

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

James Russell Sweeney II

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

United States District Judge for the Southern District of Indiana

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.

Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204

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

1961; Indianapolis, Indiana

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.

2008 – 2009, Joint Forces Staff College; nonresident certificate of completion, 2009

2001 – 2003, Naval War College; nonresident certificates of completion, 2001, 2002 & 2003

1999 – 2001, United States Marine Corps Command and Staff College; nonresident certificate of completion, 2001

1998, United States Air Force Joint Doctrine Air Campaign Course; certificate of completion, 1998

1998, National Defense University Reserve Components National Security Course; certificate of completion, 1998

1993 – 1996, Notre Dame Law School; J.D. (*magna cum laude*), 1996

1992, Butler University; no degree

1989, North Atlantic Treaty Organization Joint Service Advance Electronic Warfare Staff Officer Course; certificate of completion, 1989

1989, Weapons and Tactics Instructor Course (Top Gun); certificate of completion, 1989

1989, United States Marine Corps Amphibious Warfare School; nonresident certificate of completion, 1989

1986 – 1988, United States Air Force Squadron Officer School; nonresident certificate of completion, 1988

1986 – 1987, United States Navy/United States Marine Corps EA-6B Fleet Replacement Squadron Training; certificate of completion, MOS designation, 1987

1986, United States Air Force Electronic Warfare School; certificate of completion, 1986

1984 – 1986, Naval Flight Officer School; certificate of completion, wings, 1986

1983 – 1984, The Basic School (United States Marine Corps); certificate of completion, 1984

1983, East China Normal University; certificate of completion, 1983

1979 – 1983, United States Naval Academy; B.S., 1983

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.

1999 – present
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Partner (2005 – present)
Associate (1999 – 2005)

1997 – 1998
Honorable James L. Ryan
United States Court of Appeals for the Sixth Circuit
231 West Lafayette Boulevard
Detroit, Michigan 48226

Law Clerk

1996 – 1997

Honorable John Daniel Tinder
United States District Court for the Southern District of Indiana
46 East Ohio Street
Indianapolis, Indiana 46204
Law Clerk

1996

Professional Education Corp.
Company defunct
Legal Outline Author

Summer 1995

Fish & Neave
now Ropes & Gray LLP
1211 Avenue of the Americas
New York, New York 10036
Summer Associate

Summer 1995

Kirkland & Ellis LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005
Summer Associate

Summer 1994

Woodard Emhardt Naughton Moriarty and McNett
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204
Summer Associate

1992 – 1993

Kaplan Test Prep
9102 North Meridian Street
Indianapolis, Indiana 46260
Office Manager and Course Instructor

1992 – 2013

United States Marine Corps Reserve
The Pentagon
Washington, D.C. 20350
Officer of Marines

1983 – 1992

United States Marine Corps
The Pentagon
Washington, D.C. 20350
Officer of Marines

Other Affiliations (uncompensated)

2013 – present
Reserve Officers Association STARS Foundation
One Constitution Avenue, N.E.
Washington, D.C. 20002
Chair (2017 – present)
Board Member (2013 – present)
Secretary (2013 – 2015)

2010 – present
Reserve Officers Association of the United States
One Constitution Avenue, N.E.
Washington, D.C. 20002
National Immediate-Past President (2017 – present)
National President (2015 – 2017)
National President-Elect (2014 – 2015)
National Naval Services Vice President (2013 – 2015)
National Executive Committeeman (2011 – 2013)
Department of Indiana President (2011 – 2012)
Department of Indiana Naval Services Vice President (2010 – 2011)

2007 – 2016
Naptown Stomp Lindy Hop Society
P.O. Box 1051
Indianapolis, Indiana 46206
Board Secretary (2007 – 2009)

2006 – 2017
Propylaeum Historic Foundation
1410 North Delaware Street
Indianapolis, Indiana 46202
Board Member

2003 – 2005
Ballet Internationale
502 North Capitol Avenue
Indianapolis, Indiana 46204
Ballet Barre Board Member

2001 – 2003
Indianapolis Bar Association
135 North Pennsylvania Street, Suite 1500
Indianapolis, Indiana 46204
Special Counsel (2002 – 2003)
IP Section President (2001 – 2002)

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.

1992 – 2013, United States Marine Corps Reserve, Colonel, Retired

1983 – 1992, United States Marine Corps, Captain, Honorable Discharge, Reserve Commission

1979 – 1983, United States Navy, Midshipman, Graduation and United States Marine Corps Commission

I was not required to register 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.

Indianapolis Bar Foundation, Distinguished Fellow (2017)
Indiana Bar Foundation, Keystone Society (2017)
Reserve Officers Association Award of Merit (2016)
Indiana Bar Foundation, Life Fellow (2014)
Indiana Military Veterans Hall of Fame Inductee (2014)
United Way Meridian Society (2013 – present)
Brebeuf Magis Society (2013 – present)
Managing Intellectual Property IP Stars – Patents (2013 – 2017)
ROA Minuteman Brigade of Volunteers Leadership Award (2012)
United Way Diamond Donor Award (2012)
American Legion's Military Person of the Year – Indiana (2012)
Best Lawyers' Litigation – Patent Lawyer of the Year (2012)
United Way Appreciation Award (2011)
Best Lawyers' Intellectual Property Lawyer of the Year (2011)
Indiana Super Lawyer (Intellectual Property, Intellectual Property Litigation) (2010 – 2017)
Best Lawyers in America (2009 – 2018)
United Way Tocqueville Society (2009 – present)
Marine Corps Reserve Association's Outstanding Leadership and Service Award (2008)
Governor Joe Kernan, Sagamore of the Wabash (2004)
Indianapolis Business Journal Forty Under 40 (2001)
Notre Dame Law Review, Editor-in-Chief, Volume 71 (1995 – 1996)

Stanley K. Lacy Executive Leadership Series Graduate (1998-1999)
American Jurisprudence Award for Legal Research and Writing (1994)
Cox Post-Graduate Scholarship (Language and Cultural Studies in China) (1983)
Burke Equivalent Post-Graduate Scholar Alternate (1983)
Top Secret Security Clearance (1981 – present)

Military Honors:

United States Marine Corps Aviation Safety Award (1990)
Recognizing 1000 Mishap-Free Flight Hours
United States Navy/United States Marine Corps
EA-6B Electronic Countermeasures Officer of the Year (1988)
United States Navy/United States Marine Corps Fleet Replacement Squadron School
Honor Graduate (1987)
United States Air Force Electronic Warfare School
Distinguished Graduate Award (1986)
Honor Graduate (1986)
Naval Flight Officer School
Commodore's List (1986)
Honor Graduate (1986)
The Basic School (United States Marine Corps)
Salutatorian (1984)
Leadership Award (1984)
President of the Mess (1984)
Cox Post-Graduate Scholarship (1983)

Military Awards (listed in order of military precedence):

Defense Superior Service Medal (2012)
Legion of Merit (2007)
Defense Meritorious Service Medal (2013)
Meritorious Service Medal (2 awards) (1999, 2005)
Air Medal with Combat "V" (Individual Action) (1991)
Air Medal-Strike/Flight (3 awards) (1991)
Navy and Marine Corps Commendation Medal (2 awards) (1991, 2003)
Navy and Marine Corps Achievement Medal (2 awards) (1989, 1990)
Joint Meritorious Unit Award (2008)
Navy Unit Commendation (1991)
Navy Meritorious Unit Commendation (1991)
Selected Marine Corps Reserve Medal (4 awards) (2002, 2005, 2008, 2011)
National Defense Service Medal (2 awards) (1991, 2001)
Southwest Asia Service Medal (2 awards DS/DS) (1991)
Global War on Terrorism Service Medal (2005)
Korean Defense Service Medal (1988)
Military Outstanding Volunteer Service Medal (2007)
Sea Service Deployment Ribbon (3 awards) (1988, 1990, 1991)
Armed Forces Reserve Medal (2006)
Kuwait Liberation Medal (Saudi Arabia) (1991)

Kuwait Liberation Medal (Kuwait) (1991)
Office of the Secretary of Defense Badge (2012)
Marine Corps Expert Rifle Badge (1989)
Marine Corps Expert Pistol Badge (4 awards) (1989, 1999)

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 (1994 – 2003)
American Intellectual Property Law Association (2001 – present)
DC Bar Association (1999 – present)
Federal Circuit Bar Association (2001 – present)
Federal Law Clerk Alumni Association (1999 – present)
Indianapolis Bar Association (2001 – present)
Indianapolis Bar Association Special Counsel (2003 – 2004)
Indianapolis Bar Association IP Section President (2001 – 2003)
Indiana State Bar Association (1996 – present)
Seventh Circuit Bar Association (2006 – present)

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.

Indiana, 1996
Illinois, 1996
District of Columbia, 1999

There have been no lapses in membership.

- 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, 2016
United States Court of Appeals for the Sixth Circuit, 1997
United States Court of Appeals for the Seventh Circuit, 1997
United States Court of Appeals for the Federal Circuit, 2017
United States District Court for the District of Colorado, 2015
United States District Court for the District of Columbia, 2002
United States District Court for the Eastern District of Michigan, 1997
United States District Court for the Northern District of Indiana, 1996
United States District Court for the Southern District of Indiana, 1996
United States Patent and Trademark Office, 2000

Supreme Court of Illinois, 1996
Supreme Court of Indiana, 1996

11. **Memberships:**

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

American Legion (1992 – present)
Army and Navy Club, Washington, D.C. (1980 – present)
Association of Old Crows (1986 – present)
Association of Naval Aviation (2014 – present)
Ballet Internationale (2003 – 2005)
 Board Member
Columbia Club (2004 – present)
Indianapolis Athletic Club (1999 – 2004)
Marine Corps Association & Foundation (1983 (approx.) – present)
Marine Corps Aviation Association (2014 – present)
Marine Corps Heritage Foundation (2003 – present)
Marine Corps Reserve Association (1999 – present)
Military Officers Association of America (2005 – present)
Naptown Stomp Lindy Hop Society (2007 – 2016)
 Board Secretary (2007 – 2009)
Naval War College Foundation (2001 – present)
Phi Alpha Delta Law Fraternity (1994)
Propylaeum Historic Foundation (2006 – 2017)
 Board Member
Reserve Officers Association of the United States (2005 – present)
 National Immediate-Past President (2017 – present)
 National President (2015 – 2017)
 National President-Elect (2014 – 2015)
 National Naval Services Vice President (2013 – 2015)
 National Executive Committeeman (2011 – 2013)
 Department of Indiana President (2011 – 2012)
 Department of Indiana Naval Services Vice President (2010 – 2011)
Reserve Officers Association STARS Foundation (2013 – present)
 Chair (2017 – present)
 Board Member (2015 – present)
 Secretary (2013 – 2015)

United States Global Leadership Coalition (2017)
 Indiana Advisory Committee (2017)
 United States Naval Academy Alumni Association (1983 – present)
 United States Naval Academy Merit Selection Board (1999 – 2017)
 Honorable Todd Young Merit Selection Board (2017)
 Honorable Joseph Donnelly Merit Selection Board (2016 – 2017)
 Honorable Susan Brooks Merit Selection Board (2013 – 2017)
 Honorable Daniel Coats Merit Selection Board (2012 – 2016)
 Honorable Richard Lugar Merit Selection Board (1999 – 2013)
 United States Naval Institute (1983)
 Veterans of Foreign Wars (1992 – present)

- 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.

The Columbia Club did not admit women as members until 1976, many years prior to my membership. Otherwise, to the best of my knowledge, none of the organizations listed in response to 11a currently discriminates or has formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

President's Column, The Officer (Reserve Officers Ass'n, Washington D.C.), Winter 2017, at 4. Copy supplied.

President's Column, The Officer (Reserve Officers Ass'n, Washington D.C.), Fall 2016, at 4. Copy supplied.

President's Column, The Officer (Reserve Officers Ass'n, Washington D.C.), Winter 2016, at 3 – 4. Copy supplied.

With John A. Biedrzycki, Jr., *The Pentagon is Making a Huge Mistake on*

Military Retirement, Navy Times, May 16, 2016, at A23. Copy supplied.

Celebrating the Life and Jurisprudence of Professor Edward J. Murphy, 71 Notre Dame L. Rev. 553 (1996). Copy supplied.

71 Notre Dame L. Rev. (1995 – 1996) (editor-in-chief), *available at* <http://scholarship.law.nd.edu/ndlr/vol71>.

- 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.

Reserve Officers Association of the United States, *Annual Report, Fiscal Year 2017* (2017). Copy supplied.

- 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.

Economic Opportunity Legislative Hearing: Hearing on H.R. 282; H.R. 1690; H.R. 2631; H.R. 2772 Before the Subcomm. on Econ. Opportunity of the H. Comm. on Veterans' Affairs, 115th Cong. (2017) (testimony of Major General Jeffrey E. Phillips, United States Army (Retired) on behalf of the Reserve Officers Ass'n). Copy supplied.

Roundtable on Department of Defense's FY17 Modernization of the TRICARE Health Plan Proposal Before the Subcomm. on Military Pers. of the H. Armed Servs. Comm., 114th Cong. (2016) (statement of the Reserve Officers Ass'n). Copy supplied.

Legislative Hearing on Draft Legislation to Improve the Authority of the Sec'y of Veterans Affairs to Hire and Retain Physicians and Other Emps. of the Dep't of Veterans Affairs Before the Subcomm. on Econ. Opportunity and Subcomm. on Health of the H. Comm. on Veterans' Affairs, 114th Cong. (2016) (statement of the Reserve Officers Ass'n). Copy supplied.

Hearing to Receive Testimony on Military Pers. Posture in Review of the Def. Authorization Request for Fiscal Year 2017 and the Future Years Def. Program Before the Subcomm. on Pers. of the S. Armed Servs. Comm., 114th Cong. (2016) (statement of the Reserve Officers Ass'n). Copy supplied.

Hearing on the Recommendations from the Nat'l Comm'n on the Future of the

Army Before the Tactical Air and Land Subcomm. of the H. Armed Servs. Comm., 114th Cong. (2016) (statement of the Reserve Officers Ass'n). Copy supplied.

Hearing on Revisiting the Roles and Missions of the Armed Forces Before the S. Armed Servs. Comm., 114th Cong. (2015) (statement of the Reserve Officers Ass'n). Copy supplied.

Statement to Evaluate and Assess the Result of the Independent Assessment for the Dep't of Veterans Affairs Comm'n on Care (Sept. 21 – 22, 2015) (statement of the Reserve Officers Ass'n). Copy supplied.

Hearing on a Review of Licensing and Credentialing Standards for Servicemembers and Veterans: Do Barriers Still Remain? Before the Subcomm. on Econ. Opportunity of the H. Comm. on Veterans' Affairs, 114th Cong. (2015) (statement of the Reserve Officers Ass'n). Copy supplied.

From 2015 through earlier this year (2017), I served as the National President of the Reserve Officers Association of the United States. In addition to the testimony and statements listed above, during my tenure, the membership approved resolutions, and the staff of the Reserve Officers Association also prepared legislative agenda, position papers, and letters of support regarding key issues to ROA's members. These documents are available at the following links:

<http://www.roa.org/page/resolutions>

<http://www.roa.org/page/legislativeagendas>

<http://www.roa.org/page/PositionPapers>

<http://www.roa.org/page/legislativeletters>

- 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.

July 22 – 23, 2017: Presider and Speaker, Reserve Officers Association National Convention, Washington, D.C. . In my capacity as the ROA's National President, I presided over the ROA's National Convention. More specifically, I gave welcoming remarks discussing the state of the ROA, introduced speakers, presented awards, administered oaths, and gave closing

remarks to express my thanks to the national staff and executive committee board members and to extend my best wishes to the incoming president. Outline of outgoing remarks supplied.

July 22, 2017: Speaker, Reserve Officers Association STARS Foundation Gala, Washington, D.C. I have no notes, transcript, or recording. As the ROA National President, I welcomed attendees, thanked sponsors, and presented an award. The address of the Reserve Officers Association is 1 Constitution Avenue, N.E., Washington, D.C. 20002.

January 20, 2017: Speaker, Reserve Officers Association Breakfast celebrating America's Medal of Honor Recipients on the morning of the Presidential Inauguration in Washington, D.C. I have no notes, transcript, or recording. I welcomed Medal of Honor recipients and their families to the ROA Minuteman Memorial Building and generally expressed thanks and gratitude to the Medal of Honor recipients for their service and sacrifices and to the families for their support. The address of the Reserve Officers Association is 1 Constitution Avenue, N.E., Washington, D.C. 20002.

December 30, 2016: Speaker, Eulogy for Reserve Officers Association National Council Chairman, Atlanta, Georgia. I have no notes, transcript, or recording. I delivered a eulogy for the ROA National Council Chairman, generally detailing his service to the ROA and expressing the thanks and condolences of the ROA. The address of the Reserve Officers Association is 1 Constitution Avenue, N.E., Washington, D.C. 20002.

September 14, 2016: Interviewer, Spotlight on Reservists Video Interview of ROA member Captain Delaney Phillips (USAR) at the Reserve Officers Association National Convention, Reno, Nevada. The video is available at <https://www.youtube.com/watch?v=rSMPqXlhhV4&app=desktop>.

September 12 – 14, 2016: Presider and Speaker, Reserve Officers Association National Convention, Reno, Nevada. I have no notes, transcript, or recording. In my capacity as the ROA's National President, I presided over the ROA's National Convention. More specifically, I gave welcoming remarks outlining the agenda for the convention and discussing the state of the ROA, introduced speakers, presented awards, administered oaths, and gave closing remarks to thank attendees. The address of the Reserve Officers Association is 1 Constitution Avenue, N.E., Washington, D.C. 20002.

May 31, 2016: Speaker, Office of Senator Joseph Donnelly, Indianapolis, Indiana. Copy of statement provided.

July 29, 2015: Speaker, Reserve Officers Association National Convention, Washington, D.C. Copy of notes supplied.

April 25, 2015: Speaker, Reserve Officers Association Department of Tennessee Annual Convention, Johnson City, Tennessee. I have no notes, transcript, or recording. In my capacity as the ROA's National President-elect, I gave welcoming remarks, outlined the state of ROA and my goals for improving ROA, presented proposed amendments, and conducted a Q&A session. The address of the Reserve Officers Association of the United States is 1 Constitution Avenue, N.E., Washington, D.C. 20002.

April 18, 2015: Speaker, Reserve Officers Association Department of Indiana Annual Convention, Grissom Air Reserve Base, Indiana. I have no notes, transcript, or recording. In my capacity as the ROA's National President-elect, I gave welcome remarks, outlined the state of ROA and my goals for improving ROA, presented proposed amendments, conducted a Q&A session, and installed newly elected officers. The address of the Reserve Officers Association of the United States is 1 Constitution Avenue, N.E., Washington, D.C. 20002.

December 17, 2014: Speaker, Office of Senator Joseph Donnelly, Indianapolis, Indiana. Copy of outline provided.

May 28, 2014: Speaker, Office of Senator Joseph Donnelly, Indianapolis, Indiana. Copy of statement provided.

November 2, 2011, Speaker, "Cybersecurity and Other National Security Threats," United Way of Central Indiana Tocqueville Society, Indianapolis, Indiana. Copy of notes provided.

2010 (approx.): Speaker, "How to Support the Troops," Brebeuf Preparatory School Diversity Series, Indianapolis, Indiana. I have no notes, transcript, or recording. I spoke generally about good ways to provide support for those serving. The address of Brebeuf Preparatory School is 2801 West 86th Street, Indianapolis, Indiana 46268.

December 12, 2008: Speaker, "Maximizing Your Patentable Inventions and Steering Clear of Landmines in a Problematic Economy," CLE Seminar, Barnes & Thornburg, LLP, Indianapolis, Indiana. I have no notes, transcript, or recording. I spoke about intellectual property protections in the then-current economic climate. The address for Barnes & Thornburg is 11 South Meridian Street, Indianapolis, Indiana 46204.

November 13, 2007: Speaker, "How to Keep your Intellectual Property From Walking Out the Door," Barnes & Thornburg, LLP, Indianapolis, Indiana. I have no notes, transcript, or recording. I generally spoke about intellectual property protections. The address for Barnes & Thornburg is 11 South Meridian Street, Indianapolis, Indiana 46204.

July 27, 2007: Speaker, Change of Command to Sailors, Marines, and Guests, Reserve Support Unit, Marine Corps Air Station Miramar, San Diego,

California. I have no notes, transcript, or recording. I welcomed and thanked numerous individuals and spoke regarding my gratitude to the Marines, sailors and civilian staff, outlined the successes of the past two years, and wished the incoming commander well. The address of the Marine Corps Air Station Miramar is MCAS Miramar, San Diego, California 92145. Press coverage provided.

November 4, 2005: Speaker, Change of Command Speech to Sailors, Marines and Guests, Reserve Support Unit, Marine Corps Air Station Miramar, San Diego, California. I have no notes, transcript, or recording. I welcomed and thanked numerous individuals and spoke regarding the success of my predecessor and the unit, and outlined goals for the next two years including training and deploying Marines and sailors in support of Operation Iraqi Freedom and Operation Enduring Freedom. The address of the Marine Corps Air Station Miramar is MCAS Miramar, San Diego, California 92145.

September 10, 2005 (approx.): Speaker, Change of Command Speech to Sailors, Marines, and Guests, Marine Tactical Command Squadron, Great Lakes, Illinois. I have no notes, transcript, or recording. I welcomed and thanked numerous individuals and spoke regarding my gratitude to the Marines, sailors, and civilian staff, outlined the successes of the past two years, and wished the incoming commander well. The address of the Marine Tactical Command Squadron, Great Lakes, is 2205 Depot Drive, Great Lakes, Illinois 60088.

September 6, 2003 (approx.): Speaker, Change of Command Speech to Marines and Guests, Marine Tactical Command Squadron, Great Lakes, Illinois. I have no notes, transcript, or recording. I welcomed and thanked numerous individuals and spoke regarding the success of my predecessor and the unit, and outlined goals for the next two years including training and deploying Marines and sailors in support of Operation Iraqi Freedom. The address of the Marine Tactical Command Squadron, Great Lakes, is 2205 Depot Drive, Great Lakes, Illinois 60088.

August 10, 2001: Speaker, "Top Ten Things Attorneys Need to Know Before Their Clients Go On-Line," CLE Seminar, Barnes & Thornburg, LLP, Indianapolis, Indiana. I have no notes, transcript, or recording. I spoke regarding the top legal concerns and issues facing a business with an online presence. The address for Barnes & Thornburg is 11 South Meridian Street, Indianapolis, Indiana 46204.

- 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.

Mark Wilson, *Evansville Man Receives Military Honor*, Indianapolis Star, Nov. 9, 2016, at A13. Copy supplied.

Tom Temin, *James Sweeney: Retired Officers Object to Changes in Blended*

Retirement, Federal Drive, Federal News Radio, June 13, 2016. Audio available at: <http://federalnewsradio.com/federal-drive/2016/06/james-sweeney-retired-officers-object-to-changes-in-blended-retirement/>.

Marilyn Odendahl, *Lawyers Reflect on Service During Desert Storm*, Indiana Lawyer, Nov. 18, 2015. Copy supplied.

Dan Spehler, *Hoosier Heroes: New Hall of Fame Honors Indiana Veterans*, Fox59 News (Jul. 15, 2015), <http://fox59.com/2015/07/15/hoosier-heroes-new-hall-of-fame-honors-indiana-veterans/>.

Rebecca Berfanger, *Justice a Long Time Coming; Lawyers Win \$ 65 Million for 1968 Tortured Crew*, Indiana Lawyer, Jan. 21, 2009. Copy supplied.

\$2 Billion Indiana Technical Center Taps World-Class University Firepower, Midwestbusiness.com, Feb. 28, 2008. Press statement available at <http://www.btlaw.com/news/xpqNewsDetail.aspx?xpST=NewsDetail&news=1083>.

Matt Apuzzo and Lara Jakes Jordan, *Blackwater Investigation Narrowing*, Inside Bay Area, Dec. 8, 2007. Copy supplied.

Kevin O'Neal, *View from the Cockpit; Nerves of Steel Guide War Pilots; Those Who Have Been There Say Combat Will Put Finely Honed Skills to Ultimate Test*, Indianapolis Star, Mar. 20, 2003, at 17A. Copy supplied.

Kathleen Schuckel, *40 Under 40, Part Four*. Indianapolis Business Journal, Feb. 5, 2001. Copy supplied.

Richard D. Walton and George Stuteville, *War Memories*, Indianapolis Star, Apr. 28, 1991, at A-1, A-8 – A-9. Copy supplied.

Richard D. Walton, *City Couple Receives Word Son's Plane Survived Attack*, Indianapolis Star, Jan. 18, 1991, at A-14. Copy supplied.

James R. Sweeney, II Collection (AFC/2001/001/90388), Veterans History Project, American Folklife Center, Library of Congress, available at <http://memory.loc.gov/diglib/vhp/bib/loc.natlib.afc2001001.90388>.

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 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 not held judicial office.

- 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 public 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.

Delegate to Indiana State Convention (Republican):	2014
Marion County Precinct Judge (Republican):	2000

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 1997 to 1998, I served as a law clerk to the Honorable James Ryan, Circuit Judge of the United States Court of Appeals for the Sixth Circuit.

From 1996 to 1997, I served as a law clerk to the Honorable John D. Tinder, District Judge of the United States District Court for the Southern District of Indiana.

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

I have not 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.

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Partner (2005 – present)
Associate (1999 – 2005)

1998 – 1999
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U.S. Marine Corps Forces, Atlantic
PSC Box 20002
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Attorney

Summer 1995
Fish & Neave
now Ropes & Gray LLP
1211 Avenue of the Americas
New York, New York 10036 Summer Associate

Summer 1995
Kirkland & Ellis LLP
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Summer Associate

Summer 1994
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Indianapolis, Indiana 46204
Summer Associate

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

I have not served as a mediator or arbitrator.

b. Describe:

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

As a law clerk from 1996 to 1998, I assisted my judges by reviewing litigant motions and briefings, conducting legal research, writing bench memoranda, and drafting entries and opinions. At the district court, I also assisted in trials. At the court of appeals, I also helped prepare the judge for oral argument.

My practice following my clerkships has been comprised of a wide-ranging mix of criminal and complex commercial litigation (patent, trade secret, trademark, copyright, and contract matters). My practice has been almost exclusively federal in nature. I have worked on transactional matters (*e.g.*, licensing, assignments, and commercial agreements), as well as prosecutions (writing and prosecuting applications before the U.S. Patent and Trademark Office). I've also done export control, antitrust, and general commercial work. Finally, I've been lead counsel in several white collar criminal matters. The character of my practice has been a steady and varied mix of the foregoing throughout my career.

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

Throughout my time at Barnes & Thornburg, I have worked for a mix of individual and corporate clients (ranging from startups to multi-national corporations).

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

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 50%
 - 2. state courts of record: 1%
 - 3. other courts: 0%
 - 4. administrative agencies: 49%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 60%
 - 2. criminal proceedings: 40%
- 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.

To my recollection, about a dozen as lead counsel and about another three or four as associate counsel with several appeals still in progress.

- i. What percentage of these trials were:
 - 1. jury: 2% (associate counsel)
 - 2. non-jury: 98% (lead counsel)
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

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

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
- (1) *United States v. Jackson*, Case No. 2:10-cr-00008-FL (E.D.N.C. Feb. 21, 2013) (dismissal pursuant to plea agreement).

2010 – 2013

I represented William Mathews, a former Executive Vice President of Blackwater Worldwide, Inc., who was charged with felony violations of certain federal firearms laws. Judge Louise Wood Flanagan presided over the

case. I began my representation before indictment, and continued through three years of classified discovery, witness interviews, motions practice, hearings and trial strategy and preparation. Ultimately, Mr. Mathews reached a plea agreement with the Government, pursuant to which he pleaded guilty to a misdemeanor in exchange for the dismissal of the case.

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- (2) *Johns Manville Corp. v Knauf Insulation, LLC*, Case No. 1:15-cv-531 (D. Colo. Jan. 4, 2017) (dismissal of Dr. Johnson).

2015 – 2017

Beginning in 2015, Barnes & Thornburg represented Walter Johnson, Ph.D., in an intellectual property dispute before Judge R. Brooke Jackson. I served as Dr. Johnson's lead counsel, defending him against claims of patent infringement, trademark misappropriation, and breach of contract amounting up to about \$200 million. As lead counsel, I supervised and conducted discovery, motions practice, and strategy development. I took and defended depositions, argued motions, and negotiated a dismissal of Dr. Johnson in January 2017. I continued to represent Dr. Johnson through his testimony at trial and to assist the trial team in the strategy and conduct of the trial leading to a verdict in favor of defendants on November 9, 2017.

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- (3) *Massie v. Gov't of Democratic People's Republic of Korea*, 592 F. Supp. 2d 57 (D.D.C. 2008).

2008 – 2015

Barnes & Thornburg represented certain surviving members of the crew of the USS Pueblo and the widow and estate of its commanding officer in a case against the Government of North Korea. The firm represented plaintiffs *pro bono*. This case was tried to Judge Henry H. Kennedy, Jr., who awarded a \$65 million judgment against the Government of North Korea.

I served as lead counsel during this suit, and I was responsible for developing strategy and evidence, as well as presenting our case to the court. I also represented plaintiffs in later collection proceedings, which involved the United States Government.

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- (4) *United States v. Sachtleben*, Case No. 1:12-cr-00127-WTL-TAB and 1:13-cr-00200-WTL-TAB (S.D. Ind. Sep. 24, 2014).

2012 – 2014

I was lead counsel in a case involving a former FBI agent accused of willfully disclosing national defense information, which was heard by Judge William T. Lawrence and Magistrate Judge Timothy A. Baker of the United States District Court for the Southern District of Indiana. Among my other duties, I negotiated a plea agreement ahead of the filing of the information and represented him from his initial appearance hearing on information through his sentencing.

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- (5) *Johns Manville Corp. v. Knauf Insulation, LLC*, IPR-2015-01402 (PTAB Oct. 19, 2016), *appeal docketed as Knauf Insulation, LLC v. Johns Manville Corp.*, No. 2017-1433 (Fed. Cir. Dec. 29, 2017); *see also Knauf Insulation, LLC v. Johns Manville Corp.*, No. 1:15-cv-00111-WTL-MJD (S.D. Ind. filed Jan. 27, 2015).

2015 – present

Barnes and Thornburg represented Knauf Insulation in this *inter partes* review petition, which sought to invalidate U.S. Patent No. 8,114,210, of which claims 10–12 have been asserted in a pending patent infringement case against Johns Manville (*Knauf Insulation, LLC, et al. v. Johns Manville Corp., et al.*, No. 1:15-cv-00111-WTL-MJD (S.D. Ind. filed Jan. 27, 2015)). I served as lead counsel before the United States Patent Trial and Appeal Board and was responsible for formulating strategy, conducting discovery, examining and cross-examining witnesses, drafting and filing briefs, and oral argument. Administrative Patent Judges James T. Moore, Kristina M. Kalan and Jennifer Meyer Chagnon heard this case. The Board decided in Knauf's favor, by declining to institute review of claims 11–12. The Board's decision regarding the other claims, which the Board found unpatentable, has been appealed and is currently pending in the United States Court of Appeals for the Federal Circuit. I continue to serve as lead counsel in this case as well as in related prosecution pending before the United States Patent and Trademark Office.

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- (6) *Johns Manville Corp. v. Knauf Insulation, Inc.*, IPR-2015-01453 (PTAB Jan. 11, 2017) & IPR-2016-00130 (PTAB May 08, 2017), *appeals docketed*, Nos. 2017-1807, 2017-2285 & 2017-2303 (Fed. Cir. Mar. 10, 2017, Jul. 7, 2017 & Jul. 13, 2017); *see also Knauf Insulation, LLC v. Johns Manville Corp.*, No. 1:15-cv-00111-WTL-MJD (S.D. Ind. filed Jan. 27, 2015).

2015 – present

Barnes and Thornburg represented Knauf Insulation in these *inter partes* reviews, each of which separately sought to invalidate U.S. Patent No. D631,670, which has been asserted in a pending patent infringement case against Johns Manville (*Knauf Insulation, LLC v. Johns Manville Corp.*, No. 1:15-cv-00111-WTL-MJD (S.D. Ind. filed Jan. 27, 2015)). I served as lead counsel before the United States Patent Trial and Appeal Board and was responsible for formulating strategy, conducting discovery, examining and cross-examining witnesses, drafting and filing briefs, and oral argument. Administrative Patent Judges Scott A. Daniels, Kristina M. Kalan and James A. Worth heard this case. The Board decided in Knauf's favor in both IPRs, holding that Johns Manville had failed to establish that the D631,670 patent was unpatentable. Johns Manville has appealed each of these decisions, with Knauf filing a cross-appeal in the latter IPR. The appeals have been consolidate into a single appeal currently pending in the United States Court of Appeals for the Federal Circuit. I continue to serve as lead counsel in this case as well as in related prosecution pending before the United States Patent and Trademark Office.

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- (7) *In re Grand Jury*, Ex parte/under seal (Chief Judge Thomas F. Hogan); and *U.S. v. Slough*, Crim. No. 1:08-cr-360 (D.D.C. filed Dec. 4, 2008) (Judge Ricardo M. Urbina and Judge Royce C. Lamberth).

2007 – present

I represented 17 security contractors initially and ultimately 11 un-indicted contractors who were members of the quick reaction force dispatched to secure the escape of a diplomatic convoy in Iraq. These 11 were non-shooters in the Nisour Square incident. I represented these individuals from pre-indictment investigation beginning in Baghdad, through testimony during several grand jury appearances, including through various motions (sealed). I also represented them during their subsequent testimony at several hearings and trials. Following a three-week *Kastigar* hearing, Judge Urbina dismissed all charges. *United States v. Slough*, 677 F. Supp. 112 (D.D.C. 2009). Following reversal in *United States v. Slough*, 641 F.3d 544 (D.C. Cir. 2011), the United States dismissed all charges against one defendant with prejudice, and retried the other defendants. The D.C. Circuit recently vacated the conviction of one of the defendants and remanded his case for a new trial, while remanding for resentencing the cases of three other defendants. *See United States v. Slatten*, 865 F.3d 767 (D.C. Cir. 2017).

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- (8) *Roche Diagnostics Corp. v. Bayer Corp.*, Case No. IP 00-C-1322-D/F (S.D. Ind. 2001) and *Roche Diagnostics Corp. v. Selfcare, Inc.*, Case No. IP 00-C-1103-M/S (S.D. Ind. 2000); *see also Roche Diagnostics Corp. v. Bayer Corp.*, 247 F. Supp. 2d 1065 (S.D. Ind. 2003).

2000 – 2004

Barnes & Thornburg represented Roche Diagnostics in these two patent infringement cases, which were consolidated. The cases were heard by Judge Larry J. McKinney and Magistrate Judge Sue V. Shields, and by Judge S. Hugh Dillin and Magistrate Judge Kennard P. Foster. I drafted and filed

pleadings and motions beginning with the complaint, conducted discovery, and formulated and supported the trial strategy.

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- (9) *Galbreath v. Burlington Coat Factory Warehouse of Arundel, Inc.*, No. 1:03-cv-0555 (D. Md. Dec. 22, 2003).

This case involved a patent infringement claims regarding the buckles used in child safety seats. Judge Catherine C. Blake presided over the case. I represented the defendant. In the course of my representation, I drafted and filed pleadings and motions, argued motions in hearings, conducted discovery (including taking depositions), formulated strategy, and led settlement discussions.

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- (10) *United States v. Ashby*, General Court Martial, United States Marine Corps Trial Judiciary, Piedmont Circuit, 1999; *United States v. Ashby*, 2007 CCA Lexis 235, 2007 WL 1893626 (N-M. Ct. Crim. App. June 27, 2007) (remand); *United States v. Ashby*, 68 M.J. 108 (C.A.A.F. 2009) and related case *U.S. v. Joseph P. Schweitzer*, General Court Martial No. 08-0746/MC, United States Marine Corps Trial Judiciary, Piedmont Circuit, 1999; *United States v. Schweitzer*, 68 M.J. 133 (C.A.A.F. 2009).

1998 – 1999

I was recalled to active duty to support these courts-martial, where I led a team conducting military research and writing motions for the government prosecution during these courts-martial. These courts-martial involved charges of involuntary manslaughter and negligent homicide charges, and the ensuing courts-martial involved obstruction of justice. Colonel A.W. Keller, USMC, and Lieutenant Colonel Robert E. Nunley, USMC, presided. I served in various other capacities in the course of these proceedings: (i) I assisted in formulating and executing trial strategy; (ii) I coordinated jury selection and witness scheduling; (iii) I served as the Victim Witness Assistance Officer in the US and in seven countries; (iv) I negotiated and coordinated expert witness contracts and all witness, victim and expert travel for both the prosecution and the defense; (v) I assisted in formulating and executing trial strategy; (vi) I coordinated courtroom matters for the military judge; and (vii) personally represented Captain Schweitzer in meetings with victims' families.

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Detailed Military Counsel:

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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.)

My legal career is actually two legal careers. The first comprises 34 years under the Uniform Code of Military Justice, where one does not need to be a licensed attorney to

represent clients (*i.e.*, Marines) or to pass judgement (*e.g.*, be a commanding officer). The second, which overlaps the first, spans my 21 years as a licensed attorney.

On the military side, I have served in numerous capacities – as a legal officer, individual representative of Marines, legal counselor, investigating officer, and commanding officer with non-judicial punishment and convening authority powers and authority over judge advocates – while commanding nearly 1000 Marines and sailors during peace and combat operations. I also have provided legal representation, advice, and counsel while serving as a licensed attorney and Marine. More specifically, I have been actively involved in courts-martial, and offered my analyses of laws, orders, directives, and instructions at Marine Corps Headquarters. I have given my perspectives relating to the law of war and terrorism at the National Defense University relating to the law of war and terrorism and provided counsel to the Department of Defense Chief Information Office relating to cyberwarfare, the defense industrial base, and other classified matters.

On the civilian side, I juggled a full-time legal career with my military service for nearly 20 years. My civilian practice includes substantial experience in the courtroom, the boardroom, and in between. I have represented and counseled public and private companies, as well as key executives and public officials, in global corporate regulatory and internal investigations, parallel proceedings, trial and grand jury matters, and white collar criminal defense, with a particular emphasis on intellectual property issues. More specifically, I have successfully prosecuted hundreds of patents applications before the U.S. Patent and Trademark Office, and also enforced clients' intellectual property under various patent, trademark, copyright and trade secret regimes. While some of these enforcement efforts lead to trials, most, by design, did not. Many of my cases, both criminal and civil, have involved national security interests—I have had a Top Secret Security Clearance for nearly 34 years—before courts and government entities including the Department of State, the Department of Commerce, the Department of Defense, the Department of the Treasury, and the Office of Foreign Assets Control. For example, I successfully defended a senior executive of a major defense contractor against charges involving the mishandling of defense articles controlled under the International Traffic in Arms Regulations (“ITAR”) and other export control laws. Nearly all of my practice has involved complex, high-stakes cases.

In addition to my civilian and military careers, I have been actively involved in training and mentoring the next generation of lawyers, and in philanthropic work in Indianapolis. I have had the privilege to serve as a coach to law school teams participating in national competitions and to preside as a moot court judge. I also have taught at several continuing legal education seminars throughout my career. Outside of the legal realm, I have been a strong supporter of the United Way, the arts, education, women's organizations, and other organizations looking to make a difference in the lives of Hoosiers, particularly veterans.

While I have not engaged in lobbying activity as a Barnes & Thornburg lawyer, I arguably have done so in connection with the Reserve Officers Association of the United

States (ROA). ROA is a 501(c)(19) chartered by Congress to advise Congress on matters of national security. ROA members visit with Congressional Members to educate and advise the Members on matters relating to national security and the military. ROA also initiates legislation on occasion.

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 not taught any courses.

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.

As a partner at Barnes & Thornburg, I understand that, upon retirement, my capital account will be paid out to me, as well as any unpaid compensation and profit sharing due, in place of all future benefits.

In addition, I will receive a federal pension for 30 years of service in the United States Marine Corps, with payments beginning in 2021.

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 plan to complete my service as Immediate Past National President of the Reserve Officers Association, which ends in 2019, and to continue to serve on the Executive Committee and as a board member of the ROA STARS Foundation. I also hope to teach, to participate on legal panels, and to serve on the governing boards of non-profit organizations, to the extent permitted by the Canons of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances. I have no commitments or agreements to do so, and no other plans for outside activities.

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 will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Barnes & Thornburg LLP, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflict by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

Throughout my legal career, I have performed hundreds of hours of *pro bono* for both the disadvantaged and for various non-profits. More specifically, I try to perform at least 25 to 50 *pro bono* hours a year. To reach my goals, I have staffed community legal lines, provided services to veterans and veteran organizations, represented needy individuals, and assisted non-profits in defensive and operational legal matters and governance.

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.

On March 13, 2017, I submitted an application seeking consideration for the vacancy in the United States District Court for the Southern District of Indiana. On March 22, 2017, I was contacted by the office of Senator Todd Young to schedule an interview. I interviewed with members of Senator Young's staff on March 28, 2017, in Indianapolis. I then attended an interview with Senator Young in his office in Washington, D.C. on April 06, 2017. Senator Young telephoned me on or about April 27, 2017, and told me that he was recommending me to the White House for consideration. On May 3, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy in Washington, D.C. Senator Joe Donnelly's staff contacted me on June 16, 2017, to schedule an interview. I interviewed with members of Senator Donnelly's staff on June 27, 2017, in Washington, D.C. On July 27, 2017, I was notified by the White House Counsel's Office that I had been selected as the preliminary candidate for the vacancy, pending the completion of the required background checks. I interviewed with Senator Donnelly at his Indianapolis office on August 5, 2017.

Since August 8, 2017, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy. On November 1, 2017, 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.