

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Scott Milne Matheson, Jr.

(Note: After my grandfather, Scott Milne Matheson, died in 1958, my father dropped the "Jr." from his name and replaced the "III" in mine. I was originally named Scott Milne Matheson, III)

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

United States Circuit Judge for the Tenth Circuit

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

University of Utah
S.J. Quinney College of Law
332 South 1400 East Room 101
Salt Lake City, Utah 84112-0730

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

1953; Salt Lake City, Utah

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.

1977-1980, Yale Law School; J.D., 1980
1975-1977, Oxford University; M.A. (B.A., 1977, Oxford converted to M.A., 1984)
(Rhodes Scholar)
1971-1975, Stanford University; A.B. (with distinction), 1975

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.

1985 – Present

S.J. Quinney College of Law, University of Utah

332 South 1400 East Room 101

Salt Lake City, Utah 84112-0730

Hugh B. Brown Presidential Endowed Chair in Law (2009 – Present)

Professor of Law (1991 – Present)

Dean (1998 – 2006)

Associate Dean for Academic Affairs (1990 – 1993)

Associate Professor (1985 – 1991)

2006 – 2007 (on sabbatical leave from University of Utah)

Woodrow Wilson International Center for Scholars

Ronald Reagan Building

One Woodrow Wilson Plaza

1300 Pennsylvania Avenue, NW

Washington, D.C. 20004

Public Policy Scholar

1993 – 1997 (on leave from University of Utah)

Office of the United States Attorney for the District of Utah

185 South State Street #400

Salt Lake City, Utah 84111

United States Attorney, District of Utah

1989 – 1990 (on leave from University of Utah)

Joan Shorenstein Barone Center on the Press, Politics and Public Policy

John F. Kennedy School of Government

Harvard University

Cambridge, Massachusetts 02138

Visiting Associate Professor in the Frank Stanton Chair on the First Amendment

1988 – 1989 (on leave from University of Utah)

Salt Lake County Attorney's Office

231 East 400 South (now at 111 East Broadway #400)

Salt Lake City, Utah 84111

Deputy County Attorney

1981 – 1985 & 1979

Williams & Connolly LLP

839 17th St. NW (now at 725 12th St. NW, 20005)

Washington, D.C. 20006

Associate Attorney (1981 – 1985)

Summer Associate (1979)

1976 and 1980
Matheson for Governor
430 East South Temple
Salt Lake City, Utah 84102
Campaign Manager

1978
Van Cott, Bagley, Cornwall & McCarthy
36 South State Street, Suite 1900 (current address)
Salt Lake City, Utah 84111
Summer Associate

1975
Department of Transportation
Office of Aviation Economic Policy
1200 New Jersey Avenue, SE
Washington, D.C. 20590
Economic Researcher (Summer)

Other Affiliations (uncompensated)

2007 – 2008
Utah Mine Safety Commission
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114
Chair

1992 – 1993
TreeUtah
740 South 300 West, Suite 301
Salt Lake City, Utah 84101
Trustee

1986 – 1993
Legal Aid Society of Salt Lake
205 North 400 West
Salt Lake City, Utah 84103
President (1987)
Trustee (1986-1993) (on leave 1989-90 academic year)

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

I have not served in the military. I 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.

S.J. Quinney College of Law, Hugh B. Brown Presidential Endowed Chair in Law (2009)
S.J. Quinney College of Law, Faculty Service Award (2009)
Chicago-Kent College of Law, Roy C. Palmer Civil Liberties Prize (2009)
Utah Minority Bar Association, Special Recognition Award (1999)
Federal Bar Association, Utah Chapter, Service to the Federal Bar Award (1998)
Zions Bank, "Up'n Comers" Award (Education) (2001)
University of Utah College of Law, Faculty Achievement Award (teaching award) (1993)
Golden Key National Honor Society, Honorary Member (1990)
Note Editor, *Yale Law Journal* (1979 – 1980)
Rhodes Scholarship (1975 – 1977)
Stanford University, Anna Laura Myer's Prize (outstanding undergraduate economics thesis) (1975)

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.

Utah State Bar (1986-Present)
District of Columbia Bar (1981-Present) (currently inactive)
Salt Lake County Bar Association (1986-Present)
American Bar Association (1981-Present)
Acting Co-Director, Utah Criminal Justice Center (Fall 2007) (program at University of Utah)
American Bar Foundation Fellow, Utah Chapter (2000-Present)
"and Justice for All" Leadership Committee (1999-2006) (fundraising committee for legal aid service providers Utah)
Utah State Bar Board of Bar Commissioners (ex officio) (1998-2006)
Advisory Comm. on Local Rules of Practice, U.S. District Court (Utah) (1993-97)
Strategic Planning Committee for Law Enforcement (Utah) (1994-96)
Criminal Justice Act Advisory Committee, U.S. District Court (Utah) (1994-95)
Board of Trustees, Legal Aid Society of Salt Lake (1986-93,* President in 1987)**
Utah Constitutional Revision Commission (1987-93*)**
Utah Supreme Court Adv. Comm., Rules of Evid. (1987-93,* Chair, 1991-93)**
Executive Committee, Salt Lake County Bar Association (1986-92*)
Chair, Section on Mass Communication Law, Ass'n of Amer. Law Schools (1993)
Service on the following University of Utah S.J. Quinney College of Law committees:
Accreditation/Self-Study, Admissions, Curriculum (currently chair), Faculty Recruitment, New Building Case Statement, Programs, Stegner Center, other ad hoc committees
Women Lawyers of Utah (joined one or two times in early 1990s)
Federal Bar Association (joined one or two times in early 1980s)

*On leave academic year 1989-90

**Resigned upon 1993 nomination as U.S. Attorney for Utah

10. **Bar and Court Admission:**

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

District of Columbia, 1981 (currently inactive)
Utah, 1986

There have been no lapses.

- 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 Court of Appeals for the District of Columbia, 1981
United States Court of Appeals for the Tenth Circuit, 1993
United States District Court for the District of Columbia, 1981
United States District Court for the District of Utah, 1986
District of Columbia Court of Appeals, 1981
Utah Supreme Court, 1986

I am not aware of any lapses.

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.

Utah Mine Safety Commission (Chair, 2007- 2008)
Chair, Search Committee for Director, Institute of Public and Int'l Affairs,
University of Utah (2005-2006)
University Neighborhood Partners, Advisory Board (2002-06); Chair (2002-04)
Deans' Representative to the Academic Senate, University of Utah (1999-2001)
Marriner S. Eccles Fellowship in Political Economy Selection Committee,
University of Utah (1999-2006)
Development Oversight Committee, University of Utah (1999-2003)
Dean Search Committee, College of Business, University of Utah (1999)

Rosenblatt Prize for Excellence Selection Committee, University of Utah (1999)
 Council of Academic Deans, University of Utah (1998-2006)
 Hinckley Institute of Politics Governing Board, University of Utah (1998-2006)
 University of Utah Committee on the Tanner Lectures on Human Values (1993-2000)
 Rhodes Scholarship Selection Committee for the State of Utah (1996, 1998, 1999, 2002)
 Honors Program Advisory Committee, University of Utah (1986-88)
 Advisory Board, Hinckley Institute of Politics, University of Utah (1990-93)**
 Bd of Directors, Scott M. Matheson Leadership Forum, Univ. of Utah (1990-93)**
 Chair, United Nations Day for the State of Utah, 1991
 Board of Trustees, TreeUtah (1992-93)**

I have paid membership dues to the Association of American Rhodes Scholars, the NAACP, the United Nations Association of Utah, and the United States Tennis Association, and may have paid dues to the Stanford and/or Yale Clubs of Utah. I have made contributions (e.g., local public television station KUED) or subscribed to magazines (e.g., The Wilson Quarterly) where the donors/subscribers are referred to as members.

*On leave academic year 1989-90

**Resigned upon 1993 nomination as U.S. Attorney

- 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.

None of the listed organizations discriminated on any of the bases when I served on or was a member of them, and I am not aware that any of them did so before I served on or became a member of them.

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.

Book

Presidential Constitutionalism in Perilous Times (Harvard University Press, 2009)

Law Review Articles

Note, Indian Water Rights: The Winters of Our Discontent, 88 Yale L.J. 1689 (1979).

Procedure in Public Person Defamation Cases: The Impact of the First Amendment, 66 Tex. L. Rev. 215 (1987).

Eligibility of Public Officers and Employees to Serve in the State Legislature: An Essay on Separation of Powers, Politics, and Constitutional Policy, 1988 Utah L. Rev. 291.

The Working Relationship Between Judges and Journalists in Salt Lake County: An Attitudinal Study, 14 J. Contemp. L. 211 (1988).

The Prosecutor, the Press, and Free Speech, 58 Fordham L. Rev. 865 (1990).

Federal Legislation to Elevate and Enlighten Political Debate: A Letter and Report to the 102d Congress about Constitutional Policy, 7 Journal of Law & Politics 73 (1990).

Constitutional Status and Role of the State Attorney General, 6 Fla. J. of L. & Public Policy 1 (1993).

The State of Utah's Role in Coal Mine Safety: Federalism Considerations, 29 J. Land, Resources, & Envtl. L. (2009)

Other Publications

Legal/Constitutional Aspects of Changing Patterns of Access, in Proceedings of the Symposium on Public Access to Federal Government Information 55 (1986) (published by the Utah Library Association Government Documents Round Table).

Jury Surveys and Pretrial Publicity: Two Case Studies, 3 Utah Bar J. 8 (June/July 1990) (co-authored with Randy Dryer).

In Memoriam: Alfred C. Emery, 2002 Utah L. Rev. 705.

In Memoriam: Ronald N. Boyce, 2002 Utah L. Rev. 711.

Remembering Lee, 7 Journal of Law & Family Studies 489 (2005).

Looking Ahead: Preparing for Life's Challenges, Clark Memorandum (BYU Law School alumni magazine) at 2 (Fall 2005).

Introduction: Equal Access to Justice in Utah, 2006 Utah L. Rev. 921.

The Utah Minority Bar Association and Ripples of Hope, 23 Utah Bar J. 16 (Jan./Feb. 2010).

Newspaper Articles

Constitutional Snag Could Keep Hatch Off Supreme Court, The Salt Lake Trib., June 14, 1987, at A19.

Hatch Downed, Nat'l L. J., July 13, 1987 at 13.

Letter of the Law? Let People Decide, Salt Lake Trib., Feb. 7, 1988, at 18A.

Tax Initiative May Cloud Separatism, Salt Lake Trib., Sept. 18, 1988, at 10A.

Media, Candidates Must Join to Improve Campaign Tactics, Salt Lake Trib., August 18, 1990, at 10A.

Americans Lacking Basics of Life Cannot Enjoy Benefits of Bill of Rights, Salt Lake Trib., Dec. 15, 1991, at A27.

Bicentennial of Landmark Supreme Court Decision, Salt Lake Trib., Feb. 23, 2003, at AA4.

Separation of Prosecution and Politics, Salt Lake Trib., March 25, 2007, at O1.

Digs at Mine Safety Commission Unwarranted, Salt Lake Trib., Dec. 22, 2007 (online version, paper version published Dec. 23, 2007).

State-Federal Partnership Best Way to Improve Mine Safety, Salt Lake Trib., Jan. 27, 2008.

Security, Liberty and the Limits of Presidential Power, Salt Lake Trib., Jan. 16, 2009, at A11.

Other

Letter to the Editor, Deseret News, June 1, 2009.

Letter to the Editor, 10 Utah Bar J. 4 (Nov. 1997).

Letter to the Editor, Salt Lake Tribune, Aug. 15, 1989.

Letters from the Dean published in Res Gestae, the alumni magazine for the University of Utah S.J. Quinney College of Law (Summer/Fall 1999, Spring/Summer 2000, Spring 2001, Autumn 2001, Spring 2002, Autumn 2002, Spring 2003, Spring 2004, Spring 2005, Autumn 2005)

Bench/Press Relations, For the Record – Newsletter of the Utah Administrative Office of the Courts (vol. 1, no. 3, p. 1) (June 1987) (co-authored with Randy Dryer).

Legal Aid Society of Salt Lake: A Landmark Year in Protecting the Legal Rights of Families, Salt Lake County Bar, Bar & Bench Bulletin, 1987.

I compiled the above list, which includes all of my significant substantive writings, based on a search of my records and online databases. This search may not have found some minor items written in my capacity as a law professor, law dean, or statewide political candidate.

- 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.

Report of the Utah Mine Safety Commission (2008)

Policy Papers, Matheson for Governor (2004) (distributed and/or posted on the campaign website)

I served as a member and then as chair of the Utah Supreme Court Advisory Committee on the Rules of Evidence. I have not retained copies of any reports. The Committee's address is: 450 South State, P. O. Box 140241, Salt Lake City, UT 84114-0241.

I served as a member of the Utah Constitutional Revision Commission. I have not retained copies of any reports. The Commission's address is: Utah State Capitol Complex, House Building, Suite W210, PO Box 145210, Salt Lake City, Utah 84114.

- 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.

I have not found responsive material other than the policy papers provided from my gubernatorial campaign. I generally recall a few presentations about twenty years ago to state legislators in connection with, for example, my service on the Utah Constitutional Revision Commission, but I have not retained notes or records of any such communications.

- 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.

All speeches and talks in Salt Lake City except where otherwise noted:

Roy C. Palmer Civil Liberties Prize Lecture, Chicago-Kent College of Law,
Chicago, IL, Presentation on receipt of book award (Nov. 20, 2009)
Utah Minority Bar Association Annual Banquet, "The Utah Minority Bar
Association and Ripples of Hope," Keynote speech (Oct. 23, 2009)
Program: Freedom From Religion by Amos Guiora, Comments (Oct. 23, 2009)
Salt Lake Rotary Club, Book presentation (Aug. 4, 2009)
Google, Inc., Mountain View, CA, Book presentation (June 24, 2009)
Woodrow Wilson International Center for Scholars, Washington, D.C., Book
presentation (May 27, 2009) (note: made brief introductory presentation
at the Wilson Center describing this project in October 2006, no text or
notes retained)
S.J. Quinney College of Law Pro Bono Dinner, Remarks (April 2009)
King's English Bookstore, Book reading (Feb. 25, 2009)
Hinckley Institute of Politics, University of Utah, Book discussion (Feb. 20,
2009)
Memorial for John Duder, Remarks (Dec. 12, 2008)
Utah Minority Bar Association Dinner, Introduction of President Young (Oct. 17,
2008)
25th Annual Utah Conference on Safety and Industrial Hygiene, "The Crandall
Canyon Mine Tragedy and the State's Role in Coal Mine Safety,"
Remarks (Oct. 17, 2008)
International Mining Health & Safety Symposium, "The Crandall Canyon Mine
Disaster and the State's Role in Safety," Remarks (July 22, 2008)
Huntsman Seminar/Hinckley Institute of Politics, University of Utah, "The Bill of
Rights – Some Observations," Presentation (June 27, 2008)
Society of Petroleum Engineers (Salt Lake Chapter), "The Crandall Canyon Mine
Disaster and the State's Role in Safety," Remarks (May 29, 2008)

University of Utah S.J. Quinney College of Law, Faculty Lunch Series, "The Crandall Canyon Mine Disaster and the State's Role in Safety" (Feb. 20, 2008)

Utah Mine Safety Commission Report to Governor Huntsman, Statement of Chair, Utah Mine Safety Commission (Jan. 23, 2008)

Utah Commission on Civic and Character Education, Annual Dinner, Introduction of the Honorable Lee Hamilton (Oct. 30, 2007)

Eleanor Roosevelt Award – Karen Hale, Award Presentation (Oct. 26, 2007)

Remarks at Induction of Wayne Owens into the Hinckley Institute of Politics Hall of Fame, University of Utah (Spring 2007)

Huntsman Seminar/Hinckley Institute of Politics, University of Utah, "The Bill of Rights – Some Observations," Presentation (June 14, 2006)

Commencement Scenario, S. J. Quinney College of Law, University of Utah, Welcome and remarks (May 12, 2006)

S.J. Quinney College of Law, University of Utah, Alumni Lunch, Honoring David K. Winder, Remarks (May 2006)

Utah Criminal Justice Center Kick-Off, Remarks (Apr. 2006)

Memorial Service – John Rokich, Magna, UT, Remarks (Mar. 27, 2006)

S. J. Quinney College of Law, Class of 2008 Orientation, Remarks (Aug. 2005)

S. J. Quinney College of Law, Law Student Oath Ceremony, Remarks (Aug. 22, 2005)

S.J. Quinney College of Law, University of Utah, Alumni Lunch, Honoring Harold G. Christensen et al., Remarks (May 2005)

Commencement Scenario, S. J. Quinney College of Law, University of Utah, Remarks (May 13, 2005)

J. Reuben Clark Law School, Brigham Young University, Provo, UT, Commencement address (Apr. 22, 2005)

KSL-TV Debate (Oct. 25, 2004)

KUED Debate (Oct. 29, 2004)

KUTV Debate (Oct. 18, 2004)

Salt Lake Rotary Club Debate (Oct. 2004)

KSL-Radio, Remarks (June 2004)

Salt Lake Convention and Visitors Bureau (Oct. 12, 2004)

Memorial Service – Lee E. Teitelbaum, Remarks (Oct. 8, 2004)

Provo-Orem Chamber of Commerce Debate, Provo, UT (Sept. 2004)

Utah Mining Association Annual Conference, Remarks (Aug. 26, 2004)

Message for KUED (Aug. 23, 2004)

Stump Speech – Short Version (Aug. 16, 2004)

Ski Utah – Tourism Meeting, Remarks (July 14, 2004)

Hooper Flag Raising Ceremony, Hooper, UT, Independence Day speech (July 5, 2004)

Community Solutions 2004 29th Annual Conference on Poverty, Remarks (June 10, 2004)

Utah Farm Bureau Convention, Park City, UT, Remarks (June 2004)

Wasatch Front Economic Forum, Remarks (May 19, 2004)

Commencement Scenario, S. J. Quinney College of Law, University of Utah,
Welcome and Remarks (May 14, 2004)

S.J. Quinney College of Law, University of Utah, Alumni Lunch, Honoring Earl
Wunderli et al., Remarks (May 2004)

Utah State Democratic Party Convention, Speech (May 8, 2004)

Salt Lake County Democratic Convention and Davis County Democratic
Convention (Farmington, UT), Speeches (April 24, 2004) (same speech
from notes)

Weber County Democratic Convention, Ogden, UT, Speech (Apr. 17, 2004)
(note: I made similar remarks at other county conventions (e.g., Box
Elder, Carbon, Emery, Juab, Millard, Sanpete, Summit, Tooele, Utah) but
do not have the text or notes from them)

Cache County Democratic Convention, Logan, UT, Speech (Apr. 3, 2004)

Campaign Kick-Off, East High School, Speech (Mar. 27, 2004)

Cache County Jefferson Jackson Day Dinner, Logan, UT, Speech (Feb. 28, 2004)

Utah Farmers Union, Remarks (Jan. 2004)

Utah Information Technology Association, Remarks (Jan. 28, 2004)

Young Democrats of Utah Convention, Keynote speech (Nov. 14, 2003)

Utah State Democratic Convention, Keynote speech (Aug. 23, 2003)

S. J. Quinney College of Law, Law Student Oath Ceremony, Remarks (Aug. 18,
2003)

S. J. Quinney College of Law, Class of 2006 Orientation, Remarks (Aug. 18,
2003)

Southern Utah Bar Association, St. George, UT, CLE Presentation on Scientific
Evidence (Aug. 12, 2003) (note: I gave a similar presentation to the
Logan Rotary Club on Aug. 15, 2002, but do not have text or notes)

Sanpete County Democratic Party Convention, Manti, UT, Remarks (June 7,
2003)

Davis County Democratic Party Convention, Farmington, UT, Remarks (May 3,
2003)

S.J. Quinney College of Law, University of Utah, Alumni Lunch, Honoring Anne
Milne et al., Remarks (May 2003)

Commencement Scenario, S. J. Quinney College of Law, University of Utah,
Welcome and Remarks (May 24, 2003)

Sawbuck Club Dinner, Ogden, UT, Speech (May 2, 2003)

Governor Bill Richardson, Introduction (Spring 2003)

Wallace Stegner Center for Land, Resources and the Environment, S. J. Quinney
College of Law, Eighth Annual Symposium, Welcome remarks (Apr. 18,
2003)

Investiture of Michael W. McConnell, United States Court of Appeals for The
10th Circuit, University of Utah, S. J. Quinney College of Law,
Introductory and welcome remarks (Jan. 3, 2003)

Memorial Service – Ronald N. Boyce, Introductory and welcome remarks (Nov.
11, 2002)

Memorial Service – Ronald N. Boyce, Veterans Memorial Park, Camp Williams,
Riverton, UT, Remarks (Nov. 1, 2002)

S. J. Quinney College of Law, Law Student Oath Ceremony, Remarks (Aug. 19, 2002)

S. J. Quinney College of Law, Class of 2005 Orientation, Remarks (Aug. 19, 2002)

18th Summer Institute in the Human Services, "Society's Response to Crime" Graduate School of Social Work, University of Utah, Remarks (July 8, 2002)

Investiture of Judge Paul G. Cassell, Remarks (July 2, 2002)

Commencement Scenario, S. J. Quinney College of Law, University of Utah, Welcome and Remarks (May 25, 2002)

S.J. Quinney College of Law, University of Utah, Alumni Lunch, Honoring Herbert J. Livsey et al., Remarks (May 17, 2002)

S. J. Quinney College of Law, Unveiling of new signage, Talking points/remarks (May 17, 2002)

Memorial Service – Walter E. Oberer, Remarks (Apr. 19, 2002)

Wallace Stegner Center for Land, Resources and the Environment, S. J. Quinney College of Law, Annual Symposium, "Powell and Stegner: Fifty Years after the Hundredth Meridian," Welcome (Apr. 2002)

Native American Law Symposium, Welcome remarks (Mar. 2002) (same on Oct. 16, 1998, but do not have text/notes)

Memorial Service – Alfred C. Emery, Remarks (Mar. 22, 2002)

Memorial Service – Lionel Frankel, Remarks (Jan. 2002)

University of Utah College of Law, Quinney Foundation announcement, Introductory remarks (Nov. 2, 2001)

University of Utah College of Law, Introduction of Akhil Amar (Oct. 2001)

University of Utah College of Law, First Year Orientation, Remarks (Aug. 13, 2001)

University of Utah College of Law, Commencement Scenario, Remarks (May 19, 2001)

University of Utah College of Law, Annual Alumni Event Honoring Gordon L. Roberts et al., Remarks (May 23, 2001)

University of Utah College of Law, Rosenblatt Foyer Dedication, Remarks (May 23, 2001)

Chicano Scholarship Banquet, Remarks (May 1, 2001)

U.S. Attorneys Office Retreat, District of Utah, Park City, UT, Remarks (May 2001)

University of Utah College of Law dinner, Introduction of Guido Calabresi (Mar. 2001)

Central Utah Bar Association, Trends in Legal Education, Provo, UT, Power point presentation (Jan. 25, 2001)

O'Hara Honors Program Announcement, Utah State Capitol, Remarks (Dec. 19, 2000)

University of Utah College of Law Scholarship and Awards Reception, Remarks (Nov. 29, 2000)

University of Utah College of Law, Pro Bono Initiative Kick-Off, Remarks (Nov. 1, 2000)

University of Utah College of Law, First Year Orientation, Remarks (Aug. 14, 2000)

University of Utah College of Law, Annual Alumni Event Honoring Calvin L. Rampton et al., Remarks (May 16, 2000)

University of Utah College of Law Commencement Scenario, Welcome and Remarks (May 20, 2000)

Fordham Debate, University of Utah College of Law, Introductory Remarks (Mar. 2, 2000)

Utah Bar Foundation Luncheon, Trends in Legal Education, Presentation (Nov. 23, 1999)

First Year Orientation, University of Utah College of Law, Welcome Remarks (Aug. 16, 1999)

University of Utah College of Law, Commencement Scenario, Welcome and Remarks (May 22, 1999)

University of Utah College of Law, First Year Orientation, Remarks (Aug. 17, 1998)

Perspectives on the Bill of Rights, Hinckley Institute of Politics – University of Utah, Presentation (Apr. 18, 1996)

Logan Kiwanis Club, Logan, UT (Oct. 11, 1995), Remarks (Note: I recall giving similar remarks about serving as U.S. Attorney to other community groups, such as the Salt Lake Kiwanis and the Exchange Club, but I do not recall specific dates and have not been able to locate text or notes.)

University of Utah College of Law, Commencement address (May 20, 1995)

College of Eastern Utah, Price, UT, Commencement address (June 10, 1994)

University of Utah, Taft Institute/Hinckley Institute of Politics, “That Special Treasure – the Bill of Rights,” Remarks (June 23, 1993)

Memorial Service – Scott M. Matheson (father) (Oct. 13, 1990)

Women’s State Legislative Council, “The US Constitution and the Role of the Supreme Court,” Remarks (Feb. 26, 1987)

March of Dimes Constitutional Ball, Bicentennial Commentaries, “The Constitution: More Than a National Pastime” Utah Valley Community College, Orem, UT, Speech (Sept. 29, 1987)

I spoke at the following events but do not have text or notes of the remarks:

Utah County Democratic Party, Provo, UT, Dinner Speaker (June 27, 2008)

Federal Bar Association (Utah Chapter), Presentation about Utah Criminal Justice Center (May 2, 2008)

Rowland Hall St. Marks High School Dialogue Series, Remarks on First Amendment Issues (Feb. 4, 2008) (note: I have been invited to present at other schools. I recall a history class at East High School and elementary schools in Salt Lake and Tooele Counties, UT.)

Utah Commission on Criminal and Juvenile Justice, Presentation about Utah Criminal Justice Center (Oct. 12, 2007)

Davis County Democratic Convention, Farmington, UT, Speech (April 22, 2006)

Salt Lake City Peer Court (student program), Remarks (Sept. 9, 2003) (note: I have done this on more than one occasion, but do not have more specific information.)

Brigham Young University Pre-Law Program, Provo, UT, Presentation about law school (Oct. 27, 2000) (note: I have done this on more than one occasion, but do not have more specific information)

Utah State Bar Convention, San Diego, CA, Moderator of panel on the development of young lawyers (July 14, 2000)

Scott M. Matheson Courthouse, Dedication Remarks (Mar. 27, 1998)

Dugway Proving Ground, Law Day Presentation, Dugway, UT (May 1994 or May 1995)

This list represents the presentations I have identified through search of my files. In several positions—particularly as law professor, dean, United States Attorney, and gubernatorial candidate—I have been called on to make frequent introductions, brief remarks, and other presentations in a variety of contexts. For example, as dean I introduced speakers and programs at law school events and made presentations about the law school at law offices, alumni events, and bar association functions. As a law professor, I have spoken at bar and judicial functions. As U.S. Attorney, I spoke at prosecutors meetings, law enforcement events, and on a panel at the Tenth Circuit Judicial Conference. As a candidate for Governor of Utah in 2004, I made presentations at schools, service clubs, businesses, and other gatherings.

As to all of these speaking roles, I do not recall the time, place, or circumstances for many of the presentations, and I often spoke without notes or did not retain prepared remarks or notes. Although I have retained some material from the campaign, it is not organized in list form or in any consistent media format.

- 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.

As a law professor, dean, U.S. Attorney, and political candidate, I have been interviewed and quoted in the media many times over the years, most often with a brief comment. I have not maintained a record of every media contact, have a very incomplete file of clips, and do not recall all contacts. Online searching produces numerous items that include my name, but many are not based on an interview.

Quotes from Utahns on Obama's Nobel Prize, Salt Lake Tribune, October 9, 2009

Matt Canham, Scott Matheson Says He's Interested in Judgeship, Salt Lake Tribune, June 9, 2009

Pamela Manson, Respected Utah Federal Judge David Winder Dies, Salt Lake Tribune, May 20, 2009

Tom Wharton, Utah Tennis Legend was King of the Court: The Player and Coach Also Organized the Salt Lake Tribune No Champs, Salt Lake Tribune, November 12, 2008

Jennifer Dobner, Feds to Release Report on Utah Mine Disaster, Associated Press, July 24, 2008

Jasen Lee, Mine-Safety Technology is Urged, Deseret News, July 23, 2008

Geoffrey Fattah, Court Shoots Down D.C. Gun Ban, Deseret Morning News, June 27, 2008

Mike Gorrell, Wireless Tracking Technology Could Help Mine Safety, Salt Lake Tribune, February 2, 2008

Jasen Lee, Coal Mine Safety Office Is Deemed Necessary, Jan. 12, 2008, at B1

Jasen Lee, Mine-Safety Proposal is Panned, Deseret Morning News, January 4, 2008

Mike Gorrell, State Commission Recommends 45 Revisions to Mine Safety Document, Salt Lake Tribune, January 24, 2008

Jasen Lee, Whistle-Blower System Sought for Mine Safety, Deseret News, January 24, 2008, at E01

Jasen Lee, MSHA Never Got Warning, Deseret Morning News, Dec. 12, 2007

Jasen Lee, MSHA Refuses to Share Info With Utah, Deseret News, October 12, 2007, at A01

Dan Frosch, Panel to Consider Stronger Regulation of Utah Mines, New York Times, September 25, 2007

Steve Fidel, Family, Friends, Colleagues Pay Tribute, Share Memories, Deseret Morning News, September 18, 2007

Jasen Lee, Utah Panel Requests Mine Data from Feds, Deseret Morning News, September 11, 2007

Mike Gorrell, Mine Probe: Utah Panel Pushing for Access, Salt Lake Tribune, September 11, 2007

Shinika A. Sykes, Matheson to Step Down as U. Law School's Dean, Salt Lake Tribune, June 30, 2005

Matheson to Leave Law School Post Next Year, Deseret News, June 29, 2005 at B05

Paul Foy, Utah Professor, Denver Appellate Judge Among Potential Supreme Court Nominees, Associated Press, June 28, 2005

Dan Harrie, Tough Questions for Governor Candidates at Final Debate, Salt Lake Tribune, October 30, 2009, at B3

Jennifer Toomer-Cook, Guv Hopefuls Woo Teachers, Deseret Morning News, October 29, 2004, at B03

Lisa Riley Roche, Governor Hopefuls Present Their Cases, Deseret Morning News, October 26, 2004 at A01

Lisa Riley Roche, Demo is Committed to Serving Utah, Deseret News, October 24, 2004, at A01

Scott Matheson Jr.'s Response to Deseret Morning News Questionnaire, Deseret News, October 24, 2004, at E03

Dan Harrie, The Academic: Matheson is Thoughtful Deliberate, Detail-Driven, Salt Lake Tribune, October 24, 2004, at A19

Rebecca Walsh, Guv Debate: Yes, There are Differences; Guv Hopefuls Highlight Differences, Salt Lake Tribune, October 19, 2004

Patty Henetz, Huntsman, Matheson Tie Success to Environment, Salt Lake Tribune, October 17, 2004, at A14

Dan Harrie, The Homestretch, WITH JUST OVER TWO WEEKS TO GO, to Election Day, Utahns Still Don't Know Much About the Two Leading Candidates for Governor, Salt Lake Tribune, October 17, 2004, at A1

Stephen Speckman and Lisa Riley Roche, Candidates Sketch Higher-Ed Programs, Deseret Morning News, October 14, 2004, at B08

Dan Harrie, Guv Candidates' Rift Lies in Fine Print, Salt Lake Tribune, October 14, 2004, at B6

Brice Wallace, Candidates Call for More Tourism Funds, Deseret News, October 13, 2004 at E03

Dan Harrie, Matheson: Political Balance Needed, Salt Lake Tribune, October 7, 2004, at A18

Dan Harrie, Sparring Partners; Governor Candidates Swap Light Jabs at Debate; Candidates Push Agendas at Debate, Salt Lake Tribune, October 2, 2004, at B1

Dan Harrie, Matheson Would Beef Up State's Terrorism Defenses, Salt Lake Tribune, September 28, 2004, at C6

Rhina Guidos, Governor Candidates Honor Their Fathers; At Debate, Juniors Say Dads Instilled Good Values, Salt Lake Tribune, September 18, 2004, at B1

Lisa Riley Roche, State Security Council Sought, Deseret Morning News, September 28, 2004, at B08

Bob Bernick, Jr., Matheson Touts Economic Plan, Deseret News, September 11, 2004, at B04

Bob Bernick, Jr., Huntsman Aided by Cancer Ads?, Deseret News, September 1, 2004, B07

Matthew Evans, Matheson Reveals Strategy for Strengthening Utah Health Care, Standard-Examiner, August 2, 2004

Nicole Warburton, Matheson Jr.: 'Bulk-Buy' Drug Plan a Good Idea, Salt Lake Tribune, August 28, 2004

Lisa Riley Roche, Scott Matheson, Jr. Outlines Health Plan, Deseret News, August 28, 2004, at B06

Hardships: Matheson, Huntsman and Larsen Agree that Bush's Education Centerpiece Imposes an Unfair Burden, Associated Press, August 26, 2004

Rebecca Walsh, Huntsman Proposes New Partner Rights, Salt Lake Tribune, August 25, 2004

Ed Kociela, Gubernatorial Hopefuls Discuss Plans for Schools, Spectrum, August 25, 2004

Bob Bernick, Jr., Matheson Opposes Amendment, and Huntsman Backs It, Deseret Morning News, August 24, 2004

Nicole Warburton, Matheson Vows to Keep Hot Waste Out of Utah, and Huntsman Agrees, Salt Lake Tribune, August 18, 2004

Huntsman, Matheson Square Off, Associated Press, Salt Lake Tribune, August 13, 2004

Nancy Perkins, Gubernatorial Foes Back S. Utah Projects, Deseret Morning News, August 12, 2004

Matthew Evans, Chamber Event to Feature Huntsman and Matheson, Standard-Examiner, August 10, 2004

Nicole Warburton, Older Utahns: Governor Hopeful Says He Would Create an Independent Commission for the Aging, Salt Lake Tribune, August 7, 2004

Matthew Evans, Matheson Talks Health Care for Seniors, Standard-Examiner, August 6, 2004

Bob Bernick, Jr., Demo Plan Aims to Help Elderly, Deseret News, August 6, 2004, at B08

Bob Bernick, Jr., Matheson, Jr. Calls for Utah 'Water Bank,' Deseret Morning News, July 27, 2004

Nicole Warburton, Matheson Details Plan for Saving Utah Water, Salt Lake Tribune, July 27, 2004

Matthew Evans, Drought Plan Key Issue, Standard-Examiner, July 27, 2004

Doug Alden, Kansas Governor Supports Matheson, Kansas City Star, July 22, 2004

Matheson Makes Pledge to Children, Salt Lake Tribune, July 17, 2004

Matheson, Jr. Unveils Pledge to Utah Students, Deseret News, July 17, 2004

Jerry D. Spangler, Few Undecided on Guv, Deseret Morning News, July 15, 2004

Michael Chandler, Candidates Offer Boost for Tourism, Salt Lake Tribune, July 15, 2004

John Wright, Matheson, Huntsman Talk Education in Logan, Logan Herald Journal, July 12, 2004

Matthew Evans, Not Much Disagreement at Utah Farm Bureau Get-Together in Park City, Standard-Examiner, July 10, 2004

Dan Harrie, Candidates Back Open-Space Efforts, Salt Lake Tribune, July 10, 2004

Lisa Riley Roche, Duo Put Forth Plans for State's Farms, Farmers, Deseret Morning News, July 10, 2004

Candidates Give Views on Choosing Judges, Salt Lake Tribune, July 4, 2004, at B5

Jennifer Toomer-Cook, Matheson Vows to Find More Cash for Utah Schools, Deseret Morning News, June 29, 2004

Dan Harrie, Matheson Outlines His Plans for Utah Education Reform, Salt Lake Tribune, June 29, 2004

Patty Henetz, Matheson Offers Education-Economic Plan, Associated Press, June 9, 2004

Candidate Matheson Outlines Education Plan, KSL News Online, June 28, 2004

Dan Harrie, Matheson Says It's a Horse Race, Salt Lake Tribune, June 24, 2004

Rampton is Chairman of Matheson Campaign, Deseret News, May 23, 2004

Hillary Gubler, Matheson Mirrors Life of His Father, Spectrum, May 8, 2004

Bryon Saxton, Matheson Ready to Take on GOP This Fall, Standard-Examiner Davis Bureau, April 25, 2004

Donna Kemp Spangler, S. Matheson Enters Race for Governor, Deseret Morning News, March 28, 2004

Rebecca Walsh, Matheson Summons Demos; Salt Lake Tribune, March 28, 2004, at B1

Dan Harrie, Another Matheson to Try for Governor's Mansion, Salt Lake Tribune, July, 2003

Bob Bernick, 2 Brothers on Utah Ballot?, Deseret News, July 9, 2003

Paul Foy, Matheson Files Campaign Papers for Governor's Race, Associated Press, July 8, 2003

Elizabeth Neff, Russon Ends Long Service to Judiciary, Salt Lake Tribune, May 16, 2003, at B1

U's Robert Swenson Dies at 83, Deseret News, November 19, 2002

Pneumonia Claims U.S. Judge Boyce, Deseret Morning News, October 28, 2002

Dawn House, Anderson Program to Help Accused, Salt Lake Tribune, April 21, 2002

BYU, U. Schools Make List, Deseret Morning News, April 6, 2002

Alfred C. Emery Dies, Former U. President, Deseret Morning News, March 19, 2002

Marta Murvosh, \$26M Gift for U Law School, Salt Lake Tribune, November 3, 2001, at B1

Kirsten Stewart, U. Law School Program Promotes Pro Bono Work, Salt Lake Tribune, November 2, 2000, at B2

Theresa Desmond, Raising the Bar, Continuum, University of Utah Magazine, Winter 1998-1999

Dan Egan, Scott Matheson Jr. Named Dean of U's College of Law, Salt Lake Tribune, June 12, 1998, at B2

Brian Maffly, Newly Dedicated S.L. Courthouse Fitting Tribute to Matheson, Salt Lake Tribune, March 28, 1998, at B1

Sheila R. McCann, U.S. Attorney Matheson Resigning, Salt Lake Tribune, November 8, 1997, at D3

Ted Cilwick, Feds Pushing to Prosecute Immigrant Felons in Utah, Salt Lake Tribune, December 16, 1996, at A1

U.S. Sues Utah Counties, Associated Press, Las Vegas Review, October 19, 1996, at 3B

Jim Woolf, San Juan Halts Work on Disputed Land, Salt Lake Tribune, October 3, 1996 at A1

Brian Maffly, Sides Settle Kolob Suit; Hikers Fear Fallout Kolob Suit, Salt Lake Tribune, June 20, 1996, at A1

Matheson Defends Fewer Cases, Salt Lake Tribune (AP), Feb. 26, 1996, at D3.

Ted Cilwick, Circuit Court Reverses on Police Searches, Salt Lake Tribune, Jan 8, 1996, at D1.

Utah Pothunter Sentenced to Federal Prison, Associated Press, Las Vegas Review, December 16, 1995, at 5B

Ted Cilwick, Drop in Federal Cases Prompts Delay of Public-Defender Plan, Salt Lake Tribune, May 2, 1994, at D1

Joan O'Brien, Salt Lake Attorney Returns to Oxford, Salt Lake Tribune, April 17, 1994, at D6

Amanda Dixon, Matheson Misses Teaching Almost as Much as We Miss Him, The NeO-Analyst, Dec. 1993, at 1.

Sheila R. McCann, U Professor Nominated for U.S. Attorney Post, Salt Lake Tribune, August 8, 1993 at E1

Marianne Funk, Matheson Nominated as U.S. Attorney, Deseret News, August 8, 1993, at B1

Marianne Funk & Lee Davidson, Matheson Top Contender for U.S. Attorney's Job, Deseret News, March 5, 1993, at B1

Susan Lyman-Whitney, Balancing Career and Private Life, Deseret News, August 30, 1991, at C1

Bob Bernick, Matheson Says He Won't Run for Senate in 1992 Race, Deseret News, August 24, 1991

Paul Rolly, Owens, Orton May Run Since Matheson Won't, Salt Lake Tribune, August 24, 1991

Dawn House, Prayer Debate Graduates to Top Court, Salt Lake Tribune, March 19, 1991, at A1

Suzanne Dean, Taking the Opportunity to Give Something Back, University of Utah Review, December 1990/January 1991

Suzanne Dean, Prof. Scott Matheson Jr. is Committed to "Aggressively Pursuing" Opportunities to Contribute, Res Gestae, University College of Law Alumni Magazine, Fall/Winter 1990

Mike Carter, Utah Ex-Governor's Son Suspects A-Bomb Test Fallout in Cancer Death, Associated Press, October 9, 1990

Paul Rolly & Dawn House, Bangerter Avoids Van Dam in Prayer Dispute, Salt Lake Tribune, July 28, 1990, at B1

Jan Thompson, U. Professor, Prosecutor Trading Places for a Year, Deseret News, June 29, 1988, at B1

Lori Bona, Hard Work Is What Law School Is About, Utah Chronicle, April 9, 1987, at 3

Paul Rolly, Expert: Legal Win Shows Courts May Back Aggressive Reporting, Salt Lake Tribune, April 6, 1987, at 8B

JoAnn Jacobsen-Wells, He's Rising Demo Star, But Matheson Jr. Is in No Hurry to Run, Deseret News, January 4, 1987

Douglas Parker, Will Political Genes Take Root in 2 Demos' Sons?, Salt Lake Tribune, 1986

On April 10, 2009, I appeared on the local public station KUED program "Utah Now." The topic was "Boundaries of Presidential Power." The program can be viewed online at <http://www.kued.org/productions/utahnow/?action=viewShowDetails&id=153>.

I recall participating in the late 1980's or early 1990's on two or three public issue programs on local television but cannot recall the specific dates or topics. I also recall being interviewed on local television when my father died in 1990,

moderating a panel discussion on “The Press and Politics” broadcast on KUED in 1992, and being interviewed by KSL-TV in 2002 about my family’s sourdough cooking start. I also gave brief newspaper, radio, and television comments when I was chair of the Utah Mine Safety Commission in 2007 and 2008.

The media outlets that hosted political debates in October 2004 were KUTV, KTVX, KSL-TV, KSL-Radio, and KUED. All are located in Salt Lake City. I also was interviewed during the campaign by various newspapers and radio stations in Utah.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, approximately what percent were:

jury trials? ____%; bench trials ____% [total 100%]

civil proceedings? ____%; criminal proceedings? ____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- 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.

I have not served as a judge.

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.

From 1993 until 1997, I served as United States Attorney for the District of Utah. I was appointed by President Clinton.

In 2004, I was the Democratic candidate for Governor of Utah and was not elected. I have had no other unsuccessful candidacies for elective office and I have had no unsuccessful nominations for appointed office.

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

I have been involved in the Utah political process for many years. I was the Democratic candidate for Governor of Utah in 2004.

Between 1974 and 1992, I assisted in the various campaigns of Wayne Owens for U.S. House of Representatives, U.S. Senate, and for Governor of Utah.

In 1976 and 1980, I served as campaign manager for Democratic gubernatorial candidate for my father, Scott Matheson.

In 1992, I was co-chair of the Karen Shepherd for Congress campaign and was the volunteer state director for Clinton/Gore in Utah.

Starting in 2000, I helped my brother, Jim Matheson, on his campaigns for the U.S. House of Representatives.

I also have participated as a volunteer, supporter, and advisor for Utah candidates for a variety of local, state, and national offices and have served as the Democratic chair of my voting district.

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 did not clerk for a judge.
 - 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.

1985 – Present

S.J. Quinney College of Law, University of Utah

332 South 1400 East Room 101

Salt Lake City, Utah 84112-0730

Hugh B. Brown Presidential Endowed Chair in Law (2009 – Present)

Professor of Law (1991 – Present)

Dean (1998 – 2006)

Associate Dean for Academic Affairs (1990 – 1993)

Associate Professor (1985 – 1991)

2006 – 2007 (on sabbatical leave from the University of Utah)

Woodrow Wilson International Center for Scholars

Ronald Reagan Building

One Woodrow Wilson Plaza

1300 Pennsylvania Avenue, NW

Washington, D.C. 20004

Public Policy Scholar

1993 – 1997 (on leave from the University of Utah)

Office of the United States Attorney for the District of Utah

185 South State Street #400

Salt Lake City, Utah 84111

United States Attorney, District of Utah

1989 – 1990 (on leave from the University of Utah)

Joan Shorenstein Barone Center on the Press, Politics and Public Policy

John F. Kennedy School of Government

Harvard University

Cambridge, Massachusetts 02138

Visiting Associate Professor in the Frank Stanton Chair on the First Amendment

1988 – 1989 (on leave from the University of Utah)

Salt Lake County Attorney's Office

231 East 400 South (now at 111 East Broadway #400)

Salt Lake City, Utah 84111

Deputy County Attorney

1981 – 1985

Williams & Connolly LLP

839 17th St. NW (now at 725 12th St. NW, 20005)

Washington, D.C. 20006

Associate Attorney

- 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 been 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.

The general character of my practice as a lawyer has been litigation and the supervision of attorneys engaged in litigation. As a law professor (1985-Present), I have performed teaching, scholarship, and service. As a law dean (1998-2006), I led and managed a law school at a major research university and addressed a wide range of issues in legal education.

From 1981 to 1985, I was an associate at the law firm of Williams & Connolly in Washington, D.C. Most of my litigation experience was civil. My experience was typical of the firm's civil litigation practice, with much time devoted to pretrial matters, including numerous depositions and motion practice, and with most cases settling.

From July 1988 to July 1989, I took a leave of absence from law teaching to serve as a Deputy County Attorney for the Salt Lake County Attorney's Office, where I engaged in felony prosecution practice, including jury trials. All of my practice was in criminal proceedings. This work involved each step in felony prosecution, from the defendant's initial appearance to preliminary hearing to arraignment to trial or other disposition and to sentencing.

From August 1993 through December 1997, I was the United States Attorney for the District of Utah. Most of my time was devoted to supervising the legal work of the office, implementing Department of Justice programs and initiatives, coordinating with law enforcement, working with state and local prosecutors, and other administrative tasks. A majority of my work involved criminal proceedings, but I participated in civil matters as well. I was involved in the major charging and case disposition decisions made by the office.

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

As United States Attorney for the District of Utah, I was responsible for representation of the United States in federal court in criminal and civil cases. I was involved in deciding whether federal felony charges would

be filed and in deciding the resolution of these cases. The variety of cases ranged from drugs to white collar to archeological resource protection. I also participated in major decisions in a variety of civil cases, including settlements.

Before serving as United State Attorney, the general character of my law practice was litigation. At the Salt Lake County Attorney's Office, the sole nature of my practice was criminal prosecution.

At Williams & Connolly, the majority of the work was in civil litigation, although I worked on some criminal defense matters as well. My practice at the firm combined the opportunity to be exposed to many areas of the law and to concentrate on a few. The cases on which I worked involved antitrust, banking, contract, criminal defense, employment, medical malpractice, personal injury, securities, and other areas of the law. I spent a substantial portion of my time working on cases involving claims of defamation and invasion of privacy against the news media. Accordingly, although the variety of work precludes a description of "typical clients," much of my work involved representation of news organizations with respect to a spectrum of issues in media law. I also spent considerable time on a First Amendment Establishment Clause case that culminated in a five-week federal court bench trial.

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

I have spent the substantial majority of my time in practice in litigation-related work. At Williams & Connolly (1981-1985), I appeared in court occasionally. At the Salt Lake County Attorney's Office (1988-1989), I appeared in court almost daily. At the U.S. Attorney's Office (1993-1997), although most of my time involved supervising the work of the office, I appeared in court occasionally.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 20% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 45% |
| 2. criminal proceedings: | 55% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather

than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried to verdict, judgment or final decision approximately eight cases. Of these, I was sole counsel in four cases, co-counsel in two cases (lead counsel in both), and associate counsel in two cases.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 75%; |
| 2. non-jury: | 25% |

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.

At Williams & Connolly, I assisted with writing some preliminary filings (jurisdictional statement, motion to dismiss) but otherwise have not been involved in Supreme Court practice.

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:

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

1. Tavourelareas v. Piro and The Washington Post, 759 F.2d 90 (D.C. Cir.), vacated in part, reh'g granted en banc, 763 F.2d 1472 (1985), aff'g 567 F. Supp. 651 (D.D.C. 1983), 817 F.2d 762 (D.C. Cir. 1987) (en banc), cert. denied, 484 U.S. 870 (1987). This defamation case, brought by the President of Mobil Oil and his son, involved a team of defense lawyers from Williams & Connolly, including myself, representing The Washington Post and individual Post editors and reporters. Between 1981 and 1985, I spent considerable time on pretrial motions and discovery, trial motions, and briefing for the appeal. I did not have a courtroom role at trial, though I continued to take discovery and provide other evidence gathering and briefing support during the trial for our trial team

Irving Younger (now deceased) was lead counsel for the Post defendants in the 1982 jury trial in the United States District Court for the District of Columbia, Judge Oliver Gasch presiding. The lawyer at Williams & Connolly who had the most extensive involvement in the case and with whom I worked is David E. Kendall, 725 12th St., NW, Washington, D.C. 20005, (202) 434-5145. Lead counsel for the plaintiffs was John J. Walsh, Cadwalader, Wickersham & Taft, 100 Maiden Lane, New York, NY 10038, (212) 504-6000 (last known information).

2. Wamble v. Bell, 598 F. Supp. 1356 (W.D. Mo. 1984). This case was an Establishment Clause challenge to the U.S. Department of Education's Title I program in Missouri. Williams & Connolly represented intervenor parties in support of the constitutionality of the program. I was involved in the pretrial discovery and served as second chair at trial (where my role was limited). I had substantial responsibility for post-trial briefing in the case. The five-week bench trial before Judge Joseph E. Stephens occurred in 1982 and 1983.

The lead attorney from Williams & Connolly was Charles H. Wilson, whose most recently available business address is 1400 20th St., N.W., Washington, D.C. 20036, (202) 457-0800. The lead attorney from the Department of Justice was Robert D. Nesler, who is located at the United States Attorney's Office, 888 S.W. 5th Ave., Portland, Oregon 97204, (503) 727-1000. Pro se plaintiff was G. Hugh Wamble, 4840 N.E. Chouteau Dr., Kansas City, MO 64119 (deceased). Attorney for plaintiff intervenors was Lee Boothby, 1050 17th St. #1000, N.W., Washington, D.C. 20036, (202) 776-0642.

3. National Foundation for Cancer Research v. Newsweek, Civil Action No. B81-353 (D. Md.). From 1981 to 1985 I devoted substantial time to this libel case brought by the NFCR and its top officials against Newsweek and Jane Bryant Quinn. This matter involved extensive discovery and work on summary judgment and trial preparation. The case proceeded to the eve of trial and settled.

I worked closely with David E. Kendall at Williams & Connolly representing the defendants. Lead counsel for the plaintiffs was Mac Dunaway, 1100 Connecticut Ave, NW, Washington, D.C., (202) 862-9700.

4. Other cases at Williams & Connolly – I devoted significant time to a number of other cases during my years at Williams & Connolly. One was a major antitrust case brought by the short line railroads against all of the major national railroads. We represented Union Pacific. The case involved substantial pretrial litigation and settled after considerable discovery. Another was a medical malpractice case in which we defended Georgetown Hospital and several doctors. The case was actively litigated to the eve of trial and settled. I do not have the case numbers for these cases. I also worked on matters involving banking, contract, employment, personal injury, securities, and other areas of law as well as criminal defense. I have no independent recollection of case docket information for these matters.

5. State v. Quas, 837 P.2d 565 (Utah App. 1992). This case was a homicide prosecution in which the defendant was accused of killing his wife. It was tried before a jury in 1989 in Third District Court in Utah, Judge Kenneth Rigtrup presiding. I was assigned to this case after it had been dismissed once at the preliminary hearing and refiled. The case included substantial firearms identification and medical examiner evidence. I presented the case at preliminary hearing, obtained a bindover for trial, and then secured a jury conviction for second degree murder at trial (I did not handle the appeal).

Co-counsel at trial was Richard G. MacDougall, who is located at the Federal Public Defenders Office, 46 West 300 South #110, Salt Lake City, Utah 84101, (801) 524-4010. Defense counsel were Lisa J. Remal, Salt Lake Legal Defenders, 424 East 500 South #300, Salt Lake City, Utah 84111, (801) 532-5444, and Candice A. Johnson, 10 W Broadway #210, Salt Lake City, Utah 84101, (801) 532-5297.

6. Other cases at the Salt Lake County Attorney's Office. During my time as a deputy county attorney, I was in court most days handling initial appearances, preliminary hearings, plea dispositions, and sentencings. The Quas case was the most significant case that I handled, but I was also the sole lawyer on several other trials that were tried to conviction. Judges on the Third District Court in Utah before whom I have cases include Judge J. Dennis Frederick (retired), Judge Kenneth Rigtrup (now retired), Judge Leonard H. Russon (retired as justice on the Utah Supreme Court), and Judge Homer Wilkinson (deceased).
7. West v. Thomson Newspapers, 872 P.2d 999 (Utah 1994). During 1991 and 1992, I was the lead author of amicus curiae briefs on behalf of the Utah Chapter of the Society for Professional Journalists that were filed in the Utah Court of Appeals and the Utah Supreme Court. This defamation case concerned critical op-ed columns about Mr. West, the Mayor of La Verkin, Utah. The case raised important issues of federal and state constitutional law and state common law. A significant portion of the amicus briefs argued for recognition of a state constitutional privilege for the expression of opinion based on the "freedom of speech or of the press" clause in the Utah Constitution. This argument required research on the history of Utah's constitutional provision on freedom of expression. After the briefs were filed and while the case was pending before the Utah Supreme Court, I was appointed U.S. Attorney and asked the Utah Supreme Court to withdraw my representation in the case. The Utah Supreme Court's decision in favor of the defendants recognized a state constitutional opinion privilege and relied on the amicus brief's historical analysis to support this position.

The plaintiff Mr. West was a lawyer and represented himself. I had no contact with him. The defendant newspaper and editors were represented by Randy Dryer, Parsons Behle & Latimer, 201 South Main St. #1800, P.O. Box 45898, Salt Lake City, UT 84145, (801) 536-6843. My amicus co-counsel was Patrick A. Shea, 215 South State St. #200, Salt Lake City, UT 84111, (801) 305-4180. The opinion of the Utah Court of Appeals can be found at 835 P.2d 179 (Utah Ct. App. 1992).

8. United States v. Botero-Ospina, 71 F.3d 783 (10th Cir. 1995) (en banc), cert. denied, 518 U.S. 1007 (1996). This case addressed the Tenth Circuit standard for analyzing the constitutionality under the Fourth Amendment of the initial stop of vehicles by law enforcement officials. I became involved at the appellate level when the U.S. Court of Appeals for the Tenth Circuit on its own motion ordered supplemental briefing and scheduled an en banc argument on whether the standard previously established by that court should be overruled. I was the principal author of the government's brief arguing that the previous standard should be overruled and proposing a Fourth Amendment rule for traffic stops in the Tenth Circuit. I argued the appeal before all of the Tenth Circuit judges in an en banc proceeding. The Tenth Circuit overruled its previous standard and adopted the position advanced by the government.

Co-counsel were First Assistant United States Attorney David J. Schwendiman and Assistant United States Attorney Bruce C. Lubeck, 185 South State St, #400, Salt Lake City, Utah 84111, (801) 524-5682. Mr. Lubeck handled the case at the District Court level. He is now a judge on the Third Judicial District Court for Utah. Counsel for the defendant was R. Steven Chambers, 5217 South State #400, Salt Lake City, Utah 84107, (801) 327-8200.

9. United States v. Cuch, 79 F.3d 987 (10th Cir. 1996), aff'g 875 F. Supp. 767 (D. Utah 1995), cert. denied, 519 U.S. 963 (1996). In 1994, the United States Supreme Court decided in Hagen v. Utah, 510 U.S. 399 (1994), that the Uintah and Ouray Reservation in Utah had been diminished in 1905. This decision disagreed with prevailing Tenth Circuit law and thereby placed outside the reservation numerous crimes that had occurred at locations previously thought to be within the reservation. Hagen therefore presented the difficult issue of the status of convictions based on those crimes. Numerous convictions for serious violent offenses were put into question. This difficult issue confronted my office when I was the U.S. Attorney, and I spent considerable time working with officials at the highest levels of state and federal government trying to address it. The issue was litigated through motions filed under 28 U.S.C. § 2255 challenging convictions on the ground that the sentencing court lacked jurisdiction as a result of Hagen. I took primary responsibility for briefing and arguing the issue before Judge David Sam in the District Court and again before the Tenth Circuit, arguing that the convictions should be preserved and Hagen given prospective effect. Although a Magistrate Judge's Report and Recommendation suggested that the collateral attacks on the convictions should be accepted, the District Court and the Court of Appeals agreed with our position and the Supreme Court of the United States denied certiorari.

Co-counsel in these cases were Assistant United States Attorneys Barbara Bearnson and Matthew Howell. Ms. Bearnson is located at 185 South State St, #400, Salt Lake City, Utah 84111, (801) 524-5682. Mr. Howell is now at 3301 North University Ave., Provo, Utah, (801) 426-8200. Counsel for the movants were Manny Garcia, 150 South 600 East #5C, Salt Lake City, Utah 84102, (801) 322-1616, and Wendy

Hufnagel, 190 North Main Street #200, Heber City, Utah 84032, (435) 654-5700 (last known information).

10. United States v. Benally and Hatatley, 95-CR-0252S (D. Utah) and 130 F.3d 1399 (10th Cir. 1997). This homicide prosecution was based on conduct occurring on the Utah portion of the Navajo Reservation. For the first time in the District of Utah, the case was tried to two juries to avoid legal problems from the use of co-defendants' out-of-court statements as evidence. The eight-day trial featured significant scientific forensic evidence, including DNA identification. The juries both returned verdicts of voluntary manslaughter. The case was tried before Judge David Sam. I took a lead role at the trial, presenting the opening statements and closing arguments to both juries and examining many witnesses. Only defendant Hatatley appealed. I took primary responsibility for the government's appellate brief and argued the case before the Tenth Circuit, which affirmed the conviction.

Co-counsel was First Assistant David J. Schwendiman, 185 South State St, #400, Salt Lake City, Utah 84111, (801) 524-5682. Counsel for the defendants were Deirdre A. Gorman, 205 26th St., #32, Ogden, Utah 84401, (801) 394-9700, and Charles F. Loyd, 1096 South 800 East, Salt Lake City, Utah 84105, (801) 595-0534.

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.)

Much of my activity has been focused on law reform, law teaching, legal scholarship, and law administration.

My law reform activities have included service on the Utah Constitutional Revision Commission, which studies and makes recommendations regarding the Utah Constitution; the Utah Supreme Court Advisory Committee on the Rules of Evidence, which studies and makes recommendations to the Utah Supreme Court regarding the Rules of Evidence; and the Utah Mine Safety Commission, which examined the state's role in coal mine safety and produced a 100-page report with forty-five recommendations for reform. I chaired the Evidence Committee and the Mine Safety Commission. I also served for eight years as an ex officio member of the Utah State Bar Commission, which has been involved in numerous law reform matters.

I started law teaching in 1985 and have taught a range of subjects and many students. One of my classes – Scientific Forensic Evidence – was created as a result of my experience with scientific evidence issues when I served as U.S. Attorney. I always have considered law teaching to be a special privilege, and hope I have contributed to my students' understanding of the law and their preparation for the profession.

As a law professor, I have written on a number of legal matters. My work has focused on constitutional law and civil procedure issues, in many cases has been closely tied to my teaching, and in some instances has been inspired by my law reform and service activities. I have won my law school's teaching award as well as its service award. Also, in recognition of teaching, scholarship, and service accomplishments, I was appointed last year to the Hugh B. Brown Presidential Endowed Chair in Law.

I have significant experience in law-related administration, including as Dean and as Associate Dean for Academic Affairs at the University of Utah S.J. Quinney College of Law, United States Attorney for the District of Utah. My experience as U.S. Attorney exposed me to a broad range of public law issues—civil and criminal—and to the working relationships among the federal courts, prosecutors, defense bar, law enforcement agencies, state and local prosecutors and law enforcement, and the community. My experience as dean exposed me to a broad range of issues facing legal education and the legal profession—locally, nationally, and internationally.

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

I have taught the following courses at the S.J. Quinney College of Law, University of Utah: Civil Procedure, Constitutional Law, Evidence, First Amendment and the Press, Intellectual Property, Introduction to Law, The Making of the Constitution (seminar), and Scientific Forensic Evidence. I taught First Amendment and the Press during my visiting year at the Harvard Kennedy School of Government.

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

I entered a book contract in 2007 with Harvard University Press (HUP). The book was published in 2009. HUP has notified me that I will receive royalties for the first time in late March 2010. I do not know if any further royalties will be forthcoming, but it is possible.

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

If confirmed, I may seek to teach occasionally at the University of Utah S.J. Quinney College of Law, as other federal judges in Utah have done, but I have not made any commitments or agreements to do so.

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

See attached Financial Disclosure Report.

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

See attached Statement of Net Worth.

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.

I have reviewed the Code of Conduct for United States Judges and appreciate the importance of impartiality and avoidance of the appearance of impropriety. As the U.S. Attorney for the District of Utah, I was sensitive to these issues and, after consultation with ethics officials at the Department of Justice, recused myself from certain matters. If I am confirmed, my longstanding association with the University of Utah, for example, may raise a potential issue if a matter affecting the University's interests were to come before the court. Also, although I left the U.S. Attorney's Office at the end of 1997, any case or investigation that I supervised as U.S. Attorney would present a conflict if it were to come before the Tenth Circuit. I would take conflicts and potential conflicts seriously and comply with the Code of Conduct and any other applicable laws, rules, and guidelines.

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

As a general matter, I would continue to study the recusal statutes and the Code of Conduct to ensure that I have a thorough understanding of their requirements and, to the extent possible, how they have been applied in specific situations. I also would seek advice and counsel from judges who serve on the Tenth Circuit and other courts on how they address conflict issues, and I would participate in any pertinent training offered by the Administrative Office of the U.S. Courts. If a potential conflict issue arises, I would carefully analyze it under the applicable

Code of Conduct and any other applicable considerations. I would seek counsel, where appropriate, from my judicial colleagues. I also would seek advice from the General Counsel's Office at the Administrative Office of the U.S. Courts. I would disqualify myself from a case if recusal is warranted and would follow all formal procedures in reaching and implementing this decision. Finally, I would ensure that my law clerks and other staff understand the conflict rules as they apply to me and to them, and that we all follow those rules accordingly.

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.

After the Crandall Canyon Mine disaster in August 2007, Governor Jon Huntsman, Jr., asked me to chair the Utah Mine Safety Commission to evaluate the state's coal mine safety policies and to make recommendations to improve coal mine safety in Utah. The Commission conducted hearings in Carbon, Emery, and Salt Lake Counties; collected significant information; and prepared a 100-page report with forty-five recommendations to Utah State government. The creation of a Utah Coal Mine Safety Office was one of the products of this work. This work consumed considerable time and was done pro bono as a community service.

As dean of the University of Utah S.J. Quinney College of law, I worked with my staff to establish the Pro Bono Initiative, now in its ninth year, which brings law students and lawyers together in community service. More than one-third of our students have participated, contributing over 22,500 hours of volunteer work on a wide variety of pro bono projects with over 85 lawyers, law firms, and public service agencies participating. We have raised the funds every year to support the program. I recruited thirteen law students from this program to help with the aforementioned coal mine safety project. The Legal Aid Society of Salt Lake has recognized the Pro Bono Initiative and our clinical placement program with its annual Outstanding Service Organization Award. Over the years, I also have organized community service activities for the law school students, faculty, and staff. One of my goals has been to develop a service ethic among law students before they enter the profession.

I recently served on the Leadership Committee of "and Justice for All," which was organized to secure support from the Utah legal community for legal services provided to the poor by Utah Legal Services, Legal Aid Society of Salt Lake City, and the Disability Law Center. This effort has produced significant support from law firms, individual lawyers, and various community organizations.

I served on the Board of Trustees of the Legal Aid Society of Salt Lake, a non-profit law office that provides legal services to indigent clients in the domestic law area, including work on behalf of victims of domestic violence. I joined the Board in 1986 and served as President in 1987. I continued to serve until I was appointed United States Attorney in

1993. During this period of service the office grew in number of attorneys and instituted its domestic violence program to protect spouses and children. The office is well respected among the judges in particular and the community in general.

Because of my litigation experience and academic interest in the First Amendment and the press, I have provided counsel on occasion to a person or publication on a pro bono basis in this area. Shortly before I was appointed as United States Attorney, I was the primary writer of amicus briefs submitted to the Utah appellate courts in a defamation case on behalf of the Utah Headliners Chapter of the Society of Professional Journalists. The briefs addressed constitutional questions under the free expression provisions of both the federal and state constitutions, and my work was performed on a pro bono basis.

Other service activities have concentrated in the law reform area. From 1987 to 1993, I was a member of the Utah Constitutional Revision Commission, which studies and recommends to the Utah State Legislature improvements to the Utah Constitution. I was elected Vice-Chair of the Commission before my appointment as United States Attorney. Also from 1987 to 1993, I served on the Utah Supreme Court Advisory Committee on the Rules of Evidence, and was the Chair from 1991 to 1993. From 1993 to 1997, I served on the Advisory Committee on the Local Rules of Practice, U.S. District Court for the District of Utah.

Service to the bar has included my position as an ex officio member of the Utah State Bar Commission from 1998 to 2006. From 1986 to 1992, I served on the Executive Committee of the Salt Lake County Bar Association. My responsibilities at one point included coordination of a program for local judges – state and federal – to meet informally with journalists to discuss issues about the relationship between the bench and press and news coverage of the judiciary.

When I was an associate at Williams & Connolly, I accepted an assignment from a District of Columbia Superior Court judge to represent an indigent individual under the court's Inmate Civil Assistance Program. I conducted legal and factual research. No court claim was filed.

I recently have been working with a group of community partners, including a juvenile court judge, to establish a tennis and tutoring program for at-risk youth.

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.

There is no selection commission in Utah to recommend candidates for nomination to the federal courts.

After I learned there would be an opening on the United States Court of Appeals for the Tenth Circuit, I sent a letter and biographical materials to the President (attention to White House Counsel) on May 7, 2009, expressing interest in consideration for the position. I also communicated my interest to Members of Congress. Leaders in the legal and public service community recommended me to the White House and to the U.S. Senators from Utah. I sent updated biographical information to the White House Counsel on October 2, 2009.

On October 30, 2009, I was contacted by the Office of Legal Policy at the Department of Justice and told that I was under consideration for the position. Since that time, I have been in contact with pre-nomination officials at the Department of Justice. On December 21, 2009, I interviewed in Washington with attorneys from the White House Counsel's Office and the Department of Justice. On March 3, 2010, the President submitted my nomination to the United States Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

**FINANCIAL DISCLOSURE REPORT
NOMINATION FILING**

*Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)*

1. Person Reporting (last name, first, middle initial) Matheson, Jr., Scott M.	2. Court or Organization Tenth Circuit	3. Date of Report 03/03/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Circuit Judge - Nominee	5a. Report Type (check appropriate type) ☒ Nomination, Date 03/03/2010 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2009 to 02/28/2010
7. Chambers or Office Address 332 South 1400 East Room 101 Salt Lake City, UT 84112	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.</i>		

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☐ NONE *(No reportable positions.)*

POSITION

NAME OF ORGANIZATION/ENTITY

1. Professor of Law	University of Utah S.J. Quinney College of Law
2.	
3.	
4.	
5.	

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☐ NONE *(No reportable agreements.)*

DATE

PARTIES AND TERMS

1. July 2007	Book contract, Harvard Press. Book published 2009. First royalty due late March 2010. More royalties possible.
2.	
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Matheson, Jr., Scott M.

Date of Report

03/03/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2008	University of Utah - Gross Income	\$166,458.37
2. 2009	University of Utah - Gross Income	\$183,000.08
3. 2009	Illinois Institute of Technology - Book Award - Roy C. Palmer Civil Liberties Prize	\$10,000.00
4. 2010	Woodrow Wilson International Center for Scholars - Honorarium for service on fellowship selection committee	\$1,000.00
5. 2010	University of Utah - Gross Income	\$29,666.68

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

IV. REIMBURSEMENTS – *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Matheson, Jr., Scott M.

Date of Report

03/03/2010

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Exempt		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		
2.		
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Matheson, Jr., Scott M.

Date of Report

03/03/2010

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. U.S. Savings Bonds (face value)		None	J	T	Exempt				
2. Johnson & Johnson Common	A	Dividend	K	T					
3. Prudential Financial, Inc. Common	A	Dividend	J	T					
4. University Federal Credit Union - Money Fund and Checking	A	Interest	K	T					
5. IRA - Merrill Lynch	A	Dividend	K	T					
6. - AIM Constellation									
7. - Eaton Vance Strategic									
8. - Blackrock Fundamental									
9. - Blackrock Basic									
10. - Putnam Equity Income									
11. IRA - University Federal Credit Union	A	Interest	J	T					
12. Utah State Retirement 401(k)		None	K	T					
13. TIAA Deferred Retirement Plans		None	P1	T					
14. Equitable Variable Life Insurance #1		None	J	T					
15. Equitable Variable Life Insurance #2		None	J	T					
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000 Q = Appraisal U = Book Value	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = Cost (Real Estate Only) V = Other	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000 S = Assessment W = Estimated	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
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FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Matheson, Jr., Scott M.

Date of Report

03/03/2010

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

II. and III.A. I entered a book contract with Harvard University Press in 2007. The book was published in 2009. The first royalty payment of \$1,965.41 is due to be paid at the end of March 2010. This matter is reported as an agreement in Part II, but the payment is not listed in Part III-A. because it has not been received as of the date of this report.

VII. My spouse and I both have TSP retirement accounts from previous federal employment, but, per instructions for this form, they are not included in section VII.

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting

Matheson, Jr., Scott M.

Date of Report

3/3/2010

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

Scott Matheson

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		38	366	Notes payable to banks-secured			
U.S. Government securities-add schedule		1	600	Notes payable to banks-unsecured			
Listed securities-add schedule		27	609	Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule			
Real estate owned-add schedule		448	400	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		59	360	Credit Line			
Cash value-life insurance		13	691				
Other assets itemize:							
IRA Accounts		46	512				
Utah State Retirement 401(k)		24	928				
TSP – deferred retirement plans		138	993	Total liabilities		0	
TIAA- deferred retirement plans	1	090	908	Net Worth	1	890	367
Total Assets	1	890	367	Total liabilities and net worth	1	890	367
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts				Are you a defendant in any suits or legal actions?	NO		
Legal Claims				Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

U.S. Government Securities

Series EE Bonds (face value)	\$1,600
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Listed Securities

Johnson & Johnson common	\$ 25,080
Prudential Financial	2,529
Total Listed Securities	\$ 27,609

Real Estate Owned

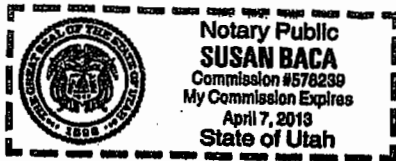
Personal residence	\$ 448,400
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AFFIDAVIT

I, SCOTT MILNE MATHESON, JR., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

March 2, 2010
(DATE)

Scott M Matheson
(NAME)



Susan Baca 3/2/10
(NOTARY)