

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NOMINEES
TO PRIVACY AND CIVIL LIBERTIES BOARD**

PUBLIC

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

Rachel Lee Brand

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

Member, Privacy and Civil Liberties Oversight Board

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

Office address: 1615 H Street, NW, Washington, DC 20062

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

May 1, 1973; Muskegon, MI

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.

Law School: Harvard Law School, JD 1998 (attended 1995 - 1998)

*Undergraduate: University of Minnesota-Morris, BA 1995 (attended 1991 - 1995)
(I studied at Universidad de Las Andes, Merida, Venezuela on a study abroad program for one term in 1993.)*

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

*National Chamber Litigation Center. Chief Counsel for Regulatory Litigation (2011-present).
1615 H Street, NW, Washington, DC 20062.*

*George Washington University Law School. Adjunct Professor (2010-2011). 2000 H Street, NW,
Washington, DC 20052.*

*Wilmer Cutler Pickering Hale & Dorr. Counsel (2008-2011). 1875 Pennsylvania Ave., NW,
Washington, DC 20006.*

U.S. Department of Justice. Assistant Attorney General for Legal Policy (2005-2007); Principal

Deputy Assistant Attorney General (2003-2005). 950 Pennsylvania Ave., NW, Washington, DC 20530.

Supreme Court of the United States, Associate Justice Anthony Kennedy. Law clerk (2002-2003). One First Street, NE, Washington, DC 20543.

White House. Associate Counsel to the President (2001-2002); Assistant Counsel to the President (2001). 1600 Pennsylvania Ave., NW, Washington, DC 20500.

Bush-Cheney Transition. Associate Counsel (2001). 1800 G Street, NW, Washington, DC 20270.

Cooper, Carvin & Rosenthal. Associate (1999-2001). 1500 K Street, NW, Washington, DC 20005.

Elizabeth Dole for President Exploratory Committee. General Counsel (1999). Arlington, VA.

Supreme Judicial Court of Massachusetts, Associate Justice Charles Fried. Law clerk (1998-1999). New Courthouse, One Pemberton Square, Boston, MA 02108.

Simpson, Thacher & Bartlett. Summer Associate (1998). 425 Lexington Avenue. New York, NY 10017.

Cooper & Carvin. Summer Associate (1997). Washington, DC.

Covington & Burling. Summer Associate (1997). 1201 Pennsylvania Ave., NW, Washington, DC.

Harvard Law School. Research Assistant (1997). 1563 Massachusetts Ave., Cambridge, MA 02138.

Federal Bureau of Investigation. Honors Intern (1996). 935 Pennsylvania Ave., NW, Washington, DC 20535.

Mervenne Beverage., Inc. Receptionist (1995). 4209 Lincoln Rd., Holland, MI 49423.

Brann's Steakhouse. Waitress (1995). 12234 James St., Holland, MI 49424.

Bos Landen Country Club. Waitress (1995). 2411 Bos Landen Drive, Pella, IA 50219.

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.

N/A

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.

In 2007, I received the Department of Justice Edmund J. Randolph Award.

In 2004, I received the Attorney General's Award for Excellence in Furthering the Interests of U.S. National Security.

I graduated cum laude from Harvard Law School.

I received a full tuition scholarship from the University of Minnesota-Morris. I graduated from UMM with High Distinction and Honors.

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

American Bar Association, 1999-2000

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.

I am a member of the bars of New York (1999-present) and the District of Columbia (2000-present).

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.

I am a member of the bars of the following federal courts:

Supreme Court of the United States (2003-present)

U.S. Court of Appeals for the Fourth Circuit (2007-present)

U.S. Court of Appeals for the District of Columbia Circuit (2011-present)

U.S. Court of Appeals for the Federal Circuit (1999-present)

U.S. District Court for the District of Columbia (2000-2003; 2007-2010; 2011-present.

Admission to the bar of this court is for a three-year period. I renewed when necessary.)

U.S. Court of Federal Claims (2000-present)

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.

Little Falls Presbyterian Church, member 2007-present

-Member of the Board of Trustees of Little Falls Presbyterian Church (2010-present)

-Member of the Board of Trustees of the Little Falls Presbyterian Church Foundation (2011-present)

National Presbyterian Church, member 2001 - 2007

Federalist Society, member intermittently 1995 - present

-Member, Executive Committee of the Practice Group on International Law and National Security Law, approximately 2008 - 2011

-Member, Executive Committee of the Practice Group on Administrative Law, 2011- present

Alexander Hamilton Society, member of informal advisory board, 2011-present

*Republican National Lawyers Committee, member approximately 2008-present
-Member, Board of Governors, 2010-2011*

*University of Minnesota Institute for Law and Politics, member of advisory board, approximately
2009-2010*

*Harvard Federalist Society Alumni Chapter, member of informal steering committee,
approximately 2008*

b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Not to my knowledge.

12. Published Writings and Public Statements:

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

Publications in my official capacity with the U.S. Department of Justice:

Web Q and A published on "Ask the White House" (on the official White House website) on March 9, 2006, concerning reauthorization of the USA PATRIOT Act. A copy of the Q and A can be found at: <http://georgewbush-whitehouse.archives.gov/ask/print/20051216-2.html>.

Letter to the editor (with co-author Brian Roehrka of the Justice Department) entitled "Alito's Opinions Mischaracterized," published in the Boston Globe on Nov. 21, 2005. A copy is attached.

Letter to the Editor published in the National Law Journal on October 31, 2005, concerning federal sentencing policy. A copy is attached.

Op-Ed (with co-author John Pistole of the FBI) concerning national security letters, published in USA Today on Nov. 9, 2005. A copy is attached.

Letter to the Editor entitled, "DNA databases will not invade people's privacy," published in the Roanoke Times, October 12, 2005. A copy is attached.

Publications in my personal capacity:

Article entitled, "Reauthorization of the USA PATRIOT Act," published on the Federalist Society's website first published in September 2009 and updated in January 2010. A copy is attached.

Article based on my presentation at the 2009 Federalist Society Student Symposium at Yale Law School, entitled, "Judicial Appointments: Checks and Balances in Practice," published in the

Harvard Journal of Law and Public Policy, Winter 2010 edition. A copy of the article is attached.

Article entitled, "Making It a Federal Case: An Inside View of the Pressures to Federalize Crime," published on the Heritage Foundation's website on Aug. 29, 2008. A copy is attached.

Article entitled, "A Practical Look at Federal Judicial Selection," published in The Advocate (the journal of the Litigation Section of the Texas State Bar Association), Winter 2010 edition. A copy is attached.

"Case Comment, Civil Forfeiture as Jeopardy: United States v. Ursery," 20 Harv. J.L. & Pub. Pol'y 292 (1996). A copy is attached.

Editorial on behalf of Bob Dole for President, published in the Harvard Law Record in 1996. I do not have a copy.

I served in various editorial capacities, including Deputy Editor-in-Chief, with the Harvard Journal of Law and Public Policy while in law school. I edited numerous articles in that publication during that time.

Various columns in the University Record (student newspaper at the University of Minnesota-Morris) written in my editorial capacity with that newspaper between 1991 and 1995. I have no record of specific columns or dates. I also edited other students' work in that newspaper.

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

None.

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

Testimony delivered in my official capacity with the U.S. Department of Justice:

Testimony before the U.S. Senate Judiciary Committee, Subcommittee on Terrorism, Technology and Homeland Security, at a hearing entitled, "Tools to Fight Terrorism: Subpoena Authority and Pretrial Detention of Terrorists." June 22, 2004. A copy of my written statement is attached.

Testimony Before the U.S. Senate Judiciary Committee at a hearing entitled, "Examining the Proposal to Restructure the Ninth Circuit," September 20, 2006. A copy of my written statement is attached.

Testimony before the U.S. Senate Judiciary Committee Subcommittee on Immigration, Border Security, and Citizenship, for an oversight hearing entitled, "U.S. Refugee Admissions and Policy." I submitted written testimony only. A copy of my statement is attached.

Testimony before the U.S. House of Representatives Committee on the Judiciary concerning H.R. 2102, the Free Flow of Information Act of 2007. June 14, 2007. A copy of my written statement is attached.

Testimony before the U.S. House of Representatives Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, at a hearing entitled, "Lethal Loopholes: Deficiencies in State and Federal Gun Purchase Laws." May 10, 2007. A copy of my written statement is attached.

Testimony before the U.S. House of Representatives Committee on International Relations, Subcommittee on Africa, Global Human Rights, and International Operations, at a hearing entitled, "Current Issues in U.S. Refugee Protection and Resettlement." May 10, 2006. A copy of my written statement is attached.

Confirmation hearing testimony:

Testimony at my confirmation hearing to be Assistant Attorney General for Legal Policy. May 12, 2005. I did not submit a written statement. A webcast of the hearing can be found at: <http://www.judiciary.senate.gov/hearings/hearing.cfm?id=e655f9e2809e5476862f735da105d724>.

Testimony in my personal capacity:

Testimony delivered before a Nov. 3, 2009, meeting of the Republican members of the House Judiciary Committee concerning an extension of USA PATRIOT Act provisions. A copy of my prepared statement is attached. The meeting was aired on C-SPAN. A video can be found at: <http://www.c-spanvideo.org/program/TRIO>

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

Speaking engagements while employed by the U.S. Department of Justice:

Panel discussion on terrorism co-hosted by the Oklahoma City University chapters of the National Women's Law Student Association and of the Federalist Society. Oklahoma City, OK, March 2004. A copy of my speech notes is attached.

Informal discussion with a group of Harvard Law School students as part of the Harvard Law School Traphagen Distinguished Speakers Series, sponsored by the Dean of the law school in March 2004. I have no notes from this event.

Keynote address to the Computers, Freedom, and Privacy Conference on the subject of counter-terrorism policy. Berkeley, CA, April 2004. A copy of my prepared remarks is attached.

Participant in the 2004 Holmes Debates at the Library of Congress, on the subject of the USA PATRIOT Act. Washington, DC, June 2004. A copy of my notes is attached.

Panel discussion on the USA PATRIOT Act hosted by the Wyoming Bar Ass'n. Gillette, WY, September 2004. I have no notes from this event.

Panel discussion on the USA PATRIOT Act hosted by the Long Island chapter of the Federalist Society. Mineola, NY, September 2004. A copy of my speech notes is attached.

Debate on the USA PATRIOT Act hosted by the Western Michigan chapter of the Federalist Society. Grand Rapids, MI, October 2004. A copy of my speech notes is attached.

Panelist in two panel discussions at the U.S. Attorneys' National Conference on April 22, 2005 (the audience consisted entirely of Justice Department personnel). One panel was on the subject of terrorism; the other was on the subject of crime victims' rights. My notes from the victims' rights panel are attached. I do not have any notes from the other panel.

Presentation about Justice Department policy priorities to the Department of Justice's PIO Conference on September 20, 2005. A copy of my notes is attached.

Panel discussion about the USA PATRIOT Act sponsored by George Washington University on February 2, 2006. A copy of my notes is attached.

Informal remarks at a Recent Graduates Reception of the Harvard Law School Association of the District of Columbia. February 9, 2006. A copy of my notes is attached.

Panel discussion about the Department of Justice before the U.S. Senate Youth Program delegates. March 7, 2006. I have no notes from this event.

Speech to the Federalist Society Houston chapter on the subject of Supreme Court confirmations. March 23, 2006. A copy of my notes is attached.

Panel discussion on the subject of Supreme Court confirmations, hosted by Harvard University's Shorenstein Center on the Press, Politics and Public Policy. Mar. 24, 2006. The event was aired on C-SPAN. Video can be found at: <http://www.c-spanvideo.org/program/Synt>.

Speech to the Harvard Law School Republicans about Supreme Court confirmations. April 6, 2006. A copy of my notes is attached.

Speech to the Notre Dame Law School Federalist Society chapter about terrorism policy. April 20, 2006. A copy of my notes is attached.

Remarks about Department of Justice priorities to the delegates at the American Bar Association's "ABA Day." May 4, 2006. I did not deliver prepared remarks and have no notes from this event.

Speech to the Federalist Society New Orleans chapter about Supreme Court confirmations. May 11, 2006. A copy of my notes is attached.

Speech to the Federalist Society Pittsburgh chapter about Supreme Court confirmations. May 25, 2006. A copy of my notes is attached.

Press conference at the U.S. Department of Justice on June 1, 2006, concerning the Department's release of its Synthetic Drug Control Strategy. A video of the press conference can be found at: <http://www.c-spanvideo.org/program/Synt>.

Keynote address at the dedication of the Tucson, AZ law enforcement memorial, August 1, 2006. A copy of my prepared remarks is attached.

Speech to the Cleveland, OH, Federalist Society chapter on the subject of Supreme Court confirmations. August 10, 2006. A copy of my speech notes is attached.

Speech about methamphetamine and drug enforcement at the National Conference of State Legislatures annual meeting. August 17, 2006. A copy of my notes is attached.

Speech about methamphetamine and drug enforcement at the Law Enforcement and Youth Partnerships for Crime Prevention Conference. October 3, 2006. A copy of my notes is attached.

Remarks to the West/Southwest Methamphetamine Conference in Salt Lake City, UT. October 5, 2006. A copy of my speech notes is attached.

Remarks about judicial selection at the White House's "Women's Leadership Briefing." October 11, 2006. A copy of my notes is attached.

Speech about Justice Department priorities to the Business Software Alliance Forum. October 17, 2006. A copy of my speech is attached.

Panel discussion entitled "Amnesty v. Enforcement -- The House and Senate Proposals," hosted by the George Mason School of Law Civil Rights Law Journal on October 18, 2006. A transcript of the panel is attached.

Speech to the Heritage Foundation's Legal Strategy Forum on the subject of Supreme Court confirmations, Oct. 19, 2006. A copy of my speech is attached.

Speech to the Georgetown Law School Federalist Society chapter about Supreme Court confirmations. October 31, 2006. A copy of my speech notes is attached.

Speech about crime victims' rights at the NOVA Crisis Response Conference in Little Rock, AR. November 13, 2006. A copy of my speech is attached.

Panel discussion about attorney-client privilege waivers in criminal investigations hosted by the Kansas City Metropolitan Bar Association. November 15, 2006. A copy of my notes is attached.

Presentation about Department of Justice priorities to the Women in Government Relations Homeland Security Task Force. November 27, 2006. A copy of my notes is attached.

Press conference in Des Moines, IA, along with the U.S. Attorney for the Southern District of Iowa and the Iowa Drug Policy Coordinator, concerning National Methamphetamine Awareness Day. Nov. 30, 2006. A copy of my notes is attached.

Speech to the Iowa Drug Task Force Conference, Altoona, IA, in connection with National Methamphetamine Awareness Day. Nov. 30, 2006. A copy of my speech is attached.

Remarks about the Adam Walsh Child Protection and Safety Act of 2006 at the Project Safe Childhood National Conference. December 5, 2006. A copy of my speech is attached.

Panel discussion at the Harvard Law School Women's Law Association conference on February 16, 2007. A copy of my notes is attached.

Speech to the Thomas Cooley School of Law Federalist Society chapter on the subject of border security and immigration reform, March 22, 2007. A copy is attached.

Guest speaker at the April 27, 2007 monthly luncheon of the Federalist Society Washington, DC chapter. A copy of my speech is attached.

Speaking engagements in my personal capacity:

Panel discussion at the Close-Up Foundation's Reagan Youth Conference, June 20, 2011. The event was aired on C-SPAN. I do not have any notes from this event. A video can be found at: <http://www.c-spanvideo.org/program/ReaganYo>.

Panel discussion entitled "Federal Courts, Inc.?", hosted by the American Constitution Society at New York University Law School on March 8, 2011. I have no notes from this event.

Panel discussion about Supreme Court appointments at the Peter Jennings Project for Journalists and the Constitution on March 6, 2011, in Philadelphia, PA. I have no notes from this event.

Informal introductory remarks at the January 18, 2011, meeting of the Federalist Society's Washington, DC Young Lawyers Chapter. I have no notes from this event.

Panel discussion entitled, "The Path to the Bench: A Conversation on Federal Judicial Selection," sponsored by the American Constitution Society on November 18, 2010. A copy of my notes is attached.

Moderator of a panel discussion entitled, "Supreme Court Preview: What Is in Store for October Term 2010?," hosted by the Federalist Society at the National Press Club on September 29, 2010. A video of the event can be found at: http://www.fed-soc.org/publications/pubID.1971/pub_detail.asp

Debate participant in an event entitled, "Debating our Judiciary," sponsored by the Center for American Progress, the American Action Forum, and Politico at George Washington University on June 22, 2010. A video of the event can be found at: <http://www.americanprogress.org/events/2010/06/capaafpol.html>.

Speech to the Milwaukee Federalist Society chapter entitled, "What to expect during the Kagan hearings," June 21, 2010. A copy of my speech notes is attached.

Roundtable discussion about Supreme Court confirmations hosted by the Aspen Institute on June 15, 2010. A video of the event can be found at: <http://www.aspeninstitute.org/video/roundtable-kagan-nomination-look-whats-come>.

Panel discussion entitled, "A Discussion on the Nomination of Elena Kagan to the Supreme Court," hosted by the American Constitution Society on June 8, 2010. A copy of my speech notes is attached.

Speech to the Iowa Federalist Society Chapter in Des Moines, Iowa, in May 2010 on the subject of Supreme Court appointments. A copy of the speech is attached.

Moderator of a podcast entitled, "United States Supreme Court: Nomination and Confirmation Process," hosted by the Federalist Society on May 7, 2010. Audio of the podcast can be found at: <http://www.fed-soc.org/publications/detail/united-states-supreme-court-nomination-and-confirmation-process-podcast>.

Panel discussion entitled, "The Supreme Court and Judicial Confirmations," at the Republican National Lawyers Association conference on April 16, 2010. My notes for the event are attached.

Panel discussion on the Supreme Court confirmation process hosted by American University Washington College of Law, April 7, 2010. The event was aired on C-SPAN. A video can be found at: <http://www.c-spanvideo.org/program/CourtConfirmat>.

Panel discussion about the Tenth Amendment hosted by the Texas Conservative Coalition in Plano, Texas on February 15, 2010. I have no notes from this event.

Participating speaker in a "Briefing call" hosted by the Federalist Society (open to the public) on the subject of USA PATRIOT Act authorization on November 5, 2009. A copy of my notes is attached.

Panelist in a "Supreme Court roundup," hosted by the University of Chicago Law School Federalist Society chapter on October 1, 2009. A copy of my notes is attached.

Speech about judicial appointments sponsored by the University of Virginia Law School Federalist Society chapter, April 22, 2009. A copy of my speech notes is attached.

Moderator of a panel discussion entitled, "Filling the Courts: How the GOP Should Treat President Obama's Judicial Nominees," at the Republican National Lawyers Association conference on April 17, 2009. A copy of my notes is attached.

Editor's Roundtable entitled, "The New Administration: A First Look," hosted by the Legal Times, April 14, 2009. A copy of my notes is attached.

Speech about judicial appointments sponsored by the University of Michigan Law School Federalist Society chapter, April 6, 2009. A copy of my speech notes is attached.

Panel discussion entitled, "Confirmation Battles and Presidential Nominations," part of the 2009 Federalist Society Student Symposium (entitled "Separation of Powers in American Constitutionalism") at Yale Law School, February 28, 2009. This panel presentation was converted into an article for the Harvard Journal of Law & Public Policy. A copy has been provided in response to Question 12.a.

Panel discussion on judicial appointments hosted by the Edward Coke Appellate Inn of Court, Nov. 18, 2008. I have no notes from this event.

Speech to the Birmingham, Alabama Federalist Society chapter on the subject of Supreme Court appointments, Nov. 10, 2008. A copy of my speech notes is attached.

Panel discussion on the 2008 presidential race before the Association of General Counsels conference on October 16, 2008. A copy of my notes is attached.

Panel discussion sponsored by the Women's Bar Association on the subject of presidential appointments, October 14, 2008. I do not have any notes from this event.

Speech at the University of Minnesota-Morris entitled, "Viewing the Judiciary from All Angles," October 2, 2008. A copy of my speech notes is attached.

Panel discussion in 2008 at the University of Minnesota Law School's Minnesota Conservative and Libertarian Legal Colloquium, on the subject of stare decisis. I do not have any notes from this event.

Panel discussion on the upcoming presidential election's effect on Supreme Court confirmations, sponsored by the American Constitution Society and the Federalist Society in Philadelphia, PA, September 24, 2008. A copy of my speech notes is attached.

Speech at the University of Minnesota Law School, sponsored by the University of Minnesota Institute for Law and Politics, on September 2, 2008, on the subject of Supreme Court appointments. A copy of my speech notes is attached.

Panel discussion concerning the 2007-2008 Supreme Court Term, hosted by the Federalist Society at the National Press Club on July 1, 2008. The event was aired on C-SPAN. A video can be found at: <http://www.c-spanvideo.org/program/TRIO>.

Speech to the National Youth Leadership Forum on the subject of legal careers, June 24, 2008. A copy of the speech is attached.

Panel discussion on the subject of judicial nominations at Street Law's Supreme Court Summer Institute for Teachers in June 2008. I have no notes from this event.

Moderator of a panel discussion on the subject of reporter's shield legislation, hosted by the Federalist Society on April 29, 2008. Video of the event can be found at: <http://www.fed-soc.org/publications/detail/reporters-shield-event-audiovideo>

Panel discussion entitled, "2008 Election Outlook," part of WilmerHale's Financial Institutions Group conference in New York, NY on April 1, 2008. A copy of my notes is attached.

Panel discussion entitled, "Public Interest Success Stories," part of a conference at Harvard Law School entitled "A Celebration of Public Interest at Harvard Law School," March 14, 2008. I have no notes from this event.

Panel discussion on the subject of judicial appointments hosted by the George Washington University Law School chapters of the American Constitution Society and the Federalist Society in February 2008. A copy of my notes is attached.

Speech entitled, "Judicial Confirmations: The Fourth Circuit and Beyond," hosted by the Federalist Society of Greater Charlotte on February 8, 2008. A copy of my speech notes is attached.

Panel discussion on Supreme Court confirmations at the annual meeting of the Headmasters Association in Lafayette Hill, Pennsylvania, on February 7, 2008. I have no notes from this event.

Speech on the subject of judicial appointments sponsored by the University of Minnesota Institute for Law and Politics, January 24, 2008. A copy of my speech notes is attached.

Speech entitled, "An Insider Look at the U.S. Supreme Court Confirmation Process," hosted by the Thomas Cooley School of Law Federalist Society chapter on October 24, 2007. A copy of my speech notes is attached.

Panel discussion entitled, "The Future of the Supreme Court" at The New Yorker Festival, hosted by The New Yorker magazine, October 7, 2007. I have no notes from this event.

Speech to the Federalist Society's Student Leadership Conference on July 14, 2007. A copy of my speech notes is attached.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I do not have a record of every interview I have given to a news reporter. Listed below are print articles in which I have been quoted and radio and TV interviews of which I have a record. I have done my best to locate such items, but this may not be an exhaustive list.

Press interviews in my official capacity with the Department of Justice:

Radio interview regarding the USA PATRIOT Act on KQED - Forum with Michael Krasny. Feb. 12, 2004. I do not have a transcript or recording.

Interview with National Journal for a June 18, 2005, article profiling various Justice Department staff. A copy of the article is attached.

Interview with the Des Moines Register for a September 16, 2005, article about Chief Justice Roberts's confirmation process. A copy of the article is attached.

Interview with the Washington Post for a Nov. 3, 2005, article concerning Justice Alito's confirmation. The article can be found at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/02/AR2005110202724.html>.

Press Background Briefing on the subject of Justice Alito's nomination, Nov. 3, 2005. A transcript is attached.

Interview with the Wall Street Journal for a Nov. 16, 2005, article concerning Justice Alito's confirmation. A copy of the article is attached.

Interview with the San Francisco Chronicle for a Nov. 20, 2005, article concerning Justice Alito's confirmation. The article can be found at: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2005/11/20/MNGVDFRH0B1.DTL&ao=all>.

Interview with the Wall Street Journal for a Nov. 21, 2005, article concerning Justice Alito's confirmation. The article can be found at: <http://online.wsj.com/article/SB113252961872202600.html>.

Press briefing concerning Justice Alito's confirmation. Circa Dec. 1, 2005. Attached is an article containing a quote from that briefing.

Interview with C-SPAN on Dec. 6, 2005, concerning Justice Alito's confirmation. Video can be found at: <http://www.c-spanvideo.org/program/SupremeCourtWatch55>.

Interview with CNN for a December 13, 2005, article concerning national security letters. A transcript of the segment can be found at:

<http://www.cnn.com/2005/EDUCATION/12/14/transcript.thu/index.html?iref=allsearch>.

Interview with WIBA, Madison, WI, December 13, 2005. I do not have a transcript or recording.

Interview with WDAY, Fargo, ND, concerning the USA PATRIOT Act, December 15, 2005. I do not have a transcript or recording.

Radio interview with a Sacramento station concerning the USA PATRIOT Act, December 15, 2005. I do not have a transcript or recording.

Radio interview with WLOB, Portland, ME, concerning the USA PATRIOT Act, December 16, 2005. I do not have a transcript or recording.

Interview with the Eagle's Cry (the student newspaper of Pella Christian High School, Pella, IA, my alma mater) about my job at the Department of Justice. 2005. A copy of the article is attached.

Interview with the Wall Street Journal for a Jan. 5, 2006, article concerning Justice Alito's confirmation. A copy of the article can be found at:

<http://online.wsj.com/article/SB113642811283938270-search.html>.

Interview with CNN for a January 10, 2006 segment concerning Justice Alito's confirmation hearing. Transcript attached.

Interview with C-SPAN on Jan. 12, 2006, concerning Justice Alito's confirmation. Video can be found at: <http://www.c-spanvideo.org/program/AlitoConfirmationHearin>.

Interview with FOX news concerning Justice Alito's confirmation. January 13, 2006. I do not have a transcript or recording.

Interview with Susanna Dukupil for an article posted on American Enterprise Online on Feb. 7, 2006. A copy of the article is attached.

TV interviews on March 8, 2006, concerning the USA PATRIOT Act: Hearst-Argyle television; BELO television; Cox Broadcasting TV. I do not have transcripts or recordings of these interviews.

Interview with the New York Times for a June 2, 2006, article concerning ISP retention of customer records. A copy of the article is attached.

Interview with NPR on August 9, 2006, concerning internet child pornography. The article can be found at: <http://www.npr.org/templates/story/story.php?storyId=5629338>.

Press release on November 30, 2006, concerning National Methamphetamine Awareness Day. A copy of the press release is attached.

Radio interviews on November 30, 2006, in connection with National Methamphetamine Awareness Day: WLW/Cincinnati; ABC News Morning; KEX/Portland, OR; KCMO/Kansas City; KTRS/St. Louis; WJR/Detroit. I do not have notes or tape of any of these brief interviews.

Interview with the Los Angeles Times for a December 22, 2006, article concerning the intersection of refugee and terrorism policy. The article can be found at:
<http://articles.latimes.com/2006/dec/22/nation/na-asylum22>.

Interview with Elliot Slotnick for an article in the May-June 2007 edition of Judicature, entitled, "Picking Judges in a time of turmoil: W. Bush's judiciary during the 109th Congress." A copy of the article is attached.

Other press interviews:

Interview with NPR concerning Sackett v. EPA for an article aired and published on-line on Nov. 1, 2011. The article can be found at:
<http://www.npr.org/templates/story/story.php?storyId=141887844>.

Interview with NPR for a July 20, 2010, story about judicial confirmations. A copy of the print version of the story can be found at:
<http://www.npr.org/templates/story/story.php?storyId=128644860>.

Interview with CBS News for a June 29, 2010, story about Justice Kagan's confirmation hearing. The story can be found at: http://www.cbsnews.com/8301-503544_162-20009227-503544.html?tag=mncol;lst;1.

Interview with the New York Times for a June 27, 2010, article concerning Supreme Court confirmations. The article can be found at:
<http://www.nytimes.com/2010/06/28/us/politics/28questions.html>.

Interview with the LeHigh Valley Morning Call for a June 25, 2010, article about Senator Specter's role in Supreme Court confirmations. The article can be found at:
http://articles.mcall.com/2010-06-25/news/mc-dc-specter-kagan-20100624_1_democrat-specter-supreme-court-confirmation-hearing-high-court-nominee.

Interview with Voice of America News for a June 23, 2010, article about Supreme Court confirmations. The article can be found at: <http://www.voanews.com/english/news/usa/Kagan-Supreme-Court-Confirmation-Hearings-Begin-Monday-96990134.html>.

Interview with the Associated Press for a June 22, 2010, article concerning Supreme Court confirmation hearings. The article can be found at:
http://www.msnbc.msn.com/id/37854053/ns/politics-supreme_court/t/murder-boards-kagan-preps-hearings/#.T1LZ_Icge3o.

Interview with Business Week for a June 21, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the Los Angeles Times for a May 29, 2010, article about Supreme Court confirmations. The article can be found at: <http://articles.latimes.com/2010/may/29/nation/la-na-kagan-vetting-20100530>.

Interview with Politico for a May 27, 2010, article about Supreme Court confirmations. The article can be found at: <http://www.politico.com/news/stories/0510/37838.html>.

Interview with NPR for a May 25, 2010, segment about Supreme Court confirmation hearings. The story can be found at: <http://www.npr.org/templates/story/story.php?storyId=127095542>.

Interview with National Journal for a May 12, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with Politico for a May 12, 2010, article about Supreme Court confirmations. The article can be found at: <http://www.politico.com/news/stories/0510/37110.html>.

Interview with the Lars Larson radio show for a May 10, 2010, story about Supreme Court appointments. I do not have a transcript or recording.

Interview with MSNBC on April 12, 2010, about Supreme Court confirmations. I do not have a transcript or recording.

Interview with NBC News on April 9, 2010, about Supreme Court appointments. I do not have a transcript or recording.

Interview with CQ Weekly for an April 2010 article about Supreme Court nominations. A copy of the article is attached.

Interview with CNN for an April 21, 2010, segment on Supreme Court appointments. Video of the segment can be found at: http://www.youtube.com/watch?v=6FO_Axbvhkw.

Interview on CNN for an April 21, 2010, segment about the Supreme Court. I do not have a transcript or recording.

Interview with National Journal for an April 16, 2010, article about Supreme Court appointments. A copy of the article is attached.

Interview with Congressional Quarterly for an April 16, 2010, article about Supreme Court confirmations. A copy of the article is attached.

Interview with ABC News for an April 9, 2010, story concerning Supreme Court appointments. Video is available at: <http://www.msnbc.msn.com/id/21134540/vp/36338749#36338749>.

Interview with NPR in January 2010 concerning Attorney General Holder's confirmation hearing. The story can be found at: <http://www.npr.org/templates/story/story.php?storyId=99361682>.

Interview with the Harvard Law Bulletin for an article entitled, "Executive Counsel" in the Summer 2009 edition. A copy of the article is attached.

Interview with National Journal for a July 31, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the New York Times for a July 15, 2009, article about Supreme Court confirmations. The article can be found at: <http://www.nytimes.com/2009/07/16/us/politics/16assess.html>.

Interview with the Washington Post for a July 13, 2009, article about Supreme Court confirmations. The article can be found at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/12/AR2009071202338.html>.

Interview with the Associated Press for a July 10, 2009, article about Supreme Court confirmations. The article can be found at:
<http://www.azcentral.com/news/articles/2009/07/10/20090710sotomayor-theprep10-ON.html>.

Interview with National Journal for a June 15, 2009, article concerning Supreme Court confirmations. A copy of the article is attached.

Interview with National Journal for a June 3, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with the National Law Journal for a June 1, 2009, article about Supreme Court confirmations. A copy of the article is attached.

Interview with Roll Call TV on the subject of judicial appointments, May 29, 2009. I do not have a recording or transcript.

Interview with the National Law Journal for a May 4, 2009, article about Supreme Court appointments. A copy of the article is attached.

Interview with CNN for a May 3, 2009, article about Supreme Court confirmations. The article can be found at: <http://politicalticker.blogs.cnn.com/2009/05/03/obama-likely-to-pick-female-nominee/>.

Interview with the Legal Times for an April 6, 2009, article about Supreme Court appointments. A copy is attached.

Interview with WAMU's Kojo Namdi show on the subject of judicial appointments, January 29, 2009. The recording can be found at: <http://thekojonnamdishow.org/shows/2009-01-29/breaking-judicial-logjam>.

*Interview with ABC News for a January 17, 2009, segment about the Supreme Court's decision in *Ledbetter v. Goodyear*. A transcript is attached.*

Interview with Bloomberg News for a July 15, 2008, article about Supreme Court appointments. The article can be found at:
<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=analt7SXDKiQ&refer=home>.

Interview with the Legal Times for an April 17, 2008, article about Bush Administration lawyers joining the private sector. A copy of the article is attached.

Interview with the Legal Times for a March 17, 2008, article about joining WilmerHale. A copy of the article is attached.

Interview with PBS for an October 4, 2007, segment about reporter shield legislation. A transcript can be found at: http://www.pbs.org/newshour/bb/media/july-dec07/sources_10-04.html.

f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

N/A

13. Public Office, Political Activities and Affiliations:

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

Assistant Attorney General for Legal Policy, U.S. Department of Justice; 2005-2007. Appointed by the President upon confirmation by the Senate.

Principal Deputy Assistant Attorney General, Office of Legal Policy, U.S. Department of Justice; 2003-2005. Appointed.

Law clerk to Justice Anthony Kennedy, Supreme Court of the United States; 2002-2003. Appointed.

Associate Counsel to the President, the White House; 2001-2002. Appointed.

Assistant Counsel to the President, the White House; 2001. Appointed.

Associate Counsel, Bush-Cheney Transition; 2001. Appointed.

Law clerk to Justice Charles Fried, Supreme Judicial Court of Massachusetts; 1998-1999. Appointed.

Honors Intern, Federal Bureau of Investigation; 1996. Appointed.

Legislative Intern, Office of U.S. Senator Charles Grassley; 1995. Appointed.

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.

Member of the Board of Governors of the Republican National Lawyers Association, 2010-2011 term. Member of the association from approximately 2008-present.

Assisted Fred Thompson's presidential campaign by providing volunteer policy advice. 2007.

Was listed on lawyers' committees supporting candidates for President during the 2008 presidential race: Fred Thompson, Mitt Romney, John McCain.

Volunteered for the Bush campaign during the 2000 presidential race: as a grassroots volunteer in Virginia and Iowa; and in Florida during the recount effort (writing briefs and pleadings).

Member of the Arlington County, VA, Republican Central Committee from 2000-2002.

Was employed as the General Counsel of the Elizabeth Dole for President Exploratory Committee for a brief period in 1999.

Was Vice-President of the Harvard Law Republicans while in law school.

During college at the University of Minnesota-Morris, did grassroots volunteering for various Republican campaigns for local office; Was a member of the Stevens County, MN central committee; Was a delegate to the Stevens County, MN nominating convention and the Minnesota Republican state convention; Was Secretary of the campus College Republicans.

Have served on the host committees for various fundraisers for candidates for state and federal office.

14. Legal Career: Answer each part separately.

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

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

I served as a law clerk to Justice Charles Fried on the Supreme Judicial Court of Massachusetts from 1998-1999 and as a law clerk to Justice Anthony Kennedy on the Supreme Court of the United States from 2002-2003.

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

No.

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

National Chamber Litigation Center. Chief Counsel for Regulatory Litigation (2011-present). 1615 H Street, NW, Washington, DC 20062.

George Washington University Law School. Adjunct Professor (2010-2011). 2000 H Street, NW, Washington, DC 20052.

Wilmer Cutler Pickering Hale & Dorr. Counsel (2008-2011). 1875 Pennsylvania Ave., NW, Washington, DC 20006.

U.S. Department of Justice. Assistant Attorney General for Legal Policy (2005-2007); Principal Deputy Assistant Attorney General (2003-2005). 950 Pennsylvania Ave., NW, Washington, DC 20530.

Supreme Court of the United States, Associate Justice Anthony Kennedy. Law clerk (2002-2003). One First Street, NE, Washington, DC 20543.

White House. Associate Counsel to the President (2001-2002); Assistant Counsel to the President (2001). 1600 Pennsylvania Ave., NW, Washington, DC 20500.

Bush-Cheney Transition. Associate Counsel (2001). 1800 G Street, NW, Washington, DC 20270.

Cooper, Carvin & Rosenthal. Associate (1999-2001). 1500 K Street, NW, Washington, DC 20005.

Elizabeth Dole for President Exploratory Committee. General Counsel (1999). Arlington, VA.

Supreme Judicial Court of Massachusetts, Associate Justice Charles Fried. Law clerk (1998-1999). New Courthouse, One Pemberton Square, Boston, MA 02108.

Simpson, Thacher & Bartlett. Summer Associate (1998). 425 Lexington Avenue. New York, NY 10017.

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

No.

v. whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

No.

b. Describe:

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

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

Immediately after graduating from Harvard Law School and taking the bar examination, I was a law clerk to Associate Justice Charles Fried of the Supreme Judicial Court of Massachusetts.

Upon completing the clerkship, I deferred my start date with a law firm in order to volunteer for Elizabeth Dole's presidential campaign headquarters in Arlington, VA. Most my volunteer work for the campaign consisted of ballot access organization. After a couple of months as a volunteer, I worked as the campaign's general counsel until Mrs. Dole dropped out of the race.

I then became an associate at the Washington, D.C., law firm Cooper, Carvin & Rosenthal (now Cooper & Kirk), where I worked on a wide variety of litigation matters, ranging from Winstar-type cases on behalf of large financial institutions, to a constitutional challenge to the FCC's must-carry regulations, to representing a severely disabled girl seeking compensation for injuries sustained as the result of a childhood vaccine, to defending a small company against a Title VII claim. In 2000, I traveled with other lawyers from the firm to Tallahassee, Florida, to write briefs and other pleadings on behalf of the Bush campaign during the recount.

In January, 2001, I went to work for the Bush-Cheney transition and, on Inauguration Day, joined the White House Counsel's Office as an Assistant Counsel. I was promoted to Associate Counsel (and Special Assistant to the President) in June 2001. In that capacity, I provided legal and policy advice to White House officers on a wide range of issues and participated in judicial selection. Some of my particular areas of focus included legal issues relating to presidential appointments and the Twenty-Fifth Amendment to the U.S. Constitution. I coordinated the development of the Executive Order creating the Office of Homeland Security (the predecessor

to the Department of Homeland Security). I also was responsible for liaising with certain agencies, including the Department of Health and Human Services and the Department of Energy, on any legal issues requiring the White House's attention.

I left the White House to spend a year as a law clerk to Associate Justice Anthony Kennedy at the Supreme Court of the United States.

In 2003, I joined the U.S. Department of Justice as Principal Deputy Assistant Attorney General in the Office of Legal Policy. During the Bush Administration, the Office of Legal Policy was the Department's focal point for myriad policy issues ranging from terrorism to tort reform to drug policy and managed development of most of the Attorney General's policy priorities. The Office also handled the Justice Department's functions relating to judicial appointments. As Principal Deputy Assistant Attorney General, I served as the chief deputy to the Assistant Attorney General, helping him to manage the office's substantive work as well as personnel and budget.

My greatest area of policy focus during that period was counter-terrorism and national security issues, including efforts to reauthorize the expiring provisions of the USA PATRIOT Act, working with Congress on the Intelligence Reauthorization Act of 2004, and revision of a variety of Attorney General guidelines. Among many other things, I also spearheaded the overhaul of the Attorney General's Guidelines for the treatment of crime victims and other efforts to implement the Justice for All Act of 2004.

In March 2005, upon the resignation of the previous Assistant Attorney General, I became Acting Assistant Attorney General. I was nominated by President Bush to be Assistant Attorney General for Legal Policy in April 2005 and was confirmed by the Senate and appointed in July 2005.

As Assistant Attorney General for Legal Policy, I served as the Attorney General's chief policy advisor, oversaw the development of high-priority policy initiatives for the Department of Justice, and coordinated the Department's big-picture policy agenda. This involved formulating policy proposals in the first instance, negotiating issues in the inter-agency process and with the White House, and promoting the Department's policy agenda to Congress and the public. Among the many policy issues within my office's purview were terrorism, immigration reform, tort reform, intellectual property protection, identity theft, drug enforcement, violent crime, firearms and explosives, and on-line child exploitation. Some of my greatest areas of focus included: terrorism and national security issues, particularly relating to the USA PATRIOT Act; policies and legislation to combat the diversion and abuse of prescription drugs and to combat the use of methamphetamine, including spearheading the first National Methamphetamine Awareness Day declared by the President; policies and legislation to enhance the Department's ability to investigate and prosecute those who sexually exploit children on-line; and comprehensive immigration reform legislation. I also served as the Attorney General's chief advisor on judicial selection and oversaw the Department of Justice's role in assisting judicial nominees with Senate confirmation. This included running the Department's efforts to achieve confirmation of Chief Justice Roberts and Justice Alito. I also served as the Department's Regulatory Policy Officer, meaning that all regulations promulgated by the Department of Justice were reviewed by my office before being transmitted to the Office of Management and Budget for inter-agency clearance.

From 2008-2011, I was a Counsel with the law firm Wilmer Cutler Pickering Hale & Dorr (WilmerHale) in Washington, D.C. Most of my work for the firm consisted of crisis management and strategic or pre-litigation counseling on legal and policy issues ranging from homeland security issues to online privacy issues. For the most part, I cannot discuss my representations in detail without breaching the attorney-client privilege.

Since May 31, 2011, I have been the Chief Counsel for Regulatory Litigation at the National Chamber Litigation Center, a public policy law firm affiliated with the U.S. Chamber of Commerce. In that capacity, I work with the staff and members of the U.S. Chamber of Commerce to select cases in which the Chamber will be involved as an amicus curiae or a party; and oversee outside counsel representing the Chamber in those matters.

I also have served as an adjunct law professor at George Washington University Law School during two semesters, teaching a seminar focusing on comprehensive immigration reform.

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.

In my roles as an associate at Cooper, Carvin, and Rosenthal and in my current position, I have been entirely or largely focused on litigation. In other positions I have held during my career, such as my positions in the White House and in the Justice Department, I had little involvement with litigation. As such, it is difficult to provide one calculation that covers my entire career. The percentages provided below are rough estimates.

i. Indicate the percentage of your practice in:

1. federal courts; 45%
2. state courts of record; 10%
3. other courts; 0%
4. administrative agencies 45%

ii. Indicate the percentage of your practice in:

If this question refers solely to litigation, as opposed to policy-related matters, my practice has been primarily civil. I have given oral argument, filed briefs, or provided other counsel in a few criminal proceedings. A large part of my policy work at the Department of Justice dealt with criminal justice issues.

1. civil proceedings; 95%
2. criminal proceedings. 5%

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

I have never tried a case to verdict.

i. What percentage of these trials were:

1. jury;
2. non-jury.

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have been counsel on briefs filed in the Supreme Court of the United States in my positions at Cooper, Carvin & Rosenthal and in my current position. I have attached copies of these briefs.

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

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

U.S. v. Nelson. While employed with the U.S. Department of Justice, I presented oral argument in this case in the U.S. Court of Appeals for the Fourth Circuit on the behalf of the United States. This was a criminal appeal involving a matter of first impression in the Fourth Circuit – whether a prior conviction under 18 U.S.C. 924(c)(1) is a “felony drug offense” supporting a sentencing enhancement under 21 U.S.C. 841(b)(1)(B). The United States prevailed. The Fourth Circuit issued its opinion on April 19, 2007. Docket number 06-4333.

Tan v. U.S. Attorney General. While employed with the U.S. Department of Justice, I presented oral argument in this case in the U.S. Court of Appeals for the Eleventh Circuit on behalf of the United States. This was an asylum-related immigration appeal. The alien prevailed. The Eleventh Circuit’s decision is reported at 446 F.3d 1369 (2006).

Chamber of Commerce v. NLRB. The Chamber of Commerce is challenging the National Labor Relations Board’s “ambush election rule” in the U.S. District Court for the District of Columbia. Case No. 1:11-cv-02262-JEB. The case is pending.

Sackett v. EPA. The Chamber of Commerce filed an amicus brief supporting the petitioner in the Supreme Court of the United States in this case, which addresses the availability of pre-enforcement review of EPA orders issued under the Clean Water Act. Docket No. 10-1062. The case is pending.

Credit Suisse v. Simmonds. The Chamber of Commerce filed an amicus brief supporting petitioners in the Supreme Court of the United States in this case, which addresses the time limit for bringing an action under Section 16(b) of the Securities Exchange Act of 1934. Docket No. 10-1261. The case is pending.

Blackstone Medical v. U.S. ex rel Hutcheson. The Chamber of Commerce filed an amicus brief supporting certiorari in the Supreme Court of the United States in this case, which addressed the scope of liability under the False Claims Act. Docket No. 11-269. Certiorari was denied.

Defenders of Wildlife v. Bureau of Ocean Energy Management. The Chamber of Commerce filed an amicus brief in the U.S. Court of Appeals for the Eleventh Circuit in this case, which involves a challenge to BOEM’s approval of an offshore drilling permit. Docket No. 11-12958. The case is pending.

In the Matter of Opening a Private Road for Timothy P. O'Reilly. In 2009, I filed an amicus brief in the Pennsylvania Supreme Court on behalf of the Institute for Justice in this case, which involved a challenge to a Pennsylvania law allowing private parties to effect a taking of another party's property. Docket No. 10 WAP 2009. The court ruled in favor of the position urged by our brief.

Satellite Broadcasting Ass'n of America v. FCC. While at Cooper, Carvin, and Rosenthal in 2000 and 2001, I participated in the firm's representation of the Satellite Broadcasting Association in a First Amendment challenge to the FCC's must-carry rule for satellite broadcasters. The challenge to the rule was brought in the U.S. court of Appeals for the Fourth Circuit. The case was pending when I left the firm and was ultimately resolved in favor of the FCC. Docket number 01-1151.

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

See Response to Question 15, above.

I registered as a lobbyist for the following organizations while employed by WilmerHale: Google; T-Mobile; and PhRMA. In each case, I was registered for only one quarter, and the lobbying activity was incidental to legal work I was performing for the client.

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

I have twice taught a seminar class at George Washington University Law School entitled "Public Law Seminar: Immigration Reform." I taught this class during the spring semester of 2010 and the fall semester of 2011. The class covered the myriad legal and policy issues relating to comprehensive immigration reform. A syllabus is attached.

18. Deferred Income/ Future Benefits: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

While employed at WilmerHale, I had a 401(k) account. The account still exists, but neither I nor the firm are making any more contributions to it.

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

I intend to continue my current employment with the National Chamber Litigation Center.

20. Sources of Income: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees,

dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached SF-450.

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

22. Potential Conflicts of Interest:

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

None known.

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

I will recuse myself from the matter that poses the conflict. Whether I recuse myself from the PCLOB's work on that matter or from my employer's work on that matter will depend upon the circumstances and the advice I receive from the agency's ethics officials.

23. Pro Bono Work: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

While employed with WilmerHale, I represented several clients on a pro bono basis, including the Institute for Justice and the Alliance for School Choice.

I am substantially involved in charitable work through my church, including service on the church's Board of Trustees.