", First Liberty, Aug. 4, 2022. Copy supplied.

Television interview regarding First Liberty Institute's Navy SEALs case, NewsMax, American Agenda, May 31, 2022. I have no clips or transcripts.

Lynsey Kirk, *Tallahassee-Leon Planning Commission Denies City Walk Permit in 3-2*

Vote, Tallahassee Reports, Jan. 13, 2022. Copy supplied.

Jim Rosica & Karl Etters, *City Walk wins round in fight against city to operate Mahan Drive shelter*, Tallahassee Democrat, Nov. 19, 2021. Copy supplied.

Babylon Bee, Not the Bee Urge Federal Court to Uphold Florida Law that Prevents Social Media Censorship, First Liberty, Sept. 15, 2021. Available at <https://firstliberty.org/media/babylon-bee-not-the-bee-urge-federal-court-to-uphold-florida-law-that-prevents-social-media-censorship/>.

Bruce Hausknecht, *Massachusetts Church Fights Discriminatory COVID Restrictions on Worship*, Daily Citizen, Focus on the Family, May 12, 2021. Copy supplied.

Breaking: Massachusetts Church Asks Court to Toss Governor's Discriminatory Restrictions on Religious Exercise, First Liberty, May 10, 2021. Available at <https://firstliberty.org/media/breaking-massachusetts-church-asks-court-to-toss-governors-discriminatory-restrictions-on-religious-exercise/>.

Marlee Tomlinson, *DC Power Couple: Meet New Attorneys Joining First Liberty's Legal Team in Our Nation's Capital*, First Liberty, Mar. 5, 2021. Copy supplied.

National Lawyers Convention, The Federalist Society, Oct. 5, 2018. Available at <https://www.youtube.com/watch?v=Ec3ycrY7FdI>.

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.

2023 – present
District Judge
Florida Fifth District Court of Appeal

Governor Ron DeSantis appointed me to this position in 2023, and the voters retained me in a 2024 merit retention election. The Florida Fifth District Court of Appeal is a state intermediate appellate court with jurisdiction over trial courts in 14 counties, including Duval County, and with jurisdiction to directly review certain administrative actions as prescribed by law.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

In my time as an appellate judge, I have participated in approximately 912 cases decided by opinion and 420 cases decided by order.

- i. Of these cases, approximately what percent were:

jury trials: 0%
bench trials: 0%

ii. Of these cases, approximately what percent were:

civil proceedings: 31%
criminal proceedings: 69%

b. Provide citations for all opinions you have written, including concurrences and dissents.

The following are authored opinions that I have written. I have also written *per curiam* opinions and orders, but under our court rules, the judge who wrote any *per curiam* opinion or order may not be disclosed, and those opinions and orders are not considered authored.

Bank of America, N.A. v. Richemond, No. 5D2023-1268, 2025 WL 1415220 (Fla. 5th DCA May 16, 2025)

Doe v. Uthmeier, No. 5D2025-1363, 2025 WL 1386707 (Fla. 5th DCA May 14, 2025)

Trste, LLC as Trustee of Seminole Cnty. Summit Ridge 404 106 Land Trust v. U.S. Bank, N.A., No. 5D2023-2177, 2025 WL 1196922 (Fla. 5th DCA Apr. 25, 2025)

Klein v. State, No. 5D2024-0935, 2025 WL 728179 (Fla. 5th DCA Mar. 7, 2025)

Guardian ad Litem v. Dep't of Children & Families, No. 5D2024-3280, 2025 WL 618098 (Fla. 5th DCA Feb. 26, 2025)

Holifield v. State, 403 So. 3d 1070 (Fla. 5th DCA 2025)

Gore v. State, 401 So. 3d 492 (Fla. 5th DCA 2025) (Pratt, J., concurring)

Ford v. State, 400 So. 3d 838 (Fla. 5th DCA 2025) (Pratt, J., concurring)

Moncrief v. Kollmer, 397 So. 3d 190 (Fla. 5th DCA 2024)

La Fiduciaria, S.A. v. Portuguese, 398 So. 3d 487 (Fla. 5th DCA 2024)

Morelli v. Bordelon, 394 So. 3d 1261 (Fla. 5th DCA 2024)

Brosnan v. State Farm Ins. Co., 392 So. 3d 614 (Fla. 5th DCA 2024)

Baxter v. State, 389 So. 3d 803 (Fla. 5th DCA 2024) (en banc) (Pratt, J., concurring in result only)

Hurley v. Veon, 390 So. 3d 733 (Fla. 5th DCA 2024)

Nelson v. State, 392 So. 3d 174 (Fla. 5th DCA 2024)

South Marion Real Estate Holdings, LLC v. Fla. Gaming Control Comm'n, 387 So. 3d 1246 (Fla. 5th DCA 2024)

Fla. Roads Trucking, LLC v. Zion Jacksonville, LLC, 384 So. 3d 817 (Fla. 5th DCA 2024)

State v. Avery, 384 So. 3d 321 (Fla. 5th DCA 2024)

Fla. Farm Bureau Gen. Ins. Co. v. Williams, 391 So. 3d 497 (Fla. 5th DCA 2024)

Fla. Farm Bureau Gen. Ins. Co. v. Jones, No. 5D23-0376, 2024 WL 1596664 (Fla. 5th DCA Apr. 9, 2024)

Harris v. State, 380 So. 3d 1257 (Fla. 5th DCA 2024) (Pratt, J., concurring in part, dissenting in part)

Nelson v. State, No. 5D22-0703, 49 Fla. L. Weekly D164 (Fla. 5th DCA Jan. 12, 2024)

King v. State, 375 So. 3d 389 (Fla. 5th DCA 2023) (Pratt, J., concurring)

T.G. United, Inc. v. AADD Properties, LLC, 371 So. 3d 396 (Fla. 5th DCA 2023)

In re Doe, 370 So. 3d 703 (Fla. 5th DCA 2023) (Pratt, J., concurring)

Simpson v. State, 368 So. 3d 513 (Fla. 5th DCA 2023) (Pratt, J., concurring)

Taylor v. Nicholson-Williams, Inc., 368 So. 3d 1007 (Fla. 5th DCA 2023)

Burton v. Oates, 362 So. 3d 311 (Fla. 5th DCA 2023) (Pratt, J., concurring in part and concurring in result)

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Doe v. Uthmeier*, No. 5D2025-1363, 2025 WL 1386707 (Fla. 5th DCA May 14, 2025)

This was an appeal from a trial court's denial of a minor's application to obtain a judicial waiver of the parental notification-and-consent requirements for an abortion. The panel ordered briefing on several legal issues that another District Court of Appeal had raised in a prior case, and it invited to the Florida Attorney General to submit an amicus brief on those issues. The Attorney General then intervened. I authored an opinion for the panel affirming the trial court's ruling and holding that Florida's "maturity" and "best-interest" judicial-waiver procedures violate parents' due-process rights by depriving them of the right to make medical decisions for their children without notice or opportunity to be heard.

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2. *Guardian ad Litem v. Dep't of Children & Families*, No. 5D2024-3280, 2025 WL 618098 (Fla. 5th DCA Feb. 26, 2025)

In this case, the Guardian ad Litem petitioned for a writ of certiorari to quash the trial court's order granting a child-placement modification on motion of the Department of Children and Families. I authored an opinion denying the petition under binding precedent, which construed the Interstate Compact on the Placement of Children to authorize a receiving state to unilaterally rescind its placement approval. While the opinion denied the petition, it called for reexamination of our court's precedent in an appropriate future case.

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Counsel for Department of Children and Families

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3. *Holifield v. State*, 403 So. 3d 1070 (Fla. 5th DCA 2025)

This criminal appeal challenged the trial court's denial of the defendant's motion to suppress. I authored a unanimous opinion affirming the defendant's judgments and sentences. The opinion holds that the defendant failed to preserve several of his arguments on appeal. As to the defendant's properly presented Fourth Amendment argument—that the vehicle impoundment and inventory were a ruse for an investigatory search—the opinion holds that the defendant posed a witness-credibility question on which we must defer to the trial court.

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4. *Gore v. State*, 401 So. 3d 492 (Fla. 5th DCA 2025) (Pratt, J., concurring)

In this appeal from a defendant's guilty plea, the majority per curiam affirmed. I authored a concurring opinion explaining why the defendant's claim was properly characterized as a plea-agreement violation claim and why the defendant had failed to preserve his claim for appeal. My opinion concludes that an appellate rule requires a motion to withdraw plea to preserve a plea-agreement violation claim, the defendant failed to explain how his case might fit within the one exception to that preservation requirement that our precedent had created, and in any event, that exception had been abrogated by intervening Florida Supreme Court decisions.

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5. *Moncrief v. Kollmer*, 397 So. 3d 190 (Fla. 5th DCA 2024)

In this medical-malpractice case, the trial court first granted the defendants’ motion to dismiss, concluding that the plaintiff’s proffered expert was not qualified under the relevant statutes to provide the required pre-suit corroborating expert opinion. Following transmittal of a new corroborating pre-suit medical expert opinion, the defendants moved for summary judgment on the ground that the statute of limitations had run. The circuit court agreed and granted summary judgment to the defendants. On appeal, the plaintiff challenged the trial court’s conclusion that his first pre-suit corroborating opinion was insufficient. I authored a unanimous panel opinion affirming. The opinion concluded that the plaintiff’s first proffered expert was not qualified under the relevant statutes to provide a pre-suit corroborating expert report because he had not engaged in the practice of medicine for more than four years before the surgeries at issue and more than six years before the plaintiff filed suit, and because he did not meet the statutory definition of “health care provider.”

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6. *South Marion Real Estate Holdings, LLC v. Fla. Gaming Control Comm'n*, 387 So. 3d 1246 (Fla. 5th DCA 2024)

In this administrative appeal, I authored a unanimous panel opinion affirming the administrative law judge's ruling and rejecting a challenge to the validity of a regulation that prohibits cardroom license-holders from gambling where they work. Applying Florida's Administrative Procedure Act, the opinion explains why the regulation fell within the Gaming Control Commission's statutory authority to regulate cardroom operations.

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7. *Fla. Roads Trucking, LLC v. Zion Jacksonville, LLC*, 384 So. 3d 817 (Fla. 5th DCA 2024)

In this appeal, I authored a unanimous panel opinion affirming a trial court's order denying a motion to stay and compel arbitration. The appellants, collectively referred to as trucking companies, were not parties to the contract containing the arbitration clause, but they nonetheless sought to enforce it against Zion Jacksonville after it brought claims against them. The opinion concludes that even if the trucking companies could otherwise establish the applicability of equitable estoppel, the arbitration clause, on its face, did not embrace the kind of dispute at issue in the case.

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8. *Fla. Farm Bureau Gen. Ins. Co. v. Williams*, 391 So. 3d 497 (Fla. 5th DCA 2024)

This appeal posed the question whether a hurricane deductible in a homeowners' insurance policy applied to a loss caused by a local hailstorm bearing no meteorological connection to any hurricane. I authored a unanimous panel opinion holding that, under the pertinent policy language, the hurricane deductible did not apply to the loss.

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9. *Simpson v. State*, 368 So. 3d 513 (Fla. 5th DCA 2023) (Pratt, J., concurring)

In this case, the defendant appealed from a jury verdict convicting him of second-degree murder and possession of a firearm by a convicted felon; he also appealed the court's 30-year sentence designating him a prison releasee reoffender and a habitual violent felony offender. As to his convictions, the defendant argued that he had a state and federal constitutional right to a twelve-person jury, and that Florida's felon-in-possession statute facially violates the Second Amendment to the United States Constitution. Judge Harvey Jay authored a short unanimous opinion affirming in all respects, and I authored a separate concurring opinion that that Judge Jay joined. In my opinion, I explained why binding United States Supreme Court precedent foreclosed the defendant's Sixth Amendment attack on his six-person jury, why his claimed right to a twelve-person jury under the Florida Constitution was inconsistent with the plain constitutional text, and why Florida's felon-in-possession statute survives a facial Second Amendment challenge.

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10. *Taylor v. Nicholson–Williams, Inc.*, 368 So. 3d 1007 (Fla. 5th DCA 2023)

In this case, the seller of 102 acres of land sued the brokers of the transaction, asserting claims against them for civil conspiracy, fraud, negligent misrepresentation, breach of statutory duty, and negligent supervision. The trial court granted the brokers' motions for summary judgment, and the seller appealed. I authored a unanimous panel opinion holding that the purchase-and-sale contract did not bar the seller's claims, the seller's summary-judgment evidence raised a factual dispute material to whether the brokers violated the statutory duty of honest and fair dealing that they owed to seller, and the summary judgments could not be affirmed on the ground that Taylor couldn't prove damages.

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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.

1. *Doe v. Uthmeier*, No. 5D2025-1363, 2025 WL 1386707 (Fla. 5th DCA May 14, 2025)

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2. *Guardian ad Litem v. Dep't of Children & Families*, No. 5D2024-3280, 2025 WL 618098 (Fla. 5th DCA Feb. 26, 2025)

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3. *Holifield v. State*, 403 So. 3d 1070 (Fla. 5th DCA 2025)

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4. *Gore v. State*, 401 So. 3d 492 (Fla. 5th DCA 2025) (Pratt, J., concurring)

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5. *Moncrief v. Kollmer*, 397 So. 3d 190 (Fla. 5th DCA 2024)

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6. *South Marion Real Estate Holdings, LLC v. Fla. Gaming Control Comm'n*, 387 So. 3d 1246 (Fla. 5th DCA 2024)

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7. *Fla. Roads Trucking, LLC v. Zion Jacksonville, LLC*, 384 So. 3d 817 (Fla. 5th DCA 2024)

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8. *Fla. Farm Bureau Gen. Ins. Co. v. Williams*, 391 So. 3d 497 (Fla. 5th DCA 2024)

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Counsel for Williams

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9. *Simpson v. State*, 368 So. 3d 513 (Fla. 5th DCA 2023) (Pratt, J., concurring)

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10. *Taylor v. Nicholson-Williams, Inc.*, 368 So. 3d 1007 (Fla. 5th DCA 2023)

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e. Provide a list of all cases in which certiorari was requested or granted.

To my knowledge, none.

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.

None.

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.

As a general matter, all opinions issued by the Florida Fifth District Court of Appeal are published decisions. Some cases are disposed of by order, although those are usually administrative denials. All unpublished orders are maintained in the court’s docket.

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.

Doe v. Uthmeier, No. 5D2025-1363, 2025 WL 1386707 (Fla. 5th DCA May 14, 2025)

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King v. State, 375 So. 3d 389 (Fla. 5th DCA 2023) (Pratt, J., concurring)

Simpson v. State, 368 So. 3d 513 (Fla. 5th DCA 2023) (Pratt, J., concurring)

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.

None.

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:

- 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.

Canon 3A(1) of the Florida Code of Judicial Conduct provides that “[a] judge shall hear and decide matters assigned to the judge except those in which disqualification is required.” Since my appointment, to determine whether to recuse myself, I have used the standards in Canon 3E(1) of the Florida Code of Judicial Conduct. That Canon provides

that “[a] judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned[.]” To catch recusals as early as possible, I have provided a recusal list to my court’s clerk, which allows the clerk to screen incoming cases and avoid conflicts when assigning cases. To my knowledge, no party has ever requested or suggested that I be recused. I can recall only one occasion on which I have recused myself, which I describe below.

In *Bialostozky v. GAHC3 Mount Dora FL MOB II, LLC*, 23-1874, I recused because one of the attorneys appearing in the case contacted me and asked to get together for lunch on the date of the upcoming oral argument. When I politely declined his invitation, the attorney stated that he did not know how conflicts work at the appellate court, which I understood to be an explanation why he thought the lunch invitation was appropriate, rather than a suggestion that I recuse. Nevertheless, I recused. While I knew this attorney well in law school, I had only sporadically heard from him during the 11 years since our graduation. I assessed that my relationship to this attorney alone did not necessitate recusal, but it did when combined with his lunch invitation and follow-up communications.

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

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

I have never been a candidate for—or held—an elective, non-judicial public office. Since law school, I have held the following appointed government positions:

Deputy General Counsel, United States Small Business Administration, 2020 – 2021. Appointed in July 2020 by then-United States Small Business Administrator Jovita Carranza.

Counsel and Senior Counsel, United States Department of Justice, 2019 – 2020. Appointed in March 2019 by then-United States Attorney General William Pelham Barr.

Deputy Solicitor General, Florida Department of Legal Affairs (aka Florida Office of the Attorney General), 2015 – 2019. Appointed in October 2015 by then-Florida Attorney General (now United States Attorney General) Pamela Jo Bondi.

Law Clerk to the Honorable Jennifer Walker Elrod, United States Court of Appeals for the Fifth Circuit, 2014 – 2015. Appointed by Judge Elrod.

Law Clerk to the Honorable Harvey E. Schlesinger, United States District Court for the Middle District of Florida, 2012 – 2014. Appointed by Judge Schlesinger.

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.

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;

I twice served as a judicial law clerk. First, I clerked for Judge Harvey E. Schlesinger of the United States District Court for the Middle District of Florida, Jacksonville Division, from 2012 to 2014. Second, I clerked for Judge Jennifer Walker Elrod of the United States Court of Appeals for the Fifth Circuit from 2014 to 2015.

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

I have not practiced alone.

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

2023 – present
Florida Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, Florida 32114
District Judge

2021 – 2023
First Liberty Institute
2001 West Plano Parkway, Suite 1600
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Senior Counsel

2020 – 2021
United States Small Business Administration
409 Third Street Southwest
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Deputy General Counsel

2019 – 2020
United States Department of Justice
Office of Legal Policy
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Senior Counsel (2020)
Counsel (2019)

2015 – 2019
Florida Department of Legal Affairs
(aka “Florida Office of the Attorney General”)
The Capitol, PL-01
Tallahassee, Florida 32399
Deputy Solicitor General

2014 – 2015
United States Court of Appeals for the Fifth Circuit
600 Camp Street
New Orleans, Louisiana 70130
Law Clerk to the Honorable Jennifer Walker Elrod

2014
Alliance Defending Freedom
15100 North Ninetieth Street
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Blackstone Legal Fellowship Mentor

2012 – 2014
United States District Court for the Middle District of Florida
Jacksonville Division
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Jacksonville, Florida 32202
Law Clerk to the Honorable Harvey E. Schlesinger

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Florida Coastal School of Law
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Adjunct Professor

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Research Assistant

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Intern to the Honorable Anthony E. Porcelli

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Scottsdale, Arizona 85260
Blackstone Fellowship

2009
Publix Supermarkets
Store Number 1312
Butler Plaza West
3930 Southwest Archer Road
Gainesville, Florida 32608
Front End Clerk

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

I have not served as a mediator or arbitrator.

b. Describe:

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

From 2012 to 2014, I served as a law clerk to a federal district judge, and from 2014 to 2015, I served as a law clerk to a federal circuit judge.

From 2015 to 2019, while serving as a Florida deputy solicitor general, I represented the State, the Governor, the Attorney General, and various state agencies and officials. I briefed and argued appeals, motions, and oppositions in defense of Florida legislation, executive actions, and Constitution Revision Commission proposals. My litigation activities included briefing and arguing appeals in state and federal appellate courts, drafting petitions for certiorari and briefs in opposition to petitions for certiorari to be filed in the United States Supreme Court, briefing and arguing motions and oppositions filed in state and federal trial courts, and authoring amicus briefs for the State. In addition to my litigation responsibilities, I reviewed other units' trial-court filings for framing and preservation of issues likely to arise on appeal, developed litigation strategy in coordination with the general counsels to state agencies and to the Governor, and made recommendations to OAG leadership concerning litigation strategy and other office priorities.

From 2019 to 2020, as a counsel and, later, senior counsel at the United States Department of Justice, I worked on various policy issues and worked to secure the confirmation of federal judges.

From 2020 to 2021, as the second-ranked attorney at the United States Small Business Administration, I assisted its general counsel in managing an office of 108 attorneys and 22 support staff, drafted a notice of proposed rulemaking, drafted legal opinions and memoranda, and supervised the agency's litigation.

From 2021 to 2023, as a senior counsel at First Liberty Institute, I managed a team of attorneys and litigated civil-rights cases in federal and state courts across the country. I represented clients of many different faiths—Jewish, Muslim, Catholic, Orthodox, and Protestant—who sought to vindicate their right to freely exercise their religion in a variety of contexts. In addition to my litigation responsibilities, I authored and filed amicus briefs in various federal and state courts.

From 2023 to the present, I have served as a judge on a state intermediate appellate court.

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

From 2012 to 2015, while serving as a judicial law clerk, I had no clients.

From 2015 to 2019, while serving as a deputy solicitor general, my typical

clients were the State, its agencies, and its officials. My practice typically entailed defense of these clients against constitutional challenges, or defense of these clients when there was a dispute about the meaning of a statute.

From 2019 to 2020, as a counsel and senior counsel at the United States Department of Justice, I did not litigate or appear in court, but instead provided advice to Department leadership. On occasion, I reviewed draft Department filings to ensure that the Department took consistent litigation positions. In those filings, the Department of Justice was representing the United States, its agencies, or its officials.

From 2020 to 2021, as deputy general counsel at the United States Small Business Administration, I did not litigate or appear in court, but instead provided advice to SBA leadership and assisted the general counsel with managing a team of attorneys and supervising the agency's litigation. In that litigation, the Small Business Administration or its officials were a party, with representation typically provided by the Department of Justice.

From 2021 to 2023, as a senior counsel at First Liberty Institute, I represented diverse civil-rights plaintiffs in state and federal court, specializing in First Amendment issues, as well as federal-law and state-law protections for religious liberty. For example, my clients included Jewish and Muslim firefighters, Navy SEALs of various Christian faiths, and a Christian homeless ministry.

From 2023 to the present, I have served as a judge on a state intermediate appellate court. Therefore, I have not litigated or appeared in court, and I have had no clients.

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.

While serving as a law clerk to federal judges from 2012 to 2015, I did not litigate or appear in court.

While serving as a deputy solicitor general from 2015 to 2019, at least ninety percent of my job duties consisted of litigation. I appeared in court very frequently and litigated cases in federal and state trial and appellate courts.

While serving as counsel and senior counsel at the United States Department of Justice from 2019 to 2020, I did not litigate or appear in court.

While serving as deputy general counsel at the United States Small Business Administration from 2020 to 2021, I did not litigate, but I did supervise some of the

agency's litigation.

While working for First Liberty Institute from 2021 to 2023, approximately seventy-five percent of my job duties consisted of pre-litigation and litigation activities. I appeared in court frequently.

While working as a state appellate judge from 2023 to the present, I have not litigated cases, and I have appeared in court only as a judge.

In the percentages below, I provide approximate figures that represent an average over my years of practice before I became a state appellate judge.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 60% |
| 2. | state courts of record: | 38% |
| 3. | other courts: | 1% |
| 4. | administrative agencies: | 1% |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 99% |
| 2. | criminal proceedings: | 1% |

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.

Per my best recollection, I served as counsel—at both the trial-court level, and in the Florida Supreme Court on direct review—in two state-court matters that were tried to judgment. The citations to the trial-court decisions in those cases are *Anstead v. Detzner*, No. 2018-CA-1925, 2018 WL 4868094 (Fla. 2d Cir. Ct. Sept. 5, 2018), which was tried to judgment on a petition for writ of quo warranto, and *Florida Greyhound Association v. Department of State*, No. 2018-CA-1114 (Fla. 2d Cir. Ct. Aug. 1, 2018), which was tried to judgment on cross-motions for summary judgment. In both of those matters, I served as lead counsel at the final hearing in the trial court. I also served as lead counsel in *Florida Greyhound Association* in the pass-through appeal to the Florida Supreme Court, handling the briefing and oral argument, and as associate counsel in *Anstead* in the pass-through appeal to the Florida Supreme Court. The citations to the Florida Supreme Court decisions in those cases are *Department of State v. Florida Greyhound Association*, 253 So. 3d 513 (Fla. 2018), and *Detzner v. Anstead*, 256 So. 3d 820 (Fla. 2018).

In addition, I served as non-lead counsel in one federal-court case that was tried to judgment on cross-motions for summary judgment. See *Hand v. Scott*, 315 F. Supp. 3d 1244 (N.D. Fla. 2018). Finally, in my role as an appellate judge, I have reviewed hundreds of final judgments and decisions, including many jury verdicts.

Below, I report figures for my years of practice before I became a state appellate judge.

i. What percentage of these trials were:

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

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

While serving as a deputy solicitor general, I drafted—in whole or in part—certiorari-stage briefs in the following cases before the United States Supreme Court:

McDonough v. Fernandez–Rundle, No. 17-1034 (petition for writ of certiorari and reply in support);

Dana’s Railroad Supply v. Bondi, No. 15-1482 (petition for writ of certiorari and reply in support);

Bayou Shores SNF, LLC v. Florida Agency for Health Care Administration, No. 16-967 (brief in opposition to petition for writ of certiorari); and

Norman v. Florida, No. 17-68 (brief in opposition to petition for writ of certiorari).

In addition, to my recollection, I contributed to at least one multi-state Supreme Court amicus brief—the one that the State of Florida filed in *Expressions Hair Design v. Schneiderman*, No. 15-1391. Copies of all these briefs are supplied.

While working at First Liberty Institute, I drafted—in whole or in substantial part—amicus briefs that were filed in the following cases before the United States Supreme Court:

Americans for Prosperity Foundation v. Becerra, 19-251;

Thomas More Law Center v. Becerra, 19-255;

Crowe v. Oregon State Bar, 20-1678; and

File v. Brost, 22-95.

Copies of all these briefs are supplied.

For all these Supreme Court briefs, I served as co-counsel, rather than counsel of record. I have not delivered an oral argument before the Court.

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. *U.S. Navy Seals 1–26, et al. v. Biden, et al.*, 4:21-CV-1236 (N.D. Tex.) (Judge Reed O'Connor)

In this case, from November 2021 to April 2023, I represented 35 members of the Naval Special Warfare community, including 26 Navy SEALs (and, later, a class of such persons). Our clients were Catholic, Orthodox, and Protestant Christians who had religious objections to receiving the COVID-19 vaccine. I and a team of First Liberty attorneys and outside co-counsel brought suit against the President, the United States Secretary of Defense, the United States Department of Defense, and the Secretary of the Navy, challenging the Defense Department's and the Navy's refusal to grant religious accommodations to their COVID-19 vaccination mandate. We filed a motion for preliminary injunction; I made substantial contributions to our briefing on the motion. On January 3, 2022, we succeeded in obtaining an order that preliminarily enjoined the defendants from applying their vaccination mandate to, or taking any adverse action against, our clients. The order concluded that we were likely to succeed on both our First Amendment and our Religious Freedom Restoration Act claims. *See U.S. Navy Seals 1–26 v. Biden*, 578 F. Supp. 3d 822 (N.D. Tex. 2022). The defendants appealed the preliminary injunction to the United States Court of Appeals for the Fifth Circuit and sought a stay pending that appeal, which the district court and court of appeals denied, *see U.S. Navy Seals 1–26 v. Biden*, 27 F.4th 336 (5th Cir. 2022) (before Jones, Duncan, and Engelhardt, JJ.), but the United States Supreme Court partially granted, *see Austin v. U.S. Navy Seals 1–26*, 142 S. Ct. 1301 (2022). Shortly thereafter, the district court granted our class-certification motion but stayed its injunction in accordance with the Supreme Court's order. *See U.S. Navy Seals 1–26 v. Austin*, 594 F. Supp. 3d 767 (N.D. Tex. 2022). The district court then denied the defendants' motion to dismiss for lack of jurisdiction, concluding that our clients' claims were ripe and justiciable and that the defendants had waived their right to challenge venue. The defendants eventually changed their policies and filed a suggestion of mootness, and the parties agreed to stay the proceedings. Shortly thereafter, I withdrew from the representation, as I was leaving First Liberty Institute to accept my appointment to the Florida Fifth District Court of

Appeal. After I withdrew, the court of appeals dismissed the appeal as moot and remanded for further proceedings in the district court. *See U.S. Navy Seals 1–26 v. Biden*, 72 F.4th 666 (5th Cir. 2023) (before Graves, Ho, and Duncan, JJ.). The case eventually settled in July 2024.

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2. *Democratic Executive Committee of Florida v. Detzner*, 4:18-CV-520 (N.D. Fla.)
(Judge Mark E. Walker)

In this case, from November 2018 until March 2019, I represented the Florida Attorney General in defense of the State’s signature-match requirement for vote-by-mail ballots and provisional ballots. The plaintiffs brought suit to enjoin enforcement of the relevant statutes, claiming that Florida’s signature-match requirement unconstitutionally burdened voting rights and violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. I argued for the Attorney General in opposition to the plaintiffs’ emergency motion for a preliminary injunction; my colleague Edward Wenger

had taken the lead in drafting our opposition, but responsibility for arguing at the hearing fell to me. Shortly after the hearing, the district court granted a preliminary injunction on an expedited basis because a recount was already underway and the court wished to allow the defendants time to seek a stay from the Eleventh Circuit. *See Democratic Exec. Committee of Fla. v. Detzner*, 347 F. Supp. 3d 1017 (N.D. Fla. 2018). The Eleventh Circuit then denied a stay, 915 F.3d 1312 (11th Cir. 2019), and dismissed the appeal as moot, 950 F.3d 790 (11th Cir. 2020).

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Principal Opposing Counsel for Democratic Executive Committee of Florida, Bill Nelson for U.S. Senate, DNC Services Corporation / Democratic National Committee, Democratic Senatorial Campaign Committee, and Democratic Congressional Campaign Committee

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3. *Micheal Spencer and His Tabernacle Church v. Bruen*, 6:22-CV-6486
(W.D.N.Y.) (Judge John L. Sinatra, Jr.)

In this case, from November 2022 to April 2023, I represented a Christian church and its pastor in a constitutional challenge to New York’s statutory ban on firearm carry in places of worship. The pastor and church had experienced security threats and had formed a church security team, and they wanted to allow concealed carry in the church to protect the congregation. Under the relevant statutory framework, New York allowed the owners of private businesses to allow concealed carry on their premises, but it categorically prohibited concealed carry at places of worship, even if the religious leader or property owner otherwise would allow it. We brought Free Exercise Clause, Establishment Clause, and Second Amendment claims against the New York State Police and two district attorneys, and we moved for a preliminary injunction. I drafted our client’s declarations and the brief in support of our motion for preliminary injunction, and the complaint was largely modeled off the declarations and brief in support of our preliminary injunction motion; much of my work remained in the final versions of those filings. On December 29, 2022, the district court granted our motion for preliminary injunction, holding that we were likely to succeed on all three of our claims. *See Spencer v. Nigrelli*, 648 F. Supp. 3d 451 (W.D.N.Y. 2022). The preliminary injunction was appealed to the Second Circuit, and I withdrew from the case during the pendency of the appeal as I prepared to accept my appointment to the Florida Fifth District Court of Appeal. I understand that after I withdrew, our clients prevailed on appeal, *see Antonyuk v. Chiumento*, 89 F.4th 271 (2d Cir. 2023) (before Jacobs, Lynch, and Lee, JJ.), but the United States Supreme Court then granted certiorari, vacated, and remanded for reconsideration in light of *Rahimi v. United States*, 602 U.S. 680 (2024), *see Antonyuk v. James*, 144 S. Ct. 2709 (2024).

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4. *Hand v. Scott*, 4:17-CV-128 (N.D. Fla.) (Judge Mark E. Walker)

From April 2017 until March 2019, I represented then-Governor Rick Scott, then-Florida Attorney General Pamela Jo Bondi, and several other state officials in defense of the Florida Executive Clemency Board's discretionary system for restoring felons' voting rights. The plaintiffs generally argued that the Board's clemency decisions were not guided by sufficiently objective standards, and they asserted four claims, all premised on either the First Amendment or the Fourteenth Amendment. I successfully argued in opposition to a motion to compel. The case then proceeded to cross-motions for summary judgment. I substantially contributed to our summary-judgment briefing, both in support of our motion and in opposition to the plaintiffs' motion. On February 1, 2018, the district court granted summary judgment to plaintiffs on three of their four claims, and it entertained briefing on remedies. I substantially contributed to that briefing as well. On March 27, 2018, the district court entered judgment. *See Hand v. Scott*, 315 F. Supp. 3d 1244 (N.D. Fla. 2018). On April 4, 2018, the district court denied our motion for stay pending appeal, but the United States Court of Appeals granted a stay pending appeal on April 25, 2018, concluding that we had made a strong showing that we were likely to succeed on the merits. *See Hand v. Scott*, 888 F.3d 1206 (11th Cir. 2018) (before Marcus, W. Pryor, and Martin, JJ.). I withdrew from the representation during the pendency of the appeal in March 2019, as I left the Florida Office of the Attorney General to accept a position with the United States Department of Justice. After I

withdrew from the case, Florida's voters approved a referendum that amended the State's re-enfranchisement system, and the Eleventh Circuit dismissed the appeal as moot on January 10, 2020. *See Hand v. DeSantis*, 946 F.3d 1272 (11th Cir. 2020) (before E. Carnes, Branch, and Gayles by designation, JJ.).

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5. *Florida Greyhound Association v. Detzner*, 2018-CA-1114 (Fla. 2d Jud. Cir.)
(Then-Judge Karen Gievers); SC18-1287 (Fla.)

In this case, from May 2018 until September 2018, I represented the Florida Department of State and other state defendants in defense of the Florida Constitution Revision Commission's Amendment 13, a proposed revision to the Florida Constitution. The amendment proposed to add provisions to the Florida Constitution to prohibit greyhound racing via a phase-out mechanism. Several plaintiffs brought an action to contest the amendment's ballot title and summary, contending that they were misleading and that the proposal should therefore be stricken from the ballot. The parties filed cross-motions for summary judgment; I substantially drafted the defendants' briefing on the motions, and I argued for the defendants at the trial court's July 2018 hearing on them. The trial court

ruled for the challengers and against the defendants. On our motion, the First District Court of Appeal certified a question of great public importance for the Florida Supreme Court's immediate resolution. Exercising its pass-through jurisdiction, *see Dep't of State v. Fla. Greyhound Ass'n*, No. SC18-1287, 2018 WL 3853542 (Fla. Aug. 7, 2018), the Florida Supreme Court reversed and ruled in our favor in a 6-1 decision. Consistent with the arguments that we presented, the Court held that the ballot title and summary were not misleading, and it ruled that the proposal be placed back on the ballot. *See Dep't of State v. Fla. Greyhound Ass'n*, 253 So. 3d 513 (Fla. 2018). I drafted the defendants' briefs and presented oral argument before the Florida Supreme Court in August 2018.

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6. *Anstead v. Detzner*, 2018-CA-1925 (Fla. 2d Jud. Cir.) (Then-Judge Karen Gievers); SC18-1513 (Fla.)

In this case, from August 2018 until October 2018, I represented the Secretary of State and other state defendants in defense of three proposed revisions by the Constitution Revision Commission (Amendment 7, Amendment 9, and Amendment 11). Former Justice of the Florida Supreme Court Harry Lee Anstead and another petitioner challenged all three proposals via a petition for a writ of quo warranto, seeking to strike them from the ballot. In their briefing, they argued that by bundling together separate and unrelated proposals, the proposed amendments violated section 101.161(1), Florida Statutes, as well as the First Amendment to the United States Constitution. I argued for the defendants at the trial court's final hearing in September 2018. The trial court granted

the challengers' requested writ and ordered the proposed amendments stricken from the ballot. *See Anstead v. Detzner*, No. 018-CA-001925, 2018 WL 4868094 (Fla. 2d Jud. Cir. Sept. 5, 2018). On our motion, the First District Court of Appeal certified a question of great public importance for the Florida Supreme Court's immediate resolution. Exercising its pass-through jurisdiction, the Florida Supreme Court reversed. The Court held that there was no basis for quo warranto relief, and that, in any event, the challengers' claims were meritless. *See Detzner v. Anstead*, 256 So. 3d 820 (Fla. 2018). My involvement with the case was primarily in the trial court; my colleagues handled most of the responsibilities on appeal.

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(now deceased)

7. *Prison Legal News v. Secretary, Department of Corrections*, No. 15-14220 (11th Cir.) (Then-Chief Judge Ed Carnes, Judge Joel Dubina, and Judge Anne Conway

by designation)

In this Eleventh Circuit cross-appeal, from March 2016 until the Eleventh Circuit ruled in May 2018, I represented the Secretary of Florida's Department of Corrections at the oral argument. Prison Legal News ("PLN"), an inmate publication, had brought suit against the Department because the Department had barred it from its facilities; as the reason for the exclusion, the Department cited the publication's problematic advertisements for prohibited services and activities in violation of the Department's rules regarding permissible reading materials. PLN brought both a First Amendment claim (because of its exclusion from correctional facilities) and a due process claim (because of the Department's failure to consistently provide notices of impoundment). Following a bench trial, the district court entered judgment in favor of the Department on the First Amendment claim and judgment in favor of PLN on the due process claim. *See Prison Legal News v. Jones*, No. 4:12-CV-239, 2015 WL 12911752 (N.D. Fla. Oct. 5, 2015) (Judge Mark E. Walker). Both parties cross-appealed, and after appellate briefing was closed, the Solicitor General's Office became involved in the case. I was substituted as lead counsel due to opposing counsel's distinguished reputation. I presented oral argument at the Jacksonville federal courthouse; the Eleventh Circuit affirmed the district court's judgment in all respects. *See Prison Legal News v. Sec'y, Fla. Dep't of Corrs.*, 890 F.3d 954 (2018). PLN sought certiorari, and the United States Supreme Court denied its petition. *See Prison Legal News v. Jones*, 139 S. Ct. 795 (2019).

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8. *McDonough v. Fernandez–Rundle*, No. 15-14642 (11th Cir.) (Then-Chief Judge Ed Carnes, Judge Peter Fay, and Judge Barrington D. Parker, Jr., by designation); *Fernandez–Rundle v. McDonough*, 584 U.S. 1013 (2018); 1:15-CV-20038 (S.D. Fla.) (Judge Cecilia Altonaga and Magistrate Judge Jonathan Goodman)

In this case, from October 2016 until September 2018, I represented Miami-Dade State Attorney Katherine Fernandez–Rundle in defense against a First Amendment suit by a plaintiff who had audio-recorded a conversation with the police chief in the police chief's

office, and who sued after the State Attorney sent him a cease-and-desist letter. The letter explained that the plaintiff's actions violated Florida's two-party consent wiretapping law, and it advised that any repeated violation would expose him to prosecution. In his pre-enforcement suit, the plaintiff claimed that the State Attorney's threatened use of the wiretapping statute would violate the First Amendment. After the district court granted summary judgment to the State Attorney, *see McDonough v. Fernandez-Rundle*, No. 15-20038, 2015 WL 13594408 (S.D. Fla. Sept. 17, 2015), the plaintiff appealed. When the Eleventh Circuit requested supplemental briefing and appointed an amicus to argue for the appellant, who had been represented in the trial court but proceeded *pro se* on appeal, the Solicitor General's Office became involved in the case, and I was substituted as lead counsel for the State Attorney. I authored the State Attorney's supplemental brief, and I presented oral argument before the panel. In an opinion by Judge Parker sitting by designation, the panel majority reversed on the sole basis that the State Attorney's letter misconstrued Florida's wiretapping statute; the panel majority expressly declined to reach the question whether the plaintiff's recording activity was entitled to First Amendment protection. *See McDonough v. Fernandez-Rundle*, 862 F.3d 1314 (11th Cir. 2017). Then-Chief Judge Carnes penned a forceful dissenting opinion, arguing that the majority opinion defied *Pennhurst State School and Hospital v. Halderman*, 465 U.S. 89 (1984), by directing entry of an injunction against a state official based on the majority's interpretation of state law. The Solicitor General and I then jointly authored an en banc petition, arguing that the majority opinion not only violated the Eleventh Amendment as authoritatively construed in *Pennhurst*, but also split with every other court of appeals by holding that a court may award relief on a Section 1983 claim without the plaintiff's establishing an essential element of a Section 1983 claim—the violation of a federal right. After the Eleventh Circuit denied en banc rehearing, the Solicitor General, I, and two other colleagues jointly authored a petition for a writ of certiorari and a reply in support thereof, suggesting that the United States Supreme Court grant certiorari and summarily reverse. The plaintiff was represented by pro bono counsel before the Supreme Court. The Court denied certiorari, *see Fernandez-Rundle v. McDonough*, 584 U.S. 1013 (2018), and I represented the State Attorney at a mediation hearing in the district court on remand, where plaintiff was again represented by his trial-level counsel. Shortly thereafter, the case settled.

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9. *Potter v. District of Columbia*, No. 01-1189, No. 05-1792 (D.D.C.) (Judge Richard J. Leon)

In this case, from approximately mid-2021 until April 2023, I represented a group of Jewish and Muslim firefighters and paramedics (collectively, “firefighters”) who were protected by a permanent federal-court injunction allowing them to wear facial hair for religious reasons. In 2007, the district court had granted summary judgment and a permanent injunction to the firefighters, holding that the Religious Freedom Restoration Act precluded their employer from requiring them to shave their beards. That summary judgment and permanent injunction had been affirmed on appeal. *See Potter v. District of Columbia*, 2007 WL 2892685 (D.D.C. Sept. 28, 2007), *aff’d*, 558 F.3d 542 (D.C. Cir. 2009). Over a decade later, during the COVID-19 pandemic in March 2020, the firefighters’ employer instituted a clean-shave policy and began enforcing it against them. The firefighters retained me, a couple of First Liberty Institute colleagues, and several

Covington & Burling attorneys as their counsel. We requested that their employer immediately cease enforcement of the policy, return to compliance with the permanent injunction, and restore the firefighters to field duty. We also requested damages for the violation of the injunction, with work reassignments having resulted in fewer hours, less pay, and more work commuting expenses. The firefighters eventually were restored to duty, but settlement negotiations over damages met an impasse. In November 2022, we filed a motion for a judgment of civil contempt and memorandum in support thereof. I withdrew from the representation in April 2023 to accept my present judicial appointment. Four months later, the district court denied the motion for civil contempt, and the firefighters took an appeal. *See Potter v. District of Columbia*, No. 01-1189, No. 05-1792, 2023 WL 6403852 (D.D.C. 2023). On January 28, 2025, the United States Court of Appeals for the District of Columbia Circuit vacated and remanded, holding that the district court had no general discretion to excuse the District of Columbia's alleged civil contempt. *See Potter v. District of Columbia*, 126 F.4th 720 (D.C. Cir. 2025). As far as I am aware, the case is now pending again before the district court. Throughout my representation, I was the primary contact for the clients, and I directly dealt with opposing counsel during meetings between our clients and their employer.

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10. *Benson v. State of Florida, Department of Corrections*, 1D15-3259 (Fla. 1st DCA) (Judges Tim Osterhaus, Fred Lewis, and Harvey Jay)

In this case, from November 2015 to June 2016, I represented the Department of Corrections, which had terminated a lease due to insufficient appropriations. I authored the Department's answer brief and presented oral argument. I contended that the parties' lease agreement conditioned the Department's performance on annual appropriations; that the Legislature's 2011 appropriations act triggered the Department's right to terminate the lease by cutting funding and including a restrictive proviso against paying rent for vacant leased space; and that neither the proviso nor the Department's actions violated the Florida Constitution according to the various theories that the plaintiffs had posited. The First District Court of Appeal agreed with these arguments and affirmed the trial court's grant of summary judgment to the Department. *See Benson v. State*, 194 So. 3d 1048 (Fla. 1st DCA 2016).

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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.)

For much of my career, I served as a deputy solicitor general in the Florida Office of the Attorney General. While in that role, I defended significant State legislation and policies at every level of the state and federal court systems, with briefing and argument experience in both

state and federal trial and appellate courts. During that time, nearly all my activities centered around pending or impending litigation.

While at First Liberty Institute, on the other hand, I split time between litigation and non-litigation matters. I counseled multiple clients in pre-litigation matters that did not blossom into litigation. Often, I resolved clients' concerns through demand letters or other similar outreach.

I have not performed any lobbying activities.

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

In spring 2014, while I clerked for Judge Schlesinger in Jacksonville, I taught a 1L legal writing course entitled, "Lawyering Process: Research and Objective Legal Writing," at Florida Coastal School of Law. A syllabus is attached.

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.

None.

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.

No.

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

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

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

Please see the 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 matter in which I had, or might have had, personal involvement, either as a lawyer or as a judge. In all other cases, I would evaluate any potential real or perceived conflict, including any relationships that could give rise to an appearance of impropriety, on a case-by-case basis, and I would recuse where necessary.

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

In determining whether to recuse in any particular matter, and in determining how to resolve any potential conflict of interest, I would follow the Code of Conduct for United States Judges, the Ethics Act, and all other relevant authorities and guidelines.

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.

During my work for First Liberty Institute from 2021 to 2023, none of my clients paid for their representation. My numerous clients included Navy SEALs, firefighters and paramedics, a physician's assistant, several churches, and a homeless ministry. My work at First Liberty often entailed partnering with attorneys from large national law firms, who likewise offered their representation without charge.

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 mid-November 2024, I received a call from Senator Rick Scott's office inquiring whether I would like to be considered for a judicial vacancy on the Middle District of

Florida. I responded affirmatively, and I sent the requested materials to Senator Scott's staff.

On February 10, 2025, following Senator Ashley Moody's appointment to the United States Senate, I sent a letter and materials asking Senator Moody to consider recommending me to fill a seat on the Middle District of Florida.

On February 20, an attorney with the Office of White House Counsel contacted me to schedule an interview. On February 27, I interviewed with attorneys from the Office of White House Counsel. On April 18, I was advised that I might receive the President's nomination, and over the next few weeks, attorneys from the Department of Justice contacted me about filling out nomination-related forms and paperwork. On May 27, 2025, I met with President Trump concerning my nomination.

I regularly have communicated with the Office of Legal Policy in the preparation of my answers to this questionnaire and the completion of other related materials.

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, Jordan E. Pratt, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 22, 2025
(DATE)

[Signature]
(NAME)

Elizabeth Norris
(NOTARY)

