UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Srikanth Srinivasan

   Names also used: Sri Srinivasan, Padmanabhan Srikanth Srinivasan, P. Srikanth Srinivasan

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

   United States Circuit Judge for the District of Columbia Circuit

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

   Office of the Solicitor General
   Department of Justice
   950 Pennsylvania Avenue, NW
   Washington, DC 20530

   Residence: Arlington, Virginia

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

   1967; Chandigarh, India

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.

   1991 – 1995, Stanford Law School; J.D., 1995

   1992 – 1995, Stanford Graduate School of Business; M.B.A., 1995

   1985 – 1989, Stanford University; B.A., 1989

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.

2011 – present
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Principal Deputy Solicitor General

2007 – 2011
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Partner

2010 – 2011
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Lecturer on Law

2002 – 2007
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant to the Solicitor General

1998 – 2002
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Associate (1998 – 2002)
Counsel (2002)

1997 – 1998
Supreme Court of the United States
1 First Street, NW
Washington, DC 20543
Law Clerk to Justice Sandra Day O'Connor

1996 – 1997
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530
Bristow Fellow

1995 – 1996
United States Court of Appeals for the Fourth Circuit
255 West Main Street
Charlottesville, Virginia 22902
Law Clerk to Judge J. Harvie Wilkinson III

Summer 1995
King & Spalding LLP
1700 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006
Summer Associate

Summer 1994
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Summer Law Intern

Summer 1994
Hogan & Hartson LLP
555 13th Street, NW
Washington, DC 20004
Summer Associate

Summer 1993
Miller, Cassidy, Larrocca & Lewin
2555 M Street, NW
Washington, DC 20037
Summer Associate

Summer 1992
Stinson, Mag & Fizzell
1201 Walnut Street
Kansas City, Missouri 64141
Summer Associate

Summer 1992
O'Melveny & Myers LLP
275 Battery Street
San Francisco, California 94111
Summer Associate

1989 – 1992
San Mateo County Manager's Office
401 Marshall Street
Redwood City, California 94063
Independent Consultant (1991 – 1992)
Management Analyst (1989 – 1991)

Other Affiliations (uncompensated):

2010 – 2011
Washington Lawyers' Committee for Civil Rights and Urban Affairs
11 Dupont Circle, NW
Washington, DC 20036
Board of Directors

2010 – 2011
Stanford University Law School
Crown Quadrangle
559 Nathan Abbott Way
Stanford, California 94305
Board of Visitors

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 have registered for the selective service.

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

   500 Leading Lawyers in America, LawDragon (2010 – 2011)

   Leading Lawyer, Appellate and Supreme Court Practice, Chambers USA and Legal 500 (2010 – 2011)

   Cornerstone Award, North American South Asian Bar Association (2009)

   Distinguished Professional Award, South Asian Bar Association of Connecticut (2009)

   50 Most Influential Minority Lawyers in America, National Law Journal (2008)

   Award for Excellence, Office of the Secretary of Defense (2005)

Attorney General's Award for Excellence in Furthering U.S. National Security (2003)

Order of the Coif, Stanford Law School (1995)

Distinction, Stanford Law School (1995)

Matteson Sr. Award for best team, Cummings Award for best brief, Marion Rice Kirkwood Moot Court Competition, Stanford Law School (1994)

Note Editor, Stanford Law Review (1993 – 1994)

Honors, Stanford University (1989)

Distinction, Stanford University (1989)

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

American Bar Association (2001 – 2002)

American Bar Association Standing Committee on the Federal Judiciary
Practitioners' Reading Group (2009)

American Inns of Court, Edward Coke Appellate Inn of Court
Barrister (approx. 2009 – present)
Associate (approx. 2005 – 2009)

National Asian Pacific American Bar Association (2010 – 2011)

North American South Asian Bar Association
National Advisory Council (2009 – 2011)

Supreme Court Institute, Georgetown University Law Center
Outside Advisory Board (2010 – 2011)

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 (2001)
California (1999) (inactive)

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

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States (2003)
United States Court of Appeals for the District of Columbia Circuit (2010)
United States Court of Appeals for the Second Circuit (2009)
United States Court of Appeals for the Third Circuit (2002)
United States Court of Appeals for the Fifth Circuit (2010)
United States Court of Appeals for the Eighth Circuit (2008)
United States Court of Appeals for the Ninth Circuit (2008)
United States Court of Appeals for the Tenth Circuit (2008)
United States Court of Appeals for the Eleventh Circuit (2010)
United States Court of Appeals for the Federal Circuit (2009)
United States District Court for the Eastern District of California (2000)
United States District Court for the Central District of California (2010)

There have been no lapses in membership.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Stanford University Law School
Board of Visitors (2010 – present)

Stanford University Leading Matters
Washington DC Co-Chair (2010)

Washington Lawyers' Committee for Civil Rights and Urban Affairs
Board of Directors (2010 – 2011)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical

implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed in response to 11a currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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.

Business, the Roberts Court, and the Solicitor General: Why the Supreme Court's Recent Business Decisions May Not Reveal Very Much (with Bradley Joondeph), 49 Santa Clara L. Rev. 1103 (2009). Copy supplied.

Election Burden: Indiana's Voter ID Law is Harmful and Worthless (with Walter Dellinger), www.slate.com (Jan. 8, 2008). Copy supplied.

Incidental Restrictions of Speech and the First Amendment: A Motive-Based Rationalization of the Supreme Court's Jurisprudence, 12 Constitutional Commentary 401 (Winter 1995). Copy supplied.

Note, *Capital Sentencing Doctrine and the Weighing-Nonweighing Distinction*, 47 Stan. L. Rev. 1347 (1995). Copy supplied.

Note, *College Financial Aid and Antitrust: Applying the Sherman Act to Collaborative Nonprofit Activity*, 46 Stan. L. Rev. 919 (1994). Copy supplied.

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

I served on the Practitioners' Reading Group for the ABA's Standing Committee on the Federal Judiciary in 2009. Members of this reading group review writings of U.S. Supreme Court nominees and draft confidential memoranda for the Standing Committee regarding these nominees.

c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal

interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

The following list reflects my best efforts to identify any communications to public bodies or public officials on matters of public policy or legal interpretation that I issued or provided or that others presented on my behalf. To compile this list, I searched my own records and Internet sources.

Joint letter to Senate Judiciary Committee supporting nomination of Edward DuMont to become a judge on the United States Court of Appeals for the Federal Circuit (Mar. 22, 2011). Copy supplied.

Joint letter to Senate Judiciary Committee supporting nomination of Caitlin Halligan to become a judge on the United States Court of Appeals for the District of Columbia Circuit (Mar. 4, 2011). Copy supplied.

Joint letter to Senate Judiciary Committee supporting nomination of Caitlin Halligan to become a judge on the United States Court of Appeals for the District of Columbia Circuit (Feb. 28, 2011). Copy supplied.

Joint letter to Senate Judiciary Committee supporting nomination of Donald Verrilli to become Solicitor General (Feb. 10, 2011). Copy supplied.

Joint letter to Senate Judiciary Committee supporting nomination of Elena Kagan to become an Associate Justice of the Supreme Court (June 25, 2010). Copy supplied.

Letter to Senate Judiciary Committee supporting nomination of Raymond Kethledge to become a judge on the United States Court of Appeals for the Sixth Circuit (Jan. 22, 2008). Copy supplied.

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

The following list reflects my best efforts to identify the speeches or talks that I have delivered. To compile this list, I searched my own records, my time records while at O'Melveny & Myers, and Internet sources. There may, however, be other speeches or talks that I have been unable to recall or identify, and I have spoken occasionally at informal events and generally did not retain records of

those events. When giving speeches or talks, I often spoke without notes or outlines, and on those occasions in which I prepared notes or an outline, I generally did not retain them.

June 19, 2012: Remarks to district court and court of appeals law clerks about the Office of the Solicitor General, United States District Court for the District of Columbia, Washington, DC. I have no notes, transcript, or recording. The address of the District Court is 333 Constitution Avenue, NW, Washington, DC 20001.

May 7, 2012: Panelist: Supreme Court Review, Fifth Circuit Judicial Conference, Santa Fe, NM. My notes are supplied.

April 16, 2012: Remarks to law students from Roger Williams University School of Law about the Office of the Solicitor General, Washington, DC. I have no notes, transcript, or recording, but RWU coverage is supplied. The address of RWU School of Law is 10 Metacom Avenue, Bristol, RI 02809.

February 18, 2012: Keynote Address for Annual Conference, North American South Asian Law Students Association, NYU Law School. My remarks generally concerned the accomplishments and status of South Asian lawyers in the profession. I have no notes, transcript, or recording. NASALSA can be contacted through its President, Hiral Zalavadia, 27880 Mount Hood Way, Yorba Linda, CA 92887.

January 19, 2012: Remarks to law students from Harvard Law School Supreme Court Clinic about the Office of the Solicitor General. I have no notes, transcript, or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

January 5, 2012: Panelist, "Reflections on the Office of the Solicitor General," Pepperdine University School of Law event at the Association of American Law Schools Annual Meeting, Washington, DC. I have no notes, transcript, or recording. The address of Pepperdine University School of Law is 24255 Pacific Coast Highway, Malibu, CA 90263.

October 10, 2011: Remarks to law students from Stanford University Law School Supreme Court Clinic about the Office of the Solicitor General. I have no notes transcript, or recording. The address of Stanford Law School is Crown Quadrangle, 559 Nathan Abbott Way, Stanford CA 94305.

September 21, 2011: Keynote Address for Awards and Installation Dinner, Asian Pacific American Bar Association of DC, Washington, DC. I have no notes, transcript, or recording, but APABA-DC coverage is supplied. The address of APABA-DC is P.O. Box 27223, Washington, DC 20038.

September 9, 2011: Remarks to students from Berkeley Law School, University of California, Business Organizations class, on *Hertz v. Friend.* I have no notes, transcript, or recording. The address of Berkeley Law School, University of California, is 215 Boalt Hall, Berkeley, CA 94270.

June 25, 2011: Panelist, "Supreme Court Term Review," North American South Asian Bar Association, Annual Convention, Los Angeles, CA. I have no notes, transcript, or recording. NASABA can be contacted through its President, Jolsna John, 1620 South Loop Road, Alameda, CA 94502.

June 17, 2011: Panelist, "Appellate Advocacy 2011, How to be an Effective Appellate Advocate," Practising Law Institute, New York, NY. I have no notes, transcript, or recording. I understand that the only recording available is in an online, streaming format and therefore cannot be downloaded or otherwise produced to the Committee. It is available for purchase online at http://www.pli.edu/Content/OnDemand/Appellate_Advocacy_2011_How_To_Be_An_Effective/_/N-1z140puZ4n?ID=145099. The address of PLI is 810 Seventh Avenue, 21st Floor, New York, NY 10019.

June 15, 2011: Panelist, "Supreme Court Update," Sixth Circuit Judicial Conference, Acme, MI. I have no notes, transcript, or recording. The address of the Sixth Circuit is 540 Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, OH 45202.

April 15, 2011: Panelist, "The Changing Supreme Court," American Bar Association, Annual Section of Litigation CLE Conference, Miami, FL. I have no notes, transcript, or recording. The address of the ABA is 321 North Clark Street, Chicago, IL 60654.

February 17, 2011: Remarks to employees of Department Homeland Security, U.S. Citizenship and Immigration Services (DHS CIS), on Supreme Court advocacy and Supreme Court Term. I have no notes, transcript, or recording. The address of DHS CIS is 111 Massachusetts Avenue, NW, Washington, DC 20529.

December 3, 2010: Panelist, Supreme Court Preview, District of Columbia Superior Court, Washington, DC. I have no notes, transcript, or recording. The address of the District of Columbia Superior Court is 500 Indiana Avenue, NW, Washington, DC 20001.

December 2, 2010: Panelist, "Amicus Briefs in the Supreme Court," National Association of Attorneys General, Washington, DC. I have no notes, transcript, or recording. The address of the NAAG is 2030 M Street, NW, 8th Floor, Washington, DC 20036.

December 1, 2010: Lecture, "Supreme Court Advocacy in Statutory Interpretation Cases," Duke University Law School, Durham, NC. Video recording supplied.

November 22, 2010: Panelist, "Briefing on *Chamber of Commerce v. Whiting*," American Constitution Society, Washington, DC. Video available at http://www.c-spanvideo.org/program/ArizonaImmi, and press coverage is supplied.

November 20, 2010: Panelist, "Advocacy at its Finest—Rearguing *United States v. Wong Kim Ark*;" and "Judicial Clerkships," National Asian Pacific American Bar Association, Annual Convention, Los Angeles, CA. I have no notes, transcript, or recording. The address of NAPABA is 1612 K Street, NW, Suite 1400, Washington, DC 20006.

November 13, 2010: Introduction of Professor Henry Greeley, Stanford University Leading Matters, Washington DC. I have no notes, transcript, or recording. The address of the Stanford Alumni Association is Arrillaga Alumni Center, 326 Galvez Street, Stanford, CA 94305.

October 8, 2010: Panelist, "The Finest Legal Mind, A Symposium in Celebration of Justice John Paul Stevens," Georgetown Law School, Washington, DC. Video available at http://www.c-spanvideo.org/program/295896-2.

August 7, 2010: Panelist, "Supreme Court Term Review," American Bar Association, Annual Meeting, San Francisco, CA. I have no notes, transcript, or recording. The address of the ABA is 321 North Clark Street, Chicago, IL 60654.

July 7, 2010: Panelist, "Sizing Up the Supreme Court's Term," National Law Journal, Georgetown Law School, Washington, DC. Partial transcript and press coverage supplied.

June 25, 2010: Panelist, "Supreme Court Term Review," North American South Asian Bar Association, Boston, MA. I have no notes, transcript, or recording. NASABA can be contacted through its President, Jolsna John, 1620 South Loop Road, Alameda, CA 94502.

June 24, 2010: Panelist, "The Supreme Court Review," Federal Circuit Bar Association, 12th Annual Bench and Bar Conference, Colorado Springs, CO. I have no notes, transcript or recording. The address of the FCBA is 1620 I Street, NW, Suite 801, Washington, DC 20006.

June 23, 2010: Panelist, "Media Briefing: Annual Supreme Court Review," Chamber of Commerce, Washington, DC. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Chamber of Commerce is 1615 H Street, NW, Washington, DC 20062.

May 18, 2010: Panelist, "Supreme Court Nominee Elena Kagan, The Senate Confirmation Process and a Justice Kagan's Potential Impact on the Court," Georgetown Law School, Washington, DC. Video recording supplied.

April 27, 2010: Keynote, "A View of the Supreme Court," South Asian Bar Association of Washington, DC. I have no notes, transcript, or recording, but SABA-DC coverage is supplied. SABA-DC can be contacted through its President, A.J. Dhaliwal, 1301 North Courthouse Street, #816, Arlington, VA 22201.

April 20, 2010: Panelist, "*Hertz v. Friend*, A Defense Victory and a Tool for Avoiding Plaintiff-Friendly Jurisdictions," Defense Resource Institute, Chicago, IL. I have no notes, transcript, or recording. The address of the DRI is 55 West Monroe, Suite 2000, Chicago, IL 60603.

March 17, 2010: Remarks to students at Georgetown Law School, Statutory Interpretation class, on *Hertz v. Friend*. I have no notes, transcript, or recording. The address of Georgetown Law School is 600 New Jersey Avenue, NW, Washington, DC 20001.

March 10, 2010: Introduction of Honoree Preet Bharara, United States Attorney for the Southern District of New York, South Asian Bar Association of New York, New York, NY. I have no notes, transcript, or recording. The address of SABANY is P.O. Box 1057, New York, NY 10163.

March 4, 2010: Remarks to students at Georgetown Law School, Appellate Advocacy class, on Supreme Court oral advocacy. I have no notes, transcript, or recording. The address of Georgetown Law School is 600 New Jersey Avenue, NW, Washington, DC 20001.

December 2, 2009: Panelist, "Supreme Court Oral Argument," National Association of Attorneys General, Washington, DC. I have no notes, transcript, or recording. The address of the NAAG is 2030 M Street, NW, 8th Floor, Washington, DC 20036.

November 25, 2009: Remarks to students at Santa Clara Law School, Supreme Court seminar, on the Office of the Solicitor General and Supreme Court advocacy. I have no notes, transcript, or recording. The address of Santa Clara Law School is 500 El Camino Real, Santa Clara, CA 95053.

October 30, 2009: Remarks to students at the University of Virginia Law School, Supreme Court seminar, on *Horne v. Flores*. I have no notes, transcript, or recording. The address of the University of Virginia Law School is 580 Massie Road, Charlottesville, VA 22903.

October 17, 2009: Panelist, "Supreme Court Clerkships," Annual Robert E. Wone Judicial Clerkship and Internship Conference, American University School of Law, Washington, DC. Video available at http://www.wcl.american.edu/secle/video_2009.cfm. My panel appears in Part 5.

October 5, 2009: Remarks at alumni event for Pepperdine University School of Law, hosted by O'Melveny & Myers, Washington, DC. I have no notes, transcript, or recording, but university coverage is supplied. The address of Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, CA 90263.

September 24, 2009: Keynote Address, South Asian Bar Association of Connecticut Annual Banquet, Hartford, CT. I have no notes, transcript, or recording. The address of the South Asian Bar Association of Connecticut is P.O. Box 230436, Hartford, CT 06123.

June 26, 2009: Panelist, "Appellate Advocacy," North American South Asian Bar Association, Annual Convention, Vancouver, Canada. I have no notes, transcript, or recording. NASABA can be contacted through its President, Jolsna John, 1620 South Loop Road, Alameda, CA 94502.

April 30, 2009: Panelist, "Appellate Briefwriting," American Bar Association, Section of Litigation Annual Conference, Atlanta, GA. I have no notes, transcript, or recording. The address of the ABA is 321 North Clark Street, Chicago, IL 60654.

April 8, 2009: Remarks to students at Georgetown Law School, Statutory Interpretation class, on *Zuni Public School District v. Department of Education*. I have no notes, transcript, or recording. The address of Georgetown Law School is 600 New Jersey Avenue, NW, Washington, DC 20001.

January 23, 2009: Panelist, "Big Business and the Roberts Court," Santa Clara Law School, Santa Clara, CA. I co-authored the paper, *Business, the Roberts Court, and the Solicitor General*, for this event and it is supplied in response to 12(a). Press coverage of the event is also supplied.

November 5, 2008: Panelist, "A Discussion of the Supreme Court's Coming Term and Highlights from the Court's Last Term," O'Melveny & Myers LLP, Century City, CA. I have no notes, transcript, or recording. The address of O'Melveny & Myers' Century City office is 1999 Avenue of the Stars, Los Angeles, CA 90067.

October 29, 2008: Panelist, "Preemption, Examining the Current Viability of the Defense in Auto Product Liability Cases," American Conference Institute, Chicago, IL. I have no notes, transcript, or recording. The address of the ACI is 45 West 25th Street, 11th Floor, New York, NY 10010.

September 25, 2008: Lecture, "Review of Recent Supreme Court Employment Decisions," Federation of Defense and Corporate Counsel, Corporate Counsel Symposium, Dallas, TX. I have no notes, transcript, or recording. The address of the FDCC is 11812 North 56th Street, Tampa, Florida 33617.

September 16, 2008: Panelist, "Previewing the October 2008 Supreme Court Term," Washington Legal Foundation, Washington, DC. Video available at http://iiscast.wlf.org/vod/2appellateexpertstop001/archiveA.html.

April 17, 2008: Panelist, "Separate but Equal—The Clash Between the President and Congress Over the Power to Wage War," American Bar Association, Section of Litigation Annual Conference, Washington, DC. I have no notes, transcript, or recording. The address of the ABA is 321 North Clark Street, Chicago, IL 60654.

September 28, 2007: Panelist, "Federal Preemption of State Law, An Increasing Trend?," Appellate Judges Education Institute, Annual Summit, Washington, DC. I have no notes, transcript, or recording, but ABA Council of Appellate Lawyers coverage is supplied. The AJEI is cosponsored by the American Bar Association, 321 North Clark Street, Chicago, IL 60654, and the SMU Dedman School of Law, 3315 Daniel Avenue, Dallas, TX 75205.

June 17, 2005: Panelist, "Litigation in the War on Terror," North American South Asian Bar Association, 2005 Annual Convention, Washington, DC. I have no notes, transcript, or recording. NASABA can be contacted through its President, Jolsna John, 1620 South Loop Road, Alameda, CA 94502.

December 1, 2004: Panelist, "Arguing Attorneys in the Supreme Court," National Association of Attorneys General, Washington, DC. I have no notes, transcript, or recording. The address of the NAAG is 2030 M Street, NW, 8th Floor, Washington, DC 20036.

February 4, 2001: Panelist, "Practical Implications – The Effect of the Supreme Court's Federalism Decisions on Litigation and Lawmaking," for the Shifting the Balance of Power: The Supreme Court, Federalism, and State Sovereign Immunity Conference, Stanford Law Review, Palo Alto, CA. I have no notes, transcript, or recording. The address of the Stanford Law Review is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, CA 94305.

May 28, 1985: Commencement Speaker, Lawrence High School, Lawrence, KS. A reprint of the address is supplied.

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.

The following list reflects my best efforts to identify the interviews I have given to newspapers, magazines, or other publications, or radio or television stations. To compile this list, I searched my own records and Internet sources.

Martin Bricketto, *Pro Bono Firm of 2011: O'Melveny & Myers*, Law360.com (July 20, 2011). Copy supplied.

Tony Mauro, *Diversity on High*, National Law Journal (June 6, 2011) (reprinted in multiple outlets). Copy supplied.

Press release, *O'Melveny Appoints Sri Srinivasan Chair of Appellate Practice*, O'Melveny & Myers (May 12, 2011) (quotes reprinted in multiple outlets). Copy supplied.

David Bario, *Supreme Court to Decide Whether Federal Law Trumps Credit Card Companies' Arbitration Agreements*, American Lawyer (May 2, 2011). Copy supplied.

Bibeka Shrestha, *Rising Star: O'Melveny & Myers' Matt Shors*, Law360.com (Mar. 16, 2011). Copy supplied.

Ryan Davis, *Appellate Group of the Year: O'Melveny*, Law360.com (Jan. 26, 2011). Copy supplied.

Greg Stohr, *'Business Death Penalty' for Hiring Illegal Aliens Unites Obama, Companies*, Bloomberg.com (Dec. 8, 2010). Copy supplied.

Robert Barnes and Laura Stanton, *20 Questions*, Washington Post (Sept. 6, 2010) (I am not quoted, but I was interviewed in connection with this article). Copy supplied.

Jess Bravin, *Judging the Justices: Some Statistics From 2009-10 Oral Arguments*, Wall Street Journal Blog (July 19, 2010). Copy supplied.

Tony Mauro, *Appellate Lawyer of the Week*, National Law Journal (June 30, 2010). Copy supplied.

Tony Mauro, *Brief of the Week: Weyhrauch v. U.S.*, National Law Journal (June 30, 2010). Copy supplied.

Kimberly Atkins, *Prosecutors' Tool Loses Some of its Power: Supreme Court 'Honest Services' Ruling Narrows Limits of Law*, Lawyers Weekly USA (June 28, 2010) (reprinted in multiple outlets). Copy supplied.

Tony Mauro, *Washington's Most Influential Women Lawyers*, National Law Journal (June 28, 2010). Copy supplied.

Kimberly Atkins, *Commentary: The Quick, the Chatty, and the Silent*, Lawyers Weekly USA (June 24, 2010). Copy supplied.

Press release, *O'Melveny Secures Unanimous US Supreme Court Decision in Significant Immigration Case*, O'Melveny & Myers (June 14, 2010). Copy supplied.

Kimberly Atkins, *The Most Polite Justice of the U.S. Supreme Court, Justice John Paul Stevens*, Lawyers Weekly USA (Apr. 14, 2010). Copy supplied.

Tony Mauro, *Srinivasan's Star Rising at the Supreme Court*, Blog of Legal Times (Feb. 26, 2010). Copy supplied.

Andrew Longstreth, *Litigator of the Week: Sri Srinivasan of O'Melveny & Myers*, American Lawyer (Feb. 25, 2010). Copy supplied.

Marcia Coyle, *Supreme Court Establishes 'Nerve Center' Test for Corporate Jurisdiction*, Corporate Counsel (Feb. 24, 2010) (reprinted in multiple outlets). Copy supplied.

Hilary Russ, *Supreme Court Simplifies Place of Business Rule*, Law360.com (Feb. 23, 2010). Copy supplied.

Press release, *O'Melveny Wins Unanimous Supreme Court Ruling for Hertz Corp.*, O'Melveny & Myers (Feb. 23, 2010). Copy supplied.

Marcia Coyle, *Home Court Showdown*, National Law Journal (Nov. 9, 2009) (reprinted in multiple outlets). Copy supplied.

Lawrence Hurley, *High Court Ruling Shapes Local Control*, Daily Journal (July 24, 2009). Copy supplied.

High Court Eases Oversight of English Program, National Public Radio, All Things Considered (June 25, 2009). Transcript supplied.

Press release, *O'Melveny Secures Unanimous US Supreme Court Victory*, O'Melveny & Myers (May 27, 2009). Copy supplied.

Supreme Court Hears Case on English in Schools, National Public Radio (Apr. 20, 2009). Transcript supplied.

Press release, *Former Assistant to Solicitor General of the U.S. Rejoins DC Office of O'Melveny*, O'Melveny & Myers (Oct. 29, 2007). Copy supplied.

Srikanth Srinivasan Creates History, India Abroad (Mar. 21, 2003). Copy supplied.

He Looks Like a Potential Supreme Court Justice, India Abroad (Mar. 21, 2003). Copy supplied.

Ric Anderson, *LHS Grad to Clerk for High Court Justice*, Lawrence Journal-World (Mar. 12, 1996). Copy supplied.

Gary Bedore, *Powerful Bulldogs Advance*, Lawrence Journal-World (Mar. 9, 1985). Available at http://tinyurl.com/powerfulbulldogs.

Gary Bedore, *Lions Gear Up for Sub-State This Thursday*, Lawrence Journal-World (Feb. 25, 1985). Available at http://tinyurl.com/srilions.

Gary Bedore, *Lions Wake Up, Slug Northwest*, Lawrence Journal-World (Jan. 26, 1985). Available at http://tinyurl.com/lionswakeup.

Gary Bedore, *Athletics is Spice of Life for Srinivasan*, Lawrence Journal-World (Jan. 17, 1985). Available at http://tinyurl.com/sriathletics.

Gary Bedore, *Lions Ride 4-Game Win Streak into Topeka Event*, Lawrence Journal-World (Jan. 14, 1985). Available at http://tinyurl.com/lionsride.

Gary Bedore, *Stevens' Clutch Charities Carry Lions by Leavenworth, 55-54*, Lawrence Journal-World (Jan. 12, 1985). Available at http://tinyurl.com/sristevens.

Gary Bedore, *Lions Shoot for First Win versus West*, Lawrence Journal-World (Dec. 13, 1984). Available at http://tinyurl.com/srillionsshoot.

Gary Bedore, *Wyandotte Drops Lions in Overtime, 69-64*, Lawrence Journal-World (Dec. 10, 1984). Available at http://tinyurl.com/wyandottedrops.

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

I have not held any judicial office.

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

i. Of these, approximately what percent were:

jury trials: ___%
bench trials: ___% [total 100%]

civil proceedings: ___%
criminal proceedings: ___% [total 100%]

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

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

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

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

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never been a judge.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

I have not held any public offices. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

Although not directly responsive to this question, I was part of the legal team, which included partners at my law firm, working for then-Vice President Gore in connection with the litigation surrounding the results in Florida of the 2000 Presidential election. My role consisted principally of researching legal issues and drafting sections of briefs for potential filing in court.

16. **Legal Career:** Answer each part separately.

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

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

From 1995 to 1996, I was a law clerk to Judge J. Harvie Wilkinson III, United States Court of Appeals for the Fourth Circuit. From 1997 to 1998, I was a law clerk to Justice Sandra Day O'Connor, Supreme Court of the United States.

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

I have never practiced law 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.

Summer 1995
King & Spalding LLP
1700 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006
Summer Associate

1996 – 1997
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Bristow Fellow

1998 – 2002
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Associate (1998 – 2002)
Counsel (2002)

2002 – 2007
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant to the Solicitor General

2007 – 2011
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Partner

2011 – present
Office of the Solicitor General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Principal Deputy Solicitor General

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 personally been retained as an arbitrator or mediator, but while in private practice as an associate and counsel at O'Melveny & Myers from 1998 to 2002, I assisted partners who served as a mediator or arbitrator in three matters. One matter involved an effort to mediate a dispute between defense contractors and the federal government. Another matter involved an arbitration panel convened under the North American Free Trade Agreement. And a third matter involved a federal arbitration panel convened to establish the valuation of a film.

b. Describe:

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

During my two tenures in private practice with O'Melveny & Myers and during my two tenures in the Solicitor General's Office since becoming a practicing lawyer, the overwhelming focus of my practice has been appellate and Supreme Court litigation. The character of my practice has not materially changed over the years, although as I have gained more experience and seniority, my role and responsibilities in the matters on which I've worked have grown accordingly.

As an associate and counsel at O'Melveny & Myers from 1998 to 2002, my principal role was to prepare initial drafts of briefs and other filings and to assist with oral argument preparation for attorneys who presented oral argument. As an Assistant to the Solicitor General from 2002 to 2007, I continued to prepare drafts of appellate briefs and assisted other attorneys with oral argument preparation, but I also gained increasing responsibility for delivering oral arguments. When I returned to O'Melveny & Myers as a partner from 2007 to 2011, I primarily reviewed drafts of briefs prepared by more junior lawyers rather than preparing initial drafts myself, and I was ordinarily charged with leading a legal team on a particular matter, including overseeing and managing the relationship with the client and delivering oral argument when applicable. In 2008, I became Hiring Partner of the Washington, DC, office of

O'Melveny & Myers, and I therefore assumed primary responsibility for recruiting attorneys to the office. In 2011, I became firm-wide Chair of the Appellate Practice Group, and I assumed principal administrative responsibility for managing that practice. Since returning to the Solicitor General's Office in 2011 as Principal Deputy Solicitor General, my principal responsibilities include reviewing draft briefs prepared by other attorneys in the Office and delivering oral arguments in the Supreme Court on behalf of the United States, as well as sharing primary responsibility for managing the Office.

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

While in private practice with O'Melveny & Myers as an associate/counsel from 1998 to 2002 and as a partner from 2007 to 2011, my clients typically were private companies, although I also represented individuals and nonprofit organizations, including in pro bono matters. While in the Solicitor General's Office from 2002 to 2007 and from 2011 to the present, my clients were (and are) the United States and federal government agencies. I have not specialized in any particular area of law but instead have maintained a general appellate practice addressing a broad range of legal issues for a broad array of clients.

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

Virtually all of my practice has been in litigation, mostly in the Supreme Court of the United States and federal courts of appeals, although while in private practice, I also did some work in federal district court proceedings. I have appeared in court with some frequency, particularly in the Supreme Court and the federal courts of appeals. Since 2002, I have argued 20 cases in the Supreme Court, and have argued on nine occasions in the federal courts of appeals (in the Second, Third, Ninth, Eleventh, District of Columbia, and Federal Circuits). I have also argued on two occasions in state court.

i. Indicate the percentage of your practice in:

1. federal courts: 90%
2. state courts of record: 10%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 80%
2. criminal proceedings: 20%

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.

My practice has been principally focused on appellate litigation, and I have not tried any cases to verdict in a trial court. While in private practice at O'Melveny & Myers, I was involved in certain proceedings that were resolved by the trial court on motions for judgment. For example, I was lead counsel in a California state trial court proceeding on behalf of a client that brought a constitutional challenge to a state property tax. I also was lead counsel in a state trial court proceeding that sought to disqualify my law firm from a representation based on an alleged conflict of interest.

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

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

While in the Solicitor General's Office, the principal focus of my practice has been before the Supreme Court, and while at O'Melveny & Myers, I was also regularly involved in briefing and argument before the Supreme Court. In undertaking to identify any briefs filed in, and oral arguments before, the Supreme Court, I searched my own records, the Supreme Court's docket, and Internet databases. That search identified the following cases.

Argued Cases:

Reichle v. Howards, --- S. Ct. ---, 2012 WL 1969351 (2012) (transcript, 2012 WL 950281; amicus brief for United States supporting petition for writ of certiorari, 2011 WL 4518473; amicus brief supporting petitioners, 2012 WL 259393)

Perry v. Perez, 132 S. Ct. 934 (2012) (transcript, 2012 WL 38642; amicus brief for United States supporting affirmance in part and vacatur in part, 2011 WL 6851350)

Messerschmidt v. Millender, 132 S. Ct. 1235 (2012) (transcript, 2011 WL 6020515)

Carachuri-Rosendo v. Holder, 130 S. Ct. 2577 (2010) (transcript, 2010 WL 1285403; petition for writ of certiorari, 2009 WL 2106403; reply to brief in

opposition, 2009 WL 4249550; brief for petitioner, 2010 WL 342042; reply brief for petitioner, 2010 WL 1130159)

Skilling v. United States, 130 S. Ct. 2896 (2010) (transcript, 2010 WL 710521; brief for petitioner, 2009 WL 4818500; reply brief for petitioner, 2010 WL 636023)

Hertz Corp. v. Friend, 130 S. Ct. 1181 (2010) (transcript, 2009 WL 3750778; brief for petitioner, 2009 WL 2445742; reply brief for petitioner, 2009 WL 3550274)

Horne v. Flores, 129 S. Ct. 2579 (2009) (transcript, 2009 WL 1043786; brief for respondent, 2009 WL 819476)

Abuelhawa v. United States, 129 S. Ct. 2102 (2009) (transcript, 2009 WL 579150; petition for writ of certiorari, 2008 WL 3607072; reply to brief in opposition, 2008 WL 4753012; brief for petitioner, 2008 WL 5433360; reply brief for petitioner, 2009 WL 476568)

Permanent Mission of India v. City of New York, 127 S. Ct. 2352 (2007) (transcript, 2007 WL 1198566)

Zuni Pub. Sch. Dist. v. Dept. of Education, 127 S. Ct. 2931 (2007) (transcript, 2007 WL 102641; brief for federal respondent, 2006 WL 3742248)

Watters v. Wachovia Bank, 127 S. Ct. 1559 (2007) (transcript, 2006 WL 3431931; amicus brief for United States supporting respondents, 2006 WL 3203255)

Empire HealthChoice Assurance v. McVeigh, 126 S. Ct. 2121 (2006) (transcript, 2006 WL 1194432)

Fernandez-Vargas v. United States, 126 S. Ct. 2422 (2006) (transcript, 2006 WL 850976; brief for respondent, 2006 WL 331814)

Wachovia Bank v. Schmidt, III, 126 S. Ct. 941 (2006) (transcript, 2005 WL 3358081; amicus brief for United States supporting petitioner, 2005 WL 2006668)

Cherokee Nation v. Thompson, 125 S. Ct. 1172 (2005) (transcript, 2004 WL 2650544; brief for federal parties, 2004 WL 2030951)

Smith v. Massachusetts, 125 S. Ct. 1129 (2005) (transcript, 2004 WL 2890017; amicus brief for United States supporting respondent, 2004 U.S. S. Ct. Briefs LEXIS 700)

Hiibel v. Sixth Jud. Dist. Ct., 124 S. Ct. 2451 (2004) (transcript, 2004 WL 720099; amicus brief for United States supporting respondent, 2004 WL 121587)

Maryland v. Pringle, 124 S. Ct. 795 (2003) (transcript, 2003 WL 22658996; amicus brief for United States supporting petitioner, 2003 WL 21230195)

Massaro v. United States, 123 S. Ct. 1690 (2003) (transcript, 2003 WL 840200; brief for United States, 2002 WL 31868910)

Sattazahn v. Pennsylvania, 123 S. Ct. 732 (2003) (transcript, 2002 WL 31525418; amicus brief for United States supporting respondent, 2002 WL 1798904)

Briefed Cases:

U.S. Department of Health & Human Services, et al. v. Commonwealth of Massachusetts, Office of Personnel Management, et al. v. Gill, No. 12-15 (petition for writ of certiorari, 2012 WL 2586937) (cert. pending)

Office of Personnel Management, et al. v. Golinski, No. 12-16 (petition for writ of certiorari before judgment, 2012 WL 2586938) (cert. pending)

Jayyousi v. United States, Nos. 11-1194, 11-1198, 11-9672 (2012) (brief for United States in opposition, 2012 WL 1961399) (cert. denied)

Corboy v. Louie, No. 11-336 (2012) (amicus brief for United States, 2012 WL 1957789) (cert. denied)

Vance v. Ball State University, No. 11-556 (2012) (amicus brief for United States, 2012 WL 1883112) (cert. granted)

Tenenbaum v. Sony BMG Music Entertainment, No. 11-1019 (2012) (brief for United States in opposition, 2012 WL 1374518) (cert. denied)

United States v. Trunk, No. 11-1115 (2012) (petition for writ of certiorari, 2012 WL 826561; reply brief to brief in opposition, 2012 WL 1883091) (cert. denied)

Hartman v. Moore, No. 11-836 (2012) (petition for writ of certiorari, 2012 WL 27028; reply to brief in opposition, 2012 WL 396517) (cert. granted but remanded for reconsideration after *Reichle v. Howards*)

Filarsky v. Delia, 132 S. Ct. 1657 (2012) (amicus brief for United States supporting petitioner, 2011 WL 5908946)

Elgin v. Dep't of Treasury, --- S. Ct. ---, 2012 WL 2076340 (2012) (brief for respondent, 2012 WL 135052)

Magner v. Gallagher, No. 10-1032 (2012) (amicus brief for United States in support of neither party, 2011 WL 6851347) (case dismissed)

CompuCredit v. Greenwood, 132 S. Ct. 665 (2012) (petition for writ of certiorari, 2011 WL 220713; reply to brief in opposition, 2011 WL 1427926; brief for petitioners, 2011 WL 2533009; reply brief for petitioners, 2011 WL 3947570)

Hosanna Tabor v. EEOC, 132 S. Ct. 694 (2012) (brief for respondent, 2011 WL 3380507)

Nat'l Ass'n of Broadcasters v. FCC, No. 11-698 (2012) (brief for federal respondents in opposition, 2012 WL 748422) (cert. denied)

Media Gen'l v. FCC, Nos. 11-691, 11-696 (2012) (brief for federal respondents, 2012 WL 748419) (cert. denied)

United States v. Jones, 132 S. Ct. 945 (2012) (brief in opposition, 2011 WL 2263361) (cert. granted)

Credit Suisse v. Simmonds, 132 S. Ct. 1414 (2012) (petition for writ of certiorari, 2011 WL 1479066; reply to brief in opposition, 2011 WL 2192272; brief for petitioners, 2011 WL 3678807)

Kawashima v. Holder, 132 S. Ct. 1166 (2012) (amicus brief for National Immigration and Criminal Defense Organizations in support of petitioners, 2011 WL 3706107)

Compton Unified School Dist. v. Addison, No. 10-886 (2011) (amicus brief for United States, 2011 WL 5834641) (cert. denied)

Harrison v. Gillespie, No. 11-168 (2011) (petition for writ of certiorari, 2011 WL 3511030) (cert. denied)

Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems, 131 S. Ct. 2188 (2011) (amicus brief for National Venture Capital Association in support of petitioner, 2010 WL 5385331)

Conkright v. Frommert, 130 S. Ct. 1640 (2010) (amicus brief for Chief Actuaries in support of neither party, 2009 WL 3844396)

Escobar v. Holder, No. 09-203 (2010) (petition for writ of certiorari, 2009 WL 2524216) (cert. granted, but remanded for reconsideration after *Carachuri-Rosendo v. Holder*)

Chamber of Commerce v. Whiting, 131 S. Ct. 1968 (2010) (amicus brief for business groups in support of petitioners, 2010 WL 3518660; amicus brief for

business groups in support of petitioners, 2009 WL 2759756 (case then known as *Chamber of Commerce v. Candelaria*))

Salazar v. Buono, 130 S. Ct. 1803 (2010) (amicus brief for Public Employees for Environmental Responsibility in support of respondent, 2009 WL 2406363)

Bosack v. Sowards, No. 09-682 (2010) (petition for writ of certiorari, 2009 WL 4780929; reply to brief in opposition, 2010 WL 391260) (cert. denied)

Encarnacion v. Astrue, No. 09-631 (2010) (amicus brief for Empire Justice Center in support of petitioner, 2010 WL 25056) (cert. denied)

NRG Power Mktg. v. Maine Public Utilities Comm'n, 130 S. Ct. 693 (2010) (amicus brief for Morgan Stanley Capital Group in support of petitioners, 2009 WL 2054588)

Cuomo v. The Clearinghouse Ass'n, 129 S. Ct. 2710 (2009) (amicus brief for the Chamber of Commerce of the U.S. in support of respondents, 2009 WL 870020)

Bartlett v. Strickland, 129 S. Ct. 1231 (2009) (brief for petitioner, 2008 WL 2415164; reply brief for petitioner, 2008 WL 4195143)

Hawaii v. Office of Hawaiian Affairs, 129 S. Ct. 1436 (2009) (amicus brief for Hawaii Congressional Delegation in support of respondents, 2009 WL 230934)

American Bankers Ass'n v. Brown, No. 08-730 (2009) (petition for writ of certiorari, 2008 WL 5151079; reply to brief in opposition, 2009 WL 420586; supplemental brief, 2009 WL 1614571) (cert. denied)

FTC v. Rambus, No. 08-694 (2008) (amicus brief for Hynix Semiconductor, Micron Technology, and Nvidia Corp. in support of petitioners, 2008 WL 5417451) (cert. denied)

ExxonMobil v. Doe, No. 07-81 (2008) (supplemental brief for petitioner, 2008 WL 2219971) (cert. denied)

Mora v. New York, No. 08-106 (2008) (petition for writ of certiorari, 2008 WL 2855745; reply to brief in opposition, 2008 WL 4371242) (cert. denied)

Morgan Stanley Capital Group v. Public Utility Dist. No. 1, 129 S. Ct. 445 (2008) (brief for petitioner, 2007 WL 4986239; reply brief for petitioner, 2008 WL 336302)

Flores-Figueroa v. United States, 129 S. Ct. 1886 (2008) (amicus brief for National Ass'n of Criminal Defense Lawyers in support of petitioner, 2008 WL 5369546)

Crawford v. Marion County Election Bd., 128 S. Ct. 1610 (2008) (amicus brief for Lawyers' Committee for Civil Rights et al. in support of petitioners, 2007 WL 3407030)

Cone v. Bell, 129 S. Ct. 1769 (2008) (amicus brief for former prosecutors in support of petition for writ of certiorari, 2008 WL 859363; amicus brief for former prosecutors in support of petitioner, 2008 WL 4217235)

Murphy v. Oklahoma, No. 05-10787 (2007) (amicus brief for United States, 2007 WL 1319320) (cert. denied)

Uttecht v. Brown, 127 S. Ct. 2218 (2007) (amicus brief for United States supporting petitioner, 2007 WL 621850)

Burke v. Wachovia Bank, No. 05-431 (2006) (amicus brief for United States, 2006 WL 1306808) (cert. denied)

Beard v. Banks, 126 S. Ct. 2572 (2006) (amicus brief for United States supporting petitioner, 2006 WL 42054)

Georgia v. Randolph, 126 S. Ct. 1515 (2005) (amicus brief for United States supporting petitioner, 2005 WL 1453877)

Rumsfeld v. Padilla, 124 S. Ct. 2711 (2004) (petition for writ of certiorari, 2004 WL 113598; reply to brief in opposition, 2004 WL 288932; brief for petitioner, 2004 WL 542777; reply brief for petitioner, 2004 WL 871163)

Florida v. Nixon, 125 S. Ct. 551 (2004) (amicus brief for United States supporting petitioner, 2004 WL 1136530)

Price v. Vincent, 123 S. Ct. 1848 (2003) (amicus brief for United States supporting petitioner, 2003 WL 721560)

Crawford v. Washington, 124 S. Ct. 1354 (2003) (amicus brief for United States, 2003 WL 22228005)

Circuit City Stores v. Adams, No. 01-1460 (2002) (petition for writ of certiorari, 2002 WL 32136015) (cert. denied)

Bell v. Cone, 122 S. Ct. 1843 (2002) (amicus brief for National Ass'n of Criminal Defense Lawyers in support of respondent, 2002 WL 377918)

Washington Dep't of Social & Health Services v. Guardianship Estate of Keffeler, 123 S. Ct. 1017 (2002) (petition for writ of certiorari, 2002 WL 32101184) (cert. granted)

Venetian Casino Resort v. Local Joint Executive Board, No. 01-918 (2002) (petition for writ of certiorari, 2001 WL 34116723; reply to brief in opposition, 2002 WL 32135462) (cert. denied)

Ford Motor Co. v. Citibank, No. 01-896 (2002) (petition for writ of certiorari, 2001 WL 34117499; reply to brief in opposition, 2002 WL 32136051) (cert. granted and dismissed as improvidently granted)

US Airways v. Barnett, 122 S. Ct. 1516 (2002) (petition for writ of certiorari, 2001 WL 34091942; reply to brief in opposition, 2001 WL 34091963; brief for petitioner, 2001 WL 747864; reply brief for petitioner, 2001 WL 1167779)

Easley v. Cromartie, 121 S. Ct. 1452 (2001) (reply brief for state appellants, 2000 WL 1687889 (case then known as *Hunt v. Smallwood*))

City of Tacoma v. Qwest, No. 01-596 (2001) (brief in opposition, 2001 WL 34115989) (cert. denied)

Memorial Hospitals Ass'n v. Humphrey, No. 00-1860 (2001) (petition for writ of certiorari, 2001 WL 34125239) (cert. denied)

Semtek v. Lockheed Martin, 121 S. Ct. 1021 (2001) (brief for respondent, 2000 U.S. S. Ct. Briefs LEXIS 531)

United Airlines v. Frank, No. 00-0948 (2000) (petition for writ of certiorari, 2000 WL 34000446; reply to brief in opposition, 2001 WL 34117186) (cert. denied)

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

    a. the date of representation;

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

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

    In answering this question, I focused on cases in which I presented oral argument as a reflection of the significance of the commitment on my part to the particular matter and of the importance of the matter in my own experience. I have listed the matters in reverse chronological order, based on the date of decision.

1. *Reichle v. Howards*, No. 11-262, 2012 WL 1969351 (U.S. Sup. Ct. June 4, 2012). I argued this case in the Supreme Court on behalf of the United States as amicus curiae supporting petitioners, and I was the Deputy Solicitor General responsible for preparing a draft of the United States's brief. The case concerned the circumstances in which a lawsuit under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971), may be brought against Secret Service agents engaged in the function of protecting the safety of the Vice President. The plaintiff alleged that Secret Service agents acting to protect then-Vice President Cheney unconstitutionally targeted the plaintiff for arrest based on the viewpoint of his criticism of the Vice President. The particular issue before the Court was whether such an arrest could give rise to a First Amendment claim under *Bivens* even if the arrest was supported by probable cause. The Supreme Court held that the agents were entitled to qualified immunity from suit because there was no clearly established rule that an arrest supported by probable cause could give rise to a First Amendment claim.

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2. *Perry v. Perez*, 132 S. Ct. 934 (2012). I argued this case in the Supreme Court on behalf of the United States as amicus curiae supporting affirmance in part and vacatur in part, and I was the Deputy Solicitor General responsible for preparing a draft of the United States's brief. The case concerned the standards for a court to apply when evaluating a proposed redistricting plan adopted by a State (here, Texas) that is subject to the preclearance requirement applicable to covered jurisdictions under Section 5 of the Voting Rights Act, when the State has yet to obtain preclearance of the proposed plan. The Supreme Court held that the lower court had applied an

incorrect standard in reviewing Texas's proposed and non-precleared redistricting plan, and the Court remanded for reconsideration of Texas's proposed plan under the correct framework.

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3. *Sarei v. Rio Tinto PLC*, 671 F.3d 736 (9th Cir. 2011) (en banc). I argued this case before the en banc Ninth Circuit on behalf of appellant Rio Tinto PLC, and I was principally responsible for preparing Rio Tinto's briefs at the en banc stage. The case involved a suit under the Alien Tort Statute by a group of plaintiffs against Rio Tinto alleging international law violations arising from the conduct of mining operations in Papua New Guinea during a civil war. The case raised a number of specific questions concerning the ATS, including the extent to which corporations are subject to liability under the ATS, the extraterritorial applicability of the ATS, the availability of liability under the ATS premised on an aiding-and-abetting theory, and the applicability and contours of an exhaustion requirement for ATS claims. A majority of the en banc Ninth Circuit remanded for further proceedings on certain of the claims. Rio Tinto sought certiorari in the Supreme Court, and the certiorari petition remains pending.

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4. *Doe v. Exxon Mobil Corp.*, 654 F.3d 11 (D.C. Cir. 2011). I argued this case before the D.C. Circuit on behalf of appellee Exxon Mobil Corp., and I was principally responsible for preparation of Exxon's brief. The case involved a suit by a group of plaintiffs against Exxon under the Alien Tort Statute, Torture Victims Protection Act, and state tort law, seeking recovery against Exxon for injuries allegedly suffered at the hands of Exxon's personnel in connection with the company's conduct of operations in Indonesia in the course of a civil war. The specific issues raised by the case include the extent to which the TVPA and ATS support liability against corporations, the extent to which the ATS applies extraterritorially, the extent to which the ATS supports liability premised upon an aiding-and-abetting theory, and the extent to which the common-law tort claims are preempted by federal law. A majority of the D.C. Circuit affirmed the district court's dismissal of the TVPA claims but reversed the dismissal of the ATS claims and the common-law tort claims, and the court of appeals remanded for further proceedings on the latter claims. Exxon filed a petition for rehearing en banc, which remains pending.

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5. *Hynix Semiconductor, Inc. v. Rambus, Inc.*, 645 F.3d 1336 (Fed. Cir. 2011). I argued this case before the Federal Circuit on behalf of appellant Hynix Semiconductor, Inc., and I was principally responsible for preparation of Hynix's briefs. The case involved the enforceability of appellee Rambus's patents concerning a form of computer memory. The district court granted judgment in favor of Rambus. My client Hynix argued on appeal that the patents were unenforceable for a number of reasons, including that Rambus had engaged in spoliation of material documents notwithstanding the reasonable foreseeability of litigation, that Rambus's objectionable conduct in connection with a standard-setting organization triggered defenses of implied waiver and equitable estoppel, that a proper construction of the claim rendered the scope of the claimed invention unduly broad, that the patents were invalid for lack of a written description, and that the claims were obvious. The court of appeals ruled in Hynix's favor on the issue of spoliation (but otherwise affirmed the district court), and therefore vacated the district court's decision and remanded for further proceedings on the issue of spoliation.

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6. *Skilling v. United States*, 130 S. Ct. 2896 (2010). I argued this case in the Supreme Court on behalf of petitioner Jeffrey Skilling, and I was integrally involved

in drafting the briefs for petitioner. The Supreme Court considered two questions in connection with this case: (i) whether the conduct of the trial and the jury selection process sufficiently protected petitioner's right to a trial by an impartial jury; and (ii) whether the federal honest-services fraud statute is unconstitutionally vague or was construed in an unduly broad fashion as applied against petitioner. The Supreme Court concluded that there had been no unconstitutional infringement of petitioner's right to a trial by an impartial jury, but that the honest-services fraud statute—although not unconstitutionally vague—had been construed in an unduly broad fashion as applied against petitioner. The Court adopted a narrower construction of the honest-services fraud statute under which that statute was limited to the contexts of bribes and kickbacks. Because the honest-services charge against petitioner was premised on an invalid, broader understanding of the statute's scope, the Court remanded the case for consideration of whether the invalid application of the honest-services fraud statute against petitioner was harmless error.

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7. *Carachuri-Rosendo v. Holder*, 130 S. Ct. 2577 (2010). I argued this case in the Supreme Court on behalf of petitioner Carachuri-Rosendo, and I was principally responsible for preparing the briefs for petitioner. The issue in the case was whether a person convicted of a misdemeanor drug offense could be treated as an aggravated felon under the federal immigration laws—and therefore subject to removal from the country—on the basis that he could have been prosecuted and convicted of a felony as a recidivist drug offender. The Supreme Court held that such a person is not

properly considered an aggravated felon and therefore is not subject to removal from the country on the basis of his conviction.

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8. *Hertz Corp. v. Friend*, 130 S. Ct. 1181 (2010). I argued this case in the Supreme Court on behalf of petitioner Hertz Corp. and was principally responsible for preparing the briefs for petitioner. The issue in the case concerned the proper standards for determining a corporation's principal place of business for purposes of establishing the corporation's citizenship, which in turn determines the corporation's entitlement to diversity jurisdiction in federal court. The Court accepted the argument made by Hertz to the effect that a corporation's principal place of business is generally defined by the location of its corporate headquarters. The Court therefore reversed the decision of the court of appeals, which had adopted a different standard for assessing a corporation's principal place of business that turned on considerations such as the extent of business activity and revenues in a particular state.

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9. *Horne v. Flores*, 557 U.S. 433 (2009). I argued this case in the Supreme Court on behalf of the respondents, a class of English Language Learner (ELL) students and their parents who reside in Arizona, and I was principally responsible for preparing the brief for respondents. The issue in the case was whether the State of Arizona was complying with its obligation under the Equal Education Opportunities Act to take appropriate actions to overcome language barriers for ELL students. The court of appeals had ruled that the State's funding level for programs for ELL students was deficient, such that the State was failing to meet its obligations under the EEOA. The Supreme Court held that the court of appeals had applied an incorrect framework in assessing whether the State was in compliance with its obligations under the EEOA, and the Supreme Court therefore vacated the court of appeals' decision and remanded for further proceedings under the correct approach.

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10. *Abuelhawa v. United States*, 556 U.S. 816 (2009). I argued this case in the Supreme Court for petitioner Abuelhawa, and was principally responsible for preparing the briefs for petitioner. The issue in the case was whether the use of a cell phone to purchase a misdemeanor quantity of drugs constituted a felony because it amounted to the use of a cell phone to facilitate the commission of a drug felony, *i.e.*, the dealer's felony sale of the drugs to the purchaser. The Supreme Court held that the use of a cell phone to purchase a misdemeanor quantity of drugs did not constitute the use of a cell phone to facilitate a drug felony, and that petitioner's felony convictions therefore must be set aside.

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18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe

the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have not performed lobbying activity on behalf of any client or organization, and I am not and have never been a registered lobbyist. The overwhelming focus of my practice has involved litigation or preparation for litigation. While in private practice with O'Melveny & Myers LLP, however, I occasionally provided strategic counseling to clients about the advantages and risks of potential courses of conduct, including legal risks, and provided advice and consultation aimed to ameliorate those risks. For instance, I participated in the drafting and preparation of legal analyses for clients to present to governmental agencies that sought to explain to the agencies why they should or should not initiate inquiries or enforcement activity. Specifically, I co-authored one such paper for presentation to an antitrust regulator to explain why a client's course of conduct should not raise antitrust scrutiny, and prepared a similar analysis for presentation to a consumer-fraud agency to explain why a client's business practices did not warrant the initiation of any sort of inquiry.

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 co-directed a clinic on Supreme Court and Appellate Practice at Harvard Law School in Spring Semester 2010 and 2011. The other co-directors were Walter Dellinger and Jonathan Hacker, O'Melveny & Myers LLP. The course aimed to teach students about the various principal components of appellate practice, such as preparing and writing appellate briefs, presenting oral argument on appeal, understanding appellate standards of review, and compiling and working with an appellate record. The course also included a clinical component in which teams of students worked with attorneys at O'Melveny & Myers LLP in preparing appellate briefs for submission in pending cases. A syllabus for the course for 2010 is supplied.

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

    I have no arrangements to receive deferred compensation or future benefits from previous business relationships.

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.

I have no plans, commitments, or agreements to pursue any outside employment during judicial service.

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

    See attached Financial Disclosure Report.

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

    See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

        If confirmed, I would recuse myself from any case in which I had previously participated as an attorney. I am unaware of any individuals, whether relatives or otherwise, who would be likely to present a conflict of interest. I would review, on a case-by-case basis, the existence of a potential conflict of interest arising from any personal or former client relationships or financial interests, and would apply generally applicable principles and rules concerning ethics and conflicts of interest in conducting such an inquiry and assessing whether a recusal is warranted.

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

        I would consult applicable rules, canons, and decisions addressing conflicts of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges, and any other materials addressing conflicts of interest and appearances of conflicts of interest, with an eye towards developing a general framework to be applied in any case, supplemented by case-specific supplemental inquiries where warranted.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in

serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have devoted substantial time to pro bono representations while in private practice. While a partner with O'Melveny & Myers LLP from 2007 to 2011, I was lead counsel in three pro bono cases that I argued in the Supreme Court: (i) *Carachuri-Rosendo v. Holder*, on behalf of an immigrant alien who had been deported from the country; (ii) *Abuelhawa v. United States*, on behalf of a criminal defendant who had been convicted of minor drug offenses; and (iii) *Horne v. Flores*, on behalf of a group of English Language Learner students and their parents. I also represented a number of amicus clients on a pro bono basis in various matters in which the clients filed an amicus brief in cases in the Supreme Court (or other appellate courts). During my return to private practice from 2007 to 2011, I devoted, on average, several hundred hours each year to pro bono representations.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In approximately November 2009, an official from the White House Counsel's Office discussed with me the possibility of my being considered to fill a vacancy on the D.C. Circuit. On April 18, 2012, I met with the White House Counsel to discuss whether I would be interested in being considered for nomination to the D.C. Circuit. On April 20, 2012, I met with an official from the White House Counsel's Office to discuss the nomination process. After that date, I was in contact with officials from the White House Counsel's Office and officials from the Office of Legal Policy at the Department of Justice. On June 7, 2012, I met with the White House Counsel and officials from the White House Counsel's Office. On June 11, 2012, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, Srikanth Srinivasan, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

July 12, 2012
(DATE)

Srikanth Srinivasan
(NAME)

SHARON D. WEST
Notary Public, District of Columbia
My Commission Expires October 31, 2012

Sharon D. West
(NOTARY)