

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Victoria Frances Nourse

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

United States Circuit Judge for the Seventh 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: University of Wisconsin Law School
 975 Bascom Mall
 Madison, Wisconsin 53706

[REDACTED]

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

1958; Dunedin, Florida

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

1981 to 1984, University of California, Boalt Hall School of Law; J.D., 1984

1976 to 1980, Stanford University; B.A. 1980

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.

2010 to present
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, D.C. 20001
Visiting Professor of Law

1993 to present
University of Wisconsin Law School
975 Bascom Mall
Madison, Wisconsin 53706
Burrus-Bascom Professor of Law (2005 – present)
Associate Professor of Law (2002 – 2005)
Assistant Professor of Law (1993 – 2002)

2008 to 2010
Emory University Law School
1301 Clifton Avenue, NW
Atlanta, Georgia 30322
LQC Lamar Professor of Law

2003
New York University School of Law
40 Washington Square South
New York, New York 10012
Visiting Professor of Law (Spring semester)

2002
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Visiting Professor of Law (Fall semester)

1996 to 1997
University of Maryland School of Law
500 W. Baltimore Street
Baltimore, Maryland 21201
Visiting Professor of Law

1990 to 1993
United States Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510
Counsel and Special Counsel

1988 to 1990

United States Department of Justice
Appellate Staff, Civil Division
950 Pennsylvania Ave., NW
Washington, D.C. 20530
Appellate Attorney

1987

United States Senate Committee to Investigate the Iran-Contra Affair
Hart Senate Office Building
Washington, D.C. 20510
Assistant Counsel

1985 to 1987 & Winter 1988

Paul, Weiss, Rifkind, Wharton & Garrison
1285 Avenue of the Americas
New York, New York 10019
Associate

1984 to 1985

United States District Court for the Southern District of New York
United States Courthouse
Foley Square
New York, New York 10007
Law Clerk to Hon. Edward Weinfeld

1984

Simpson, Thacher & Bartlett
425 Lexington Avenue
New York, New York 10017
Summer Associate

1983

Steptoe & Johnson
1330 Connecticut Avenue, NW
Washington, D.C. 20036
Summer Associate

1982

Dorr, Cooper & Hays
50 Francisco Street
San Francisco, California 94133
Summer Associate

1980 to 1981
Center for the Study of the California Economy
132 Hamilton Avenue
Palo Alto, California 94301
Research Assistant

1980
Café Meursault (no longer in business)
651 Emerson Street
Palo Alto, California 94301
Waitress

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 never served in the military. I did not register for selective service.

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

Romnes Fellowship, University of Wisconsin (grant) (2003 – 2004)
American Council of Learned Societies Fellowship (grant) (2003 – 2004)
Order of the Coif, U.C. Berkeley, Boalt Hall School of Law (1984)
American Jurisprudence Award, Criminal Law (1982)
Phi Beta Kappa, Stanford University (1980)

For my book In Reckless Hands:

Finalist for Oklahoma Book Award (2009)
History Book of the Month Club Alternate Selection (2008)
Exemplary Legal Writing: Co-Honoree (Books), *Green Bag Magazine* (Dec. 2008)

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
New York City Bar Association

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.

New York (First Department), 1986

There has been no lapse 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.

United States District Court for the Southern District of New York, 1988
New York Appellate Division (First Department), 1986

I also was admitted to several courts, including the U.S. Courts of Appeal for the D.C., Fifth, Ninth, and Eleventh Circuits, under provisions for practicing government attorneys while I was employed by the Department of Justice. These memberships lapsed when I left the Department in 1990.

There has been no lapse in my Southern District of New York or New York State bar memberships.

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.

Professional

Emory Univ. Center for the Study of Law, Politics, and Economics (2008 – 2010)
NYU Press, Contemporary Socio-Legal Problems Book Series

Editorial Board (since 2009)

Rehnquist Center on the Constitutional Structures of Government

National Board of Academic Advisors (since 2007)

Criminal Law & Philosophy, Editorial Board (since 2006)

New Criminal Law Review, Editorial Board (since 2006)

American Association of Law Schools, Member (since 1993)

University of Wisconsin, Kastenmeier Lecture Committee (since 1999)

During my time as a law professor, I have held chaired or visiting professorships at multiple universities, during which I have sometimes affiliated with academic clusters or centers of varying formality within the universities as part of my professional work. I do not specifically recall those affiliations other than those listed above.

Other

Rising Force AAU Basketball League (since 2010)
Shorewood, WI Swim Club (since 2009)
Shorewood, WI Girls Softball Association (since 2009)
St. Robert's Parish Shorewood, WI Basketball Club (since 2008)
United States Tennis Association (family members, since 2008)
Girl Scouts of Wisconsin Southeast (2006 – 2008)
FC Milwaukee Soccer Club (since 2006)
Shorewood, WI Little League Association (since 2005)
Milwaukee Bavarian Soccer Club (2004 – 2006)
Shorewood, WI Kickers Soccer Association (2002 – 2004)
Milwaukee Public Library, Shorewood, WI (since 2005)
Swiss Turners Gymnastics Team (2002 – 2008)
Milwaukee Public Museum (2002 approx.)
Milwaukee Art Museum (1998-1999, 2001-2003, 2009-2010)
Boalt Hall Alumni Association (since 1984)
Phillips Academy, Andover Alumna (since 1976)

In addition, I have made charitable contributions over the years to organizations that may consider me a member solely by virtue of those contributions. Although I have not sought to create a comprehensive list of these organizations, they include: Milwaukee Urban Day School Fund, the Milwaukee United Performing Arts Fund, United Way, Milwaukee College Prep School, Wisconsin Women's Business Initiative, Penfield Children's Center, Milwaukee Community Service Corps, UW Milwaukee Foundation (WUWM station); Shorewood Education Foundation (SEED), and the Cudahy Public Library.

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

None of the organizations above currently discriminates or has discriminated during my membership in them on the basis of race, sex, or religion, or national origin. I have no knowledge of any past discrimination by these organizations.

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.

As a full-time law professor since 1993, developing scholarship to publication (along with teaching) has been my primary professional work. In addition to drawing on my cumulative list of publications, I have searched my memory, my files, and the Internet for all materials I have published. There may, however, be additional publications I have been unable to recall or identify. Copies of all listed publications are supplied.

Book:

In Reckless Hands: Skinner v. Oklahoma and the Near-Triumph of Eugenics (W.W. Norton 2008).

Major Articles and Book Chapters:

Misunderstanding Congress: Statutory Interpretation, the Supermajoritarian Difficulty, and the Separation of Powers, 99 GEO. L. J. __ (forthcoming 2011).

The Accidental Feminist, a chapter in Transcending the Boundaries of Law: Feminism and Legal Theory (Routledge 2011).

Varieties of New Legal Realism: Can A New World Order Prompt A New Legal Theory?, 95 CORNELL L. REV. 61-137 (2009) (with Prof. Greg Shaffer).

A Tale of Two Lochners: The Untold History of Substantive Due Process and the Idea of Fundamental Rights, 97 CAL. L. REV. 751-799 (2009).

The Lost History of Governance and Equal Protection, 58 DUKE L. J. 955-1012 (2009) (with Sarah Maguire).

The Justice, The Governor & the Dictator, reprinted from In Reckless Hands in the Green Bag Almanac and Reader 314-337 (2009) (Exemplary Legal Writing: Books).

Violence Against Women (chapter 4), Feminist Jurisprudence: Taking Women Seriously 203-402 (co-authors Mary Becker, Cynthia Bowman, & Kim Yuracko) (3d ed. 2006) (on some versions of the casebook I am listed as a coauthor of the book, but my role was limited exclusively to this single chapter).

Toward A New Constitutional Anatomy, 56 STAN. L. REV. 835-900 (2004).

Reconceptualizing Criminal Law Defenses, 151 U. PA. L. REV. 1691-1746 (2003).

The Politics of Legislative Drafting: A Case Study, 77 N.Y.U. L. REV. 575-624 (2002) (with Prof. Jane Schacter).

Self-Defense and Subjectivity, 68 U. CHI. L. REV. 1235-1308 (2001).

The Vertical Separation of Powers, 49 DUKE L. J. 749-802 (1999).

The New Normativity: The Abuse Excuse and the Resurgence of Judgment in the Criminal Law, 50 STAN. L. REV. 1435-1470 (1998).

Passion's Progress: Modern Law Reform & the Provocation Defense, 106 YALE L. J. 1331-1448 (1997).

Making Constitutional Doctrine in a Realist Age, 145 U. PA. L. REV. 1401-1457 (1997).

Toward A 'Due Foundation' for the Separation of Powers: The Federalist Papers as Political Narrative, 74 TEX. L. REV. 447-521 (1996).

Invited Submissions and Symposia Papers:

Book Review, Toward A Representational Theory of the Executive, 90 B.U. L. REV. __ (forthcoming 2010) (with John P. Figura).

Transcript: A Symposium Celebrating the Fifteenth Anniversary of the Violence Against Women Act, 11 GEO. J. GENDER & L. 511 (2010).

Summary, Varieties of New Legal Realism: Can a New World Order Prompt a New Legal Theory? (Jan. 15, 2010), at www.legalworkshop.org (available at <http://legalworkshop.org/2010/01/15/varieties-of-new-legal-realism-can-a-new-world-order-prompt-a-new-legal-theory>).

After the Reasonable Man: Getting Over the Subjectivity/Objectivity Debate, 11 NEW CRIM. L. REV. 33-50 (2008) (symposium).

Equality's Future: An Introduction, 23 WIS. J. L. GENDER & SOC'Y 161-167 (2008).

Foreword: Is It Time for A New Legal Realism?, 2005 WIS. L. REV. 335-363 (with Profs. H. Erlanger, B. Garth, J. Larson, E. Mertz, & D. Wilkins) (symposium).

A Roundtable on New Legal Realism, Microanalysis of Institutions, and the New Governance: Exploring Convergences and Differences, 2005 WIS. L. REV. 479-518 (my comment appears at p. 507).

Upending Status: A Comment on Switching, Inequality, and the Idea of the Reasonable Person, 2 OHIO ST. J. CRIM. L. 361-375 (2004) (reviewing Cynthia Lee's Murder and the Reasonable Man).

Rethinking Crime Legislation: History and Harshness, 39 TULSA L. REV. 925-939 (2003-04) (symposium on the work of Prof. George Fletcher).

Hearts and Minds: Understanding the New Culpability, 6 BUFF. CRIM. L. REV. 361-388 (2002).

Law's Constitution: A Relational Critique, 17 WIS. WOMEN'S L.J. 23-56 (2002) (symposium).

"Feminism: Legal Aspects," entry to Joshua Dressler, ed. Encyclopedia of Crime and Justice 707-14 (2d ed. 2002).

Introduction, 15 WIS. WOMEN'S L. J. 255-257 (2000) (15th Anniversary issue -- new two page introduction); reprinting *Where Violence, Relationship and Equality Meet: The Violence Against Women Act's Civil Rights Remedy*, 15 WIS. WOMEN'S L.J. 257-292 (2000).

The "Normal" Successes and Failures of Feminism and the Criminal Law, 75 CHI.-KENT L. REV. 951-78 (2000) (symposium).

Gideon's Muted Trumpet, 58 MD. L. REV. 1417-32 (1999) (symposium).

Book Chapter, in Violence Against Women: Law & Litigation 5-1 to 5-50 (David Frazee, ed., 1997).

Where Violence, Relationship and Equality Meet: The Violence Against Women Act's Civil Rights Remedy, 11 WIS. WOMEN'S L. J. 1-36 (1996).

Essay, The Idea of Partisanship, 11 J. L. & POL. 549-554 (Summer 1995) (symposium).

- 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.

Although I do not recall drafting any reports, memoranda, or policy statements for organizations of which I was a member, I did participate in drafting various congressional committee reports on behalf of Senators, Committees, and counsel. I have identified the following such reports, although there may be others to which I contributed that I do not recall. Copies of all reports are supplied.

The Violence Against Women Act of 1993, Senate Judiciary Committee, Report No. 103-138 (September 10, 1993) (full committee report summarizing the bill).

The Response to Rape: Detours on the Road to Equal Justice, Senate Judiciary Committee (May 1993) (majority staff report criticizing national attitudes and laws applying to rape victims).

Violence Against Women: A Week in the Life of America, Senate Judiciary Committee (Oct. 1992) (majority staff report providing a “snapshot” of violent incidents against women in America in a single week).

The Violence Against Women Act of 1991, Senate Judiciary Committee, Report No. 102-197 (Oct. 10, 1991) (full committee report summarizing the bill).

Fighting Drug Abuse: Tough Decisions for Our National Strategy, Senate Judiciary Committee (Jan. 1992) (majority staff report on national drug control strategy).

The President’s Drug Strategy: Two Years Later—Is it Working?, Senate Judiciary Committee (Sept. 1991) (majority staff report on national drug control strategy).

The Violence Against Women Act of 1990, Senate Judiciary Committee Report No. 101-545 (Oct. 19, 1990) (full committee report summarizing the bill).

Report of the Congressional Committees Investigating the Iran-Contra Affair, S. Rep. No. 100-216, H. Rept. No. 100-433 (Nov. 1987) (I personally drafted chapter two, although this was subject to substantial revision by others).

Refusal of Richard V. Secord to Testify, Senate Rep. No. 100-16 (March 19, 1987) (witness’s Fifth Amendment rights regarding Swiss bank records).

- 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.

Statement from Senior Faculty of the University of Wisconsin Law School (Mar. 9, 2007), available at http://www.law.wisc.edu/current/In_the_Media/Senior_Faculty_Issue_Joint_State_2007-03-09.

Although I have made it my general practice not to sign petitions and public statements, I recall once signing a petition to protect Lake Michigan circulated by Wisconsin Public Interest Research Group. I do not recall the time period of the organization that solicited the support. I do not recall and have been unable to identify any other testimony or statements to a public body.

- 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.

As a full-time law professor since 1993, I have frequently given speeches or talks as part of my work teaching and developing legal scholarship. I have retained records of my major presentations over the years, and I searched those records thoroughly to prepare this list. I also searched online resources, reviewed old calendars, and consulted with various individuals and groups to produce an answer to this question that is as complete as possible, but I still may have given other presentations that I have been unable to recall or identify.

Feb. 17, 2010: Yale Law School Statutory Interpretation Colloquium (New Haven, CT). I spoke on a draft paper eventually published as *Misunderstanding Congress: Statutory Interpretation, the Supermajoritarian Difficulty, and the Separation of Powers*, 99 GEO. L. J. ____ (forthcoming 2011). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Jan. 26, 2010: Georgetown University Law Center Faculty Works in Progress (Washington, DC). I spoke on chapters of a draft book entitled “Misunderstanding Congress: Theories of Statutory Interpretation and Their Ideas of Congress – Toward a New Realism.” Draft manuscript supplied. I have no notes, transcript, or recording.

Dec. 2, 2009: Emory University Law School Works in Progress (Atlanta, GA). I discussed a draft paper eventually published as *Misunderstanding Congress: Statutory Interpretation, the Supermajoritarian Difficulty, and the Separation of Powers*, 99 GEO. L. J. ____ (forthcoming 2011). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Nov. 6, 2009: Red Dirt Book Festival (Shawnee, OK). I discussed my book In Reckless Hands before a public audience. I have no notes or transcript of this discussion. Library officials indicate this presentation was not recorded. Book supplied in response to Question 12(a).

Oct. 30, 2009: University of Wisconsin Law School (Madison, WI). I spoke on draft chapters of a book entitled “Misunderstanding Congress: Theories of Statutory Interpretation and Their Ideas of Congress – Towards a New Realism” to a panel of legislation scholars. I have no notes, transcript, or recording. I used the same draft as for my Jan. 26, 2010 presentation, which is supplied.

Oct. 29, 2009: University of Wisconsin Law School (Madison WI). I made an informal presentation of an article to be published as *Varieties of New Legal Realism: Can a New World Order Prompt a New Legal Theory?*, 95 CORNELL L. REV. 61-137 (2009) (with Prof. Greg Shaffer). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Oct. 2, 2009: Midwest Constitutionalism Discussion Group (Madison, WI). I presented a brief draft book proposal entitled "Inventing Laissez-Faire," based on material published in *A Tale of Two Lochners: The Untold History of Substantive Due Process and the Idea of Fundamental Rights*, 97 CAL. L. REV. 751-99 (2009). I have no notes, transcript, or recording. Draft proposal supplied; article copy supplied in response to Question 12(a).

Aug. 31, 2009: Columbia University Law School, Guest Lecture, Legal Process Class (New York, NY). I gave a lecture on my career in the law to be published as *The Accidental Feminist*. I have no notes, transcript, or recording. Book chapter supplied in response to Question 12(a).

May 28-29, 2009: Law and Society Annual Meeting (Denver, CO). I participated on two panels, one a "Reader meet Author" panel on my book *In Reckless Hands* and the other on new legal realist methodologies in which I discussed ideas in my paper *Varieties of New Legal Realism: Can A New World Order Prompt A New Legal Theory?*, 95 CORNELL L. REV. 61-137 (2009) (with Prof. Greg Shaffer). I have no notes, transcript, or recording. Book and article copy supplied in response to Question 12(a).

Apr. 22, 2009: Georgetown University Law Center (Washington, DC). I participated on a panel discussing the history of the Violence Against Women Act, the transcript of which will be published as *Transcript: A Symposium Celebrating the Fifteenth Anniversary of the Violence Against Women Act*, 11 GEO. J. GENDER & L. 511 (2010). Transcript supplied in response to Question 12(a). Podcast available at <http://www.law.georgetown.edu/webcast/eventDetail.cfm?eventID=808>.

Apr. 13, 2009: Marquette University Faculty Workshop (Milwaukee, WI). I discussed a draft paper eventually published as *A Tale of Two Lochners: The Untold History of Substantive Due Process and the Idea of Fundamental Rights*, 97 CAL. L. REV. 751-99 (2009). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Feb. 23, 2009: Queen's University Law School Faculty Workshop (Kingston, Ontario, Canada). I discussed a draft unpublished paper entitled "The Criminal Law and the Limits of the Majoritarian Anxiety." Draft supplied.

Feb. 19, 2009: Emory University, Life of the Mind University Lecture (Atlanta, GA). I gave a university lecture, *My Political Education and the Self-*

Transcending Constitution which is to be published as a book chapter, entitled *The Accidental Feminist*. Video recording available at http://www.youtube.com/watch?v=C0Malh_-qLc. Draft manuscript supplied in response to Question 12(a).

Feb. 13, 2009: Rutgers University Law School (Newark, NJ). I gave panel remarks on the history of the Violence Against Women Act. The remarks were substantially the same as those I made on April 22, 2009. A webcast is available at <http://lawevents.rutgers.edu/events/women09/>; [Part Six, 38:00 – Part Seven, 9:30].

Feb. 11, 2009: Emory University, Thrower Symposium on Executive Power: New Directions for the Presidency? (Atlanta, GA). Replacing an absent speaker, I gave remarks on the separation of powers, similar to those published in *The Vertical Separation of Powers*, 49 DUKE L. J. 749-802 (1999), and *Book Review, Toward A Representational Theory of the Executive*, 90 B. U. L. REV. ____ (forthcoming 2010). DVD recording of the presentation supplied.

Jan. 8, 2009: American Association of Law Schools, New Legal Topics Panel (San Diego, CA). I presented ideas published as *Varieties of New Legal Realism: Can A New World Order Prompt A New Legal Theory?*, 95 CORNELL L. REV. 61-137 (2009) (with Prof. Greg Shaffer). This event was podcast and is available at <http://www.aalsweb.org/thursday/OpenSourceProgram.mp3>. Article copy supplied in response to Question 12(a).

Nov. 20, 2008: All Souls College and the Oxford University Centre for Legal Theory (Oxford, UK). I discussed an unpublished paper on criminal law and democratic theory entitled “The Criminal Law and the Limits of the Majoritarian Anxiety.” I used the same draft paper as for my presentation at Queen’s University on Feb. 23, 2009, which is supplied. I have no notes, transcript, or recording.

Nov. 6, 2008: Emory University, Feminism and Legal Theory’s 25th Anniversary (Atlanta, GA). I introduced the speakers on a panel entitled “From Women in Law to Feminist Legal Theory.” Audio recording and transcript supplied.

Oct. 10, 2008: University of Wisconsin Law Faculty Ideas and Innovations Workshop (Madison, WI). I presented remarks entitled “American Legal Development: The Case of Two *Lochners* (or, why almost everything you know about *Lochner* is wrong),” eventually published as *A Tale of Two Lochners: The Untold History of Substantive Due Process and the Idea of Fundamental Rights*, 97 CAL. L. REV. 751-99 (2009). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Fall, 2008: Schwartz Book Store (Shorewood, WI). In my home town, I discussed my book in the fall after In Reckless Hands was released. I have no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Aug. 27, 2008: Emory University Faculty Workshop (Atlanta, GA). I presented ideas published as *A Tale of Two Lochners: The Untold History of Substantive Due Process and the Idea of Fundamental Rights*, 97 CAL. L. REV. 751-99 (2009). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

May 30, 2008: Law and Society Annual Meeting - The Future of Anti-Discrimination Law Panel (Montreal, Canada). I participated in a panel discussion and gave remarks on an unpublished paper "Re-imagining Sexism and the Criminal Law: A Post-Identity Theory" (a different title was provided in the program). I have no notes, transcript, or recording. The draft paper is supplied.

Mar. 15, 2008: University of Wisconsin Law School, Working from the World Up: Equality's Future (Madison, WI). I introduced speaker Columbia law professor Patricia Williams, offered closing remarks, and presented an unpublished paper entitled "A Post-Identity History of Racial Formation" (a different title was provided in the program). Draft paper, PowerPoint, audio recording, and transcript supplied.

Dec. 14, 2007: University of Wisconsin Law School Ideas and Innovations Workshop (Madison, WI). I presented an unpublished paper entitled "After Wordplay: The Principle of the Selfish Institution and the Idea of Law as Governance." I have no notes, transcript, or recording. Draft supplied.

Nov. 30, 2007: University of Wisconsin Law School Kastenmeier Lecture (Madison, WI). I introduced Rep. Robert Kastenmeier before his remarks to the law school. A podcast of my introduction is available at <http://law.wisc.edu/media/index.php?iStreamID=298>. Notes for my remarks are supplied.

Nov. 16, 2007: American Society of Criminology Annual Meeting (Atlanta, GA). On an Author Meets Critic panel, I introduced Univ. of Chicago Professor Bernard Harcourt. I have no notes, transcript, or recording of my participation.

Nov. 1, 2007: University of Wisconsin Law School (Madison, WI). I gave a talk to students entitled "Presidential Power and the Unitary Executive." A podcast is available at http://law.wisc.edu/media/item/11_01_07_nourse.mp3. PowerPoint slides supplied.

Fall, 2007: University of Wisconsin Genetics Department (Madison, WI). I gave a short talk to encourage students to work in Congress to provide their

expertise on technical issues. I spoke extemporaneously and have no notes, transcript, or recording.

July 28, 2007: Law and Society Annual Meeting (Berlin, Germany). I presented on two panels, and volunteered to chair a panel on domestic violence (where I did not present a paper). I presented a paper eventually published as *After the Reasonable Man: Getting Over the Objectivity/Subjectivity Debate*, 11 NEW CRIM. L. REV. 33 (2008). Article copy supplied in response to Question 12(a). I also presented an unpublished paper titled, "The Principle of the Selfish Institution: Lessons from Law, Society, and Heuristics for New Governance." I have no notes, transcript, or recording. Copy of the draft paper is supplied.

May 5, 2007: Emory University Conference on Class and Caste in a World of Global Inequities (Atlanta, GA). I presented remarks from a paper published as *The Lost History of Governance and Equal Protection*, 58 DUKE L. J. 955-1012 (2009) (with Sarah Maguire). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Mar. 29, 2007: University of Wisconsin Legal Theory Workshop, sponsored by the economist, Neil Komesar (Madison, WI). I discussed a draft, unpublished paper entitled "The Principle of the Selfish Institution." I have no notes, transcript, or recording. Synopsis of draft paper supplied.

Jan. 24, 2007: The Ohio State Legal Theory Workshop (Columbus, OH). I discussed an unpublished paper entitled "After Wordplay: The Principle of the Selfish Institution and the Idea of Law as Governance." I have no notes, transcript, or recording. A draft of this paper is supplied in connection with my presentation at the University of Wisconsin on December 14, 2007.

Dec. 11, 2006: Emory University Law School Faculty Workshop (Atlanta, GA). I gave remarks on my then-draft book, In Reckless Hands. I have no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Dec. 5, 2006: Northwestern University Law School Faculty Workshop (Chicago, IL). I gave remarks concerning my then-draft book, In Reckless Hands. I have no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Nov. 7, 2006: University of Wisconsin Law Review Symposium: The 40th Anniversary of *Loving v. Virginia* (Madison, WI). I introduced this conference and gave welcoming remarks. Introductory remarks and PowerPoint slides supplied.

Apr. 24, 2006: University of Wisconsin Law School (Madison, WI) (sponsored by the student chapter of the American Constitution Society). I gave a talk on "The

Unitary Executive Theory.” PowerPoint slides from my presentation supplied in connection with my presentation at the University of Wisconsin on Nov. 1, 2007.

Apr. 21-22, 2006: University of Wisconsin Law School, European Union Center for Excellence Workshop: The Rise of New Governance and the Transformation of Law (Madison, WI). I attended and participated in this roundtable but gave no formal remarks. I have no notes, transcript, or recording.

Mar. 24, 2006: American Philosophical Association Eightieth Annual Meeting, Symposium Panel: Sex, Violence, and the Criminal Law (Portland, OR). I presented an unpublished draft paper entitled “The History of the ‘Unwritten Law’ of Honor Killing in America” (a different title was provided in the program). I have no notes, transcript, or recording. Draft paper supplied.

Feb. 10, 2006: Institute for Constitutional History and the George Washington University Law School Faculty Workshop (Washington, DC). I gave remarks on my then-draft book, In Reckless Hands. I have no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Nov. 16, 2005: American Bar Foundation (Chicago, IL). I gave remarks on a draft paper entitled “History, Pragmatism, and the New Legal Realism.” I have no notes, transcript, or recording. Draft paper supplied.

July 8, 2005: International Congress on Law and Mental Health (Paris, FR). I moderated and chaired a panel entitled “Legal Consciousness.” I have no notes, transcript or recording of this panel. I also presented a draft paper entitled “Insanity Cycles: The Regular Misunderstandings of Science and Law.” Draft paper supplied.

June 24, 2005: Emory University Law School, Feminism and Legal Theory Workshop (Atlanta, GA). I gave remarks on translating social science into law entitled “Pragmatic Tools for a New Realism.” Draft paper, transcript and audio recording supplied.

June 8, 2005: Wisconsin Coalition Against Sexual Assault, Training Institute (Wisconsin Dells, WI). I gave remarks entitled “VAWA: How it got its Start.” I have no notes, transcript, or recording.

June 2-5, 2005: Berkshire Conference on the History of Women, Scripps College (Claremont, CA). I gave remarks on an unpublished paper entitled “The Twentieth Century History of ‘Honor Killing’ in America.” Draft paper and notes on my remarks supplied.

May 4, 2005: University of Wisconsin Alumni Association, Founders’ Day Milwaukee Chapter, Performing Arts Center (Milwaukee, WI). I gave remarks on

my book In Reckless Hands. I have no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Apr. 29, 2005: University of Wisconsin, Global Legal Studies Center, Dispute Resolution and Political Development Workshop (Madison, WI). I spoke on a panel as a specialist on American courts, legislatures and the separation of powers, presenting the ideas in the paper published as *Toward A New Constitutional Anatomy*, 56 STAN. L. REV. 835-900 (2004). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Mar. 2005: Yale Legal Theory Colloquium (New Haven, CT). I gave remarks on then-draft chapters of my book In Reckless Hands. I have no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Feb. 18, 2005: University of Wisconsin Law School Symposium on New Legal Realism (Madison, WI). I presented an unpublished paper entitled "Beyond Legal Aesthetics." I did not retain this draft paper. Transcript and DVD of my remarks supplied.

Sept. 10-11, 2004: University of Wisconsin Law School Conference on Comparative Institutional Analysis (Madison, WI). I presented a draft paper entitled "Crime, Participation and History." Draft paper supplied. I also led a panel discussion of *Democratic Regulation and Judicial Distrust: Comparing Property Rights Institutions in the US and the UK*, by Prof. Daniel Cole. Notes of comments supplied.

July 14, 2004: University of Wisconsin Law School (Madison, WI). Recent Supreme Court Cases Series. I presented and led a discussion on *Tennessee v. Lane*. I have no notes, transcript, or recording of this informal discussion.

June 27, 2004: New Legal Realist Methods Conference (Madison, WI). I participated in a roundtable discussion on interdisciplinary approaches toward law. An edited transcript of this discussion appears in *A Roundtable on New Legal Realism, Microanalysis of Institutions, and the New Governance: Exploring Convergences and Differences*, 2005 WIS. L. REV. 479-518 (my comment appears at p. 507). This article is supplied in response to Question 12(a).

April 20, 2004: Faculty works-in-progress discussion: "What's Cooking with Victoria Nourse: Skinner's Trial: A Changing Supreme Court." I have no notes, transcript, or recording.

June 27, 2003: Feminism and Legal Theory Summer Workshop (Madison, WI). I presented a paper published as *Law's Constitution: A Relational Critique*, 17 WIS. WOMEN'S L.J. 23 (2002). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Apr. 24, 2003: Brennan Center for Justice Conversation Series (New York, NY), entitled “The Legislative History Debates: A View from the Inside.” I gave an informal talk on judicial and legislative understandings of legislative history. I have no notes, transcript, or recording.

Apr. 11-12, 2003: Vanderbilt Law School Constitutional Theory Conference (Nashville, TN). I attended this roundtable conference, participated in discussions, but did not present a paper myself. I have no notes, transcript, or recording.

March 28, 2003: Yale Law School Charles Black Memorial Colloquium (New Haven, CT). I was on a panel discussing the separation of powers and Prof. Black’s structural form of argument. Speaking notes supplied.

Mar. 10, 2003: NYU Law School Faculty Colloquium (New York, NY). I gave remarks on a draft paper then-titled “Rethinking the Political Theory of Criminal Law Defenses,” eventually published as *Reconceptualizing Criminal Law Defenses*, 151 U. PA. L. REV. 1691-1746 (2003). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Feb. 25, 2003: Yale Legal History Forum (New Haven, CT). I presented then-draft chapters of my book *In Reckless Hands*. I have no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Spring 2003: Brooklyn Law School Legal Theory Workshop (Brooklyn, NY). I gave remarks on a draft paper published as *Reconceptualizing Criminal Law Defenses*, 151 U. PA. L. REV. 1691-1746 (2003). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Spring 2003: University of Connecticut Law School Legal Theory Workshop (Hartford, CT). I discussed a draft paper published as *Reconceptualizing Criminal Law Defenses*, 151 U. PA. L. REV. 1691-1746 (2003). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Fall 2002: Yale Law School Faculty Workshop (New Haven, CT). I discussed a paper published as *Toward A New Constitutional Anatomy*, 56 STAN. L. REV. 835-900 (2004). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Fall 2002: Yale Public Interest Law Reading Group (New Haven, CT). I led the discussion of a panel entitled “Civil Liberties in a New America,” where I introduced Aasma Khan of the organization Muslims Against Terrorism. I have no notes, transcript or recording of this introduction.

July 31, 2002: University of Wisconsin Alumni Foundation (Seattle, WA). I gave remarks on my book *In Reckless Hands* to a group of Wisconsin alumni. I have

no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Spring 2002: De Paul University Legal Theory Workshop (Chicago, IL). I gave remarks on a paper then-titled "Crime and Constitution," a draft paper published as *Reconceptualizing Criminal Law Defenses*, 151 U. PA. L. REV. 1691-1746 (2003). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

May 3, 2002: University of Wisconsin Law School, Law & Equality Series (Madison, WI). I gave remarks entitled "Skinner's Trial," regarding research leading to my book, *In Reckless Hands*. I have no notes, transcript, or recording. Book copy supplied in response to Question 12(a).

Mar. 21, 2002: University of Wisconsin Law School Works in Progress (Madison, WI). I gave remarks on a paper then-titled "Crime and Constitution," a draft paper published as *Reconceptualizing Criminal Law Defenses*, 151 U. PA. L. REV. 1691-1746 (2003). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Oct. 11, 2001: University of Wisconsin Law School, Board of Visitors Panel Discussion (Madison, WI). I participated in a panel discussion regarding the strategic plan and identity of the University of Wisconsin Law School. I have no notes or transcript of this discussion. Panel agenda supplied.

Oct. 5, 2001: University of Wisconsin Law School, "Feminist Theories of Relation: 'In the Shadow of the Law,' An Interdisciplinary Critical Dialogue on Theory (Madison, WI). I was on a panel and discussed a draft, unpublished paper entitled "The Relational Move," eventually published as *Law's Constitution: A Relational Critique*, 17 WIS. WOMEN'S L.J. 23-56 (2002). Article copy supplied in response to Question 12(a).

July 9, 2001-Aug. 10, 2001: University of Wisconsin Summer Institute Program for Foreign LL.M.s (Madison WI). I gave brief remarks on the basic elements of American criminal law. I have no notes, transcript, or recording; content was likely similar to remarks provided for Summer 2000 Institute event.

July 7, 2001: University of Wisconsin Law School (Madison, WI). Recent Supreme Court Cases Series. I presented and led a discussion on *Nguyen v. INS*. No draft circulated. I have no notes, transcript, or recording of this informal discussion. I have found notices about this presentation on July 31, 2001; I may have made this presentation on that date instead of or in addition to July 7.

May 3, 2001: University of Wisconsin Law School Alumni Association (Chicago, IL). I discussed my research and the law school's virtues. Speaking notes supplied.

Apr. 2001: University of Pennsylvania Legal Theory Workshop (with Prof. J. Schacter) (Philadelphia, PA). I gave remarks on a paper published as *The Politics of Legislative Drafting: A Case Study*, 77 N.Y.U. L. REV. 575-623 (2002) (with Prof. Jane Schacter). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Mar. 30, 2001: University of Iowa Legal Theory Workshop (with Prof. J. Schacter) (Iowa City, IA). I gave remarks on a paper published as *The Politics of Legislative Drafting: A Case Study*, 77 N.Y.U. L. REV. 575-623 (2002) (with Prof. Jane Schacter). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

July 10-Aug. 11, 2000: University of Wisconsin Summer Institute Program for Foreign LL.M.s (Madison WI). I gave brief remarks on the basic elements of American criminal law. Speaking notes supplied.

Oct. 15, 1999: University of Michigan Legal Theory Workshop (Ann Arbor, MI). I gave remarks on a paper then-titled "Killing Time," eventually published as *Self-Defense and Subjectivity*, 68 U. CHI. L. REV. 1235-1308 (2001). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

July 12-13, 1999: 17th Annual Summer Institute Program in U.S. Law and Legal Institutions (Madison, WI). I gave brief remarks on the basic elements of American criminal law. I have no notes, transcript, or recording; content was likely similar to remarks provided for Summer 2000 Institute event.

June 3, 1999: University of Wisconsin Law School, Methodology Working Session (Alfie Series) (Madison, WI). I discussed the methodology of a project interviewing congressional staffers on legislative drafting (with Jane Schacter). Draft notes for the meeting supplied.

May 29, 1999: Law and Society Annual Meeting: Comparative Institutional Approach to Law and Public Policy Session (Chicago, IL). I gave remarks on an unpublished paper entitled "Perpetual Misunderstandings: The Idea of Politics in Institutional Perspective." I did not retain this draft paper. I have no notes, transcript or recording.

May 18, 1999: University of Chicago Public Law Workshop (Chicago, IL). I gave remarks on a paper entitled "Of Victims and Vigilantes: Time, Gender Norms, and the Law of Criminal Defenses," eventually published as *Self-Defense and Subjectivity*, 68 U. CHI. L. REV. 1235-1308 (2001). Article copy supplied in response to Question 12(a).

Mar. 1999: University of Maryland Law School Symposium (Baltimore, MD). I gave a talk entitled "Gideon's Trumpet, Muted," the content of which was

eventually published as *Gideon's Muted Trumpet*, 58 MD. L. REV. 1417-32 (1999). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Nov. 30, 1998: Columbia University Legal Theory Workshop (New York, NY). I gave remarks on a paper entitled "The Disembodied Constitution: Function Talk and the Separation of Powers," eventually published as *The Vertical Separation of Powers*, 49 DUKE L. J. 749-802 (1999). I have no notes, transcript, or recording. Article copy supplied in response to Question 12(a).

Nov. 1998: NOW Legal Defense Fund (New York, NY). I gave an informal presentation of "True Men, True Women and the Fate of Gender in the Law." Draft supplied of the Oct. 21, 1998 presentation of the same paper.

Oct. 21, 1998: Villanova University Legal Theory Workshop (Philadelphia, PA). I presented a draft paper entitled "True Men, True Women and the Fate of Gender in the Law." I have no notes, transcript, or recording. Draft paper supplied.

Jan. 6, 1998: American Association of Law Schools, Remedies Section (New Orleans, LA). I gave remarks on punishment and parity. I have no notes, transcript, or recording.

Fall, 1997: University of Maryland Legal Theory Workshop (Baltimore, MD). I gave remarks on a paper published as *Passion's Progress: Modern Law Reform & the Provocation Defense*, 106 YALE L. J. 1331-1448 (1997). Article copy supplied in response to Question 12(a).

Jan. 9, 1997: American Association of Law Schools, Constitutional Law Section (Washington, DC). I participated on a panel discussion of Congress and the Constitution. The panel may have been recorded, but I have no recording and AALS was unable to locate or identify one. Notes supplied.

May 1, 1996: University of Wisconsin Law School, Institute for Legal Studies Work-in-Progress Luncheon (Madison, WI). I gave remarks on a paper draft then entitled "Passion's Progress: Lessons for Reform from an Empirical Look at the Heat-of-Passion Defense," published as *Passion's Progress: Modern Law Reform & the Provocation Defense*, 106 YALE L. J. 1331-1448 (1997). Article copy supplied in response to Question 12(a).

Feb. 29 - Mar. 3, 1996: National Women Law Students Association (Madison, WI). I discussed the Violence Against Women Act. I have no notes, transcript, or recording.

Oct. 16-17, 1995: Committee on Women and Family in the Russian Legislature, DUMA (Moscow, Russia). I participated in a panel discussion on American laws

protecting women from domestic violence. I have no notes or transcript of this discussion; local coverage in the *Semya* newspaper supplied.

Apr. 28, 1995: Connect US/Russia (Minneapolis, MN). I participated in a panel discussion with a traveling delegation of members of the Committee on Family, Women and Children of the State Duma of Russia, on the topic of federal domestic violence legislation. I have no notes, transcript, or recording.

Feb. 11, 1995: University of Virginia Law School, Journal of Law and Policy Symposium on Partisan Influence on Ethics Investigations: Context and Impact (Charlottesville, VA). I gave remarks published as *Essay, The Idea of Partisanship*, 11 J.L. & POL'Y 549-554 (1995). Transcript supplied; article copy supplied in response to Question 12(a).

1995: NYU Law School Roundtable on the Civil Rights Remedy in the Violence Against Women Act (New York, NY). I participated in a panel discussion on the civil rights remedy in the Violence Against Women Act. I have no notes, transcript, or recording.

Oct. 12, 1993: Dane County Bar Association/Lion's Club Constitution Day (Madison, WI). I gave remarks entitled "Advice and Consent: The Senate, Judicial Nominations, and the Constitution." I have no notes, transcript, or recording.

Apr. 1992: National Woman Abuse Prevention Project (Washington, DC). I gave remarks on violence against women. I have no notes, transcript, or recording.

Oct. 4, 1991: Dartmouth College Department of Philosophy (Dartmouth, NH 1992). I gave a lecture to students on the Violence Against Women Act's civil rights remedy. I have no notes, transcript, or recording.

July 18, 1991: Organization of American States, Inter-American Consultation on Women and Violence (Washington, DC). I commented on a panel on US legislation on violence against women. I have no notes, transcript, or recording.

June 24, 1991: Campus Violence Administrators (Washington, DC). I gave remarks on violence against women. I have no notes, transcript, or recording.

May 3, 1991: Princeton University Department of Philosophy and Women's Studies Center (Princeton, NJ). I gave a lecture to students and faculty on the civil rights remedy in the Violence Against Women Act. I have no notes, transcript, or recording.

May 6, 1991: National Organization for Victim Assistance, 11th Annual Forum on Victim's Rights (Washington, DC). I gave remarks on the Violence Against Women Act. I have no notes, transcript, or recording.

Apr. 20, 1991: College Democrats' National Convention (Washington, DC). I gave remarks on the Violence Against Women Act. I have no notes, transcript, or recording.

Apr. 17, 1991: Northern Virginia Women's Political Caucus (VA). I gave remarks on violence against women. I have no notes, transcript, or recording.

Feb. 21, 1991: Woman's National Democratic Club (Washington, DC). I gave remarks on the Violence Against Women Act. I have no notes, transcript, or recording.

Jan. 7, 1991: B'nai B'rith Women National Executive Board (Washington, DC). I gave remarks on the Violence Against Women Act. I have no notes, transcript, or recording.

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

I searched my memory, my files, and the Internet to produce as complete a list as possible of all interviews I have given, but there still may be others I have been unable to recall or identify. Clips supplied for all published interviews listed without a web link.

Joe Biden: His Life, Trials, and Redemption by Jules Witcover (forthcoming October 2010).

Oklahoma Metropolitan Library System video interview; Oklahoma City, OK (Nov. 19, 2009). Taken before the Oklahoma book awards. Video available at <http://youtube.com/watch?v=knIbC-1PAQw>.

Oklahoma Public Radio; Shawnee, OK (Nov. 6, 2009). I did an interview on In Reckless Hands, which never aired. I have no transcript.

Emory Report; Atlanta, GA (July 6, 2009).

WAMU Radio, *Kojo Nnamdi Show*; Washington, DC (Apr. 21, 2009) (regarding Equal: Women Reshape American Law). Transcript supplied.

About Emory Law; Atlanta, GA (Apr. 20, 2009) (regarding Kojo Nnamdi interview).

Equal: Women Reshape American Law by Fred Strebeigh (published 2009) (pp. 309-444 drew on interviews with me conducted several years earlier).

WUWM Radio, *Lake Effect*; Milwaukee, WI (Oct. 20, 2008) (regarding In Reckless Hands). Available at http://www.wuwm.com/programs/lake_effect/view_le.php?articleid=565.

New Republic (Sept. 24, 2008) (quoted regarding Violence Against Women Act).

Boston Globe (July 27, 2008) (regarding In Reckless Hands).

WAMU Radio, *Diane Rehm Show*; Washington, D.C. (July 29, 2008) (regarding In Reckless Hands). Available at <http://wamu.org/programs/dr/08/07/29.php#21829>.

W.W. Norton Press Release, In Reckless Hands (April 2008).

Promises to Keep: On Life and Politics by Joseph Biden (published 2007) (regarding the history of the Violence Against Women Act) (no clip or transcript).

In Pursuit of Right and Justice: Edward Weinfeld as Lawyer and Judge by William E. Nelson (published 2004) (regarding the experience of clerking for Judge Weinfeld).

Gargoyle; Madison WI (Winter 1993) (Nourse hired as new faculty).

Chicago Tribune (Nov. 23, 1997) (quoted regarding 1996 law removing spousal adultery from provocation defense).

Associated Press (Feb. 28, 1995) (regarding the Violence Against Women Act). This AP story ran in the following newspapers: *Charleston Gazette*, *New Orleans Times Picayune*, *Lexington Herald-Leader*, *Bradenton Herald*, *Buffalo News*, *Cleveland Plain Dealer*, *Long Beach Press-Telegram*, *San Francisco Chronicle* (Feb. 28, 1995); *Charleston Daily Mail*, *Charleston Gazette* (May 16, 1995); *Hamilton Spectator*; Ontario, Canada (Mar. 7, 1995).

Wisconsin Week (Oct. 5, 1994) (regarding Violence Against Women Act).

Capital Times (Madison, WI) (Sept. 17, 1994) (regarding crime bill signing of the Violence Against Women Act).

Wisconsin Public Radio, *Ideas Network*; Madison, WI (June 23, 1994) (regarding the Violence Against Women Act). Audio recording supplied.

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

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, approximately what percent were:
 - jury trials? ____%; bench trials ____% [total 100%]
 - civil proceedings? ____%; criminal proceedings? ____% [total 100%]
 - b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general

description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have not served as a judge.

15. Public Office, Political Activities and Affiliations:

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

I have not held public office. I have had no 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.

I have never held office in or rendered services to a political party. I have never been a member of, held office in, or rendered services to an election committee. I have never held a position or played a role in a political campaign, apart from occasional monetary contributions to political candidates.

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;

Law Clerk to U.S. District Judge Edward Weinfeld, Southern District of New York, 1984 to 1985.

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

I have never been in solo practice.

- 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.

1984
Simpson, Thacher & Bartlett
425 Lexington Avenue
New York, New York 10017
Summer Associate (Law Clerk)

1985 to 1987
Paul, Weiss, Rifkind, Wharton & Garrison
1285 Avenue of the Americas
New York, New York 10019
Associate

1987
United States Senate Committee to Investigate the Iran-Contra Affair
Hart Senate Office Building
Washington, D.C. 20510
Assistant Counsel

1988 to 1990
United States Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Appellate Attorney

1990 to 1993
United States Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510
Counsel and Special Counsel

- 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 never 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.

I began my legal career as a clerk to Judge Edward Weinfeld in the Southern District of New York. I moved to practice at Paul, Weiss, Rifkind, Wharton & Garrison where my principal work was on a large commercial litigation. In 1987, I was brought to Washington by the head of the firm who had been appointed Chief Counsel to the Senate Iran-Contra investigating committees, and I served that committee as an assistant counsel. I left the Senate staff in 1988 to join the United States Justice Department as an appellate attorney in the Civil Division, where I argued and briefed cases in the United States courts of appeals. In 1990, I left to become counsel to the Chairman of the Senate Judiciary Committee, where I specialized in legislative matters, most particularly anti-crime and anti-drug legislation, culminating in the Biden-Hatch Violent Crime Control and Law Enforcement Act of 1994. I began teaching law in the fall of 1993 at the University of Wisconsin, and since then have retained a chair there while visiting at other institutions including Yale, NYU, Emory, and Georgetown.

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

From 1985 to 1987, I represented corporations in litigation. The principal matter was a \$1 billion tax litigation in which my firm represented several major movie studios. At the behest of Alfred Youngwood (future head of the firm), I moved from the litigation department to the tax department for a very brief period in 1987, before I was asked to move to Washington by the then-head of the firm, Arthur Liman.

In 1987, I represented the United States Senate as Assistant Counsel to the Senate Committee Investigating the Iran-Contra Affair, at the behest of the Chief Counsel of the Committee, Arthur Liman, and appointed by Senators Inouye and Rudman. In that capacity, I wrote memoranda and drafted committee reports on issues relating to the Fifth Amendment, executive privilege, and did extensive document review of classified material.

From 1988 to 1990, I represented the United States government at the Justice Department, specializing in federal civil appellate litigation, arguing and briefing appeals in the D.C., Fifth, Eleventh, Ninth, and perhaps other Circuits. Issues in these cases varied widely, from emergency disaster relief to the Federal Advisory Committee Act. With the exception of a grand jury subpoena case, all my cases were civil appeals.

From 1990 to 1993, my client was the Senate Judiciary Committee and its Chairman, then-Senator Biden. I specialized in anti-crime and anti-drug legislation, culminating in the Biden-Hatch Violent Crime Control and Law Enforcement Act of 1994. Included within that bill was the Violence Against Women Act.

- 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.

All of my practice in courts (as opposed to Congress) has been in litigation, principally appellate litigation. During a two year period at the United States Department of Justice, I filed 20 principal and reply briefs in the federal courts of appeal and one brief in opposition to a writ for certiorari in the United States Supreme Court. I also argued cases in at least five if not more matters, in the D.C. Circuit (twice), Fifth, Eleventh, and Ninth Circuits. The percentage of my practice in federal courts then was 100 percent. While I was in private practice at Paul, Weiss, Rifkind, Wharton & Garrison in New York, I was listed on one brief in the Supreme Court of the United States, several in the Court of Claims (in connection with tax litigation), and on one case in the New York Appellate Division (a real estate matter).

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 98% |
| 2. state courts of record: | 2% |
| 3. other courts: | |
| 4. administrative agencies: | |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 98% |
| 2. criminal proceedings: | 2% |

- 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.

None. My principal legal practice was appellate. The major litigation I worked on in private practice was at the summary judgment stage or appellate briefing. All the work I did on behalf of the United States Department of Justice was at the appellate or Supreme Court level.

i. What percentage of these trials were:

1. jury:
2. non-jury:

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

I was the associate assigned to research (and proofread) the brief in a *pro bono* matter, *Edwards v. Aguillard*. 482 U.S. 578 (1987). Louisiana sought to teach “creationism” in its public schools. Our clients prevailed; the Supreme Court held the statute unconstitutional. The brief is available at 1986 WL 727665 (U.S. Aug. 18, 1986).

At the Department of Justice, I was on the brief for the United States in Opposition to a Petition for Certiorari, in *John Does 1-4 v. United States*, No. 87-1712 (Oct. Term 1987). Copy supplied. The United States sought to subpoena records regarding a failed savings and loan. The writ was denied. In re Grand Jury Subpoena, 836 F.2d 1468, cert. denied sub nom. *Does 1-4 v. United States*, 487 U.S. 1240 (1988) (mem.).

I was a signatory on a brief amicus curiae by law professors in *United States v. Morrison*, 1999 WL 1032805 (U.S. Nov. 12, 1999). Copy supplied. Our position did not prevail. 529 U.S. 598 (2000).

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.

I participated in the litigation below early in my career, more than a decade and a half ago, prior to my becoming a full-time legal academic. The details I have provided are as best I have been able to reconstruct from public sources and from my records.

1. *RCA Corp. v. United States*, 12 Cl. Ct. 569 (Cl. Ct. 1987), *aff'd in part and vacated in part*, *ABC v. United States*, 851 F.2d 329 (Fed. Cir. 1988).

Court of Claims, Washington D.C. (Kozinski, C.J., succeeded by Margolis, J.)
Associate, Paul, Weiss, Wharton & Garrison, New York City

This was a complex tax litigation involving the investment tax credit (ITC) exposing our clients to a potential \$1 billion in liability. The ITC was originally awarded by the IRS to our clients, several movie studios (Warner Brothers being the principal client). The then-three television networks, ABC, CBS, and NBC, sought to claim the credit for themselves. The case was litigated in the Court of Claims in Washington and involved the filing of briefs for summary judgment on statutory interpretation. I was the principal associate “translating” the tax law to the entertainment and litigation lawyers. Along with other associates, I conducted discovery, drafted motions, and portions of summary judgment briefs. Our clients prevailed in the trial court; on appeal, the judgment was vacated for a subset of pre-1972 films.

The principal lawyers at Paul Weiss with whom I worked were Alfred Youngwood (head of the tax department and later head of the firm), Tel 212-373-3080; Stuart Rabinowitz (entertainment department); and Brad Karp (present head of the firm and associate with me at the time on the case), Tel 212-373-3316. Opposing counsel for RCA and NBC were Walter C. Cliff, George Wailand, Kevin J. McKenna, and William R. Weinstein, Cahill, Gordon & Reindel, 80 Pine Street, New York, NY 10005. For ABC: Martin D. Ginsburg, Arthur Lazarus, Jr., John T. Boese, Alan S. Kaden, and Stephen A. Mansfield, Fried, Frank, 600 New Hampshire Avenue, N.W., Suite 1000, Washington, DC 20037. For MCA and Universal City Studios, TCF Holdings, Twentieth Century Fox Film Corporation, MGM Co.: John C. Baity and L. Anthony Joseph, Jr., Hunton & Williams, 707 East Main Street, Richmond, VA 23219. For The Coca-Cola Company, Columbia Pictures Industries, Gulf + Western Industries: William P. McClure, Geoffrey B. Lanning, and Paul Little, McClure & Trotter, 1100 Connecticut Avenue, NW, Washington, DC 20036.

2. *Edwards v. Aguillard*, 482 U.S. 578 (1987)

Supreme Court of the United States

Associate, Paul, Weiss, Wharton & Garrison, New York City
Representing Don Aguillard

I did legal research and provided parts of a draft brief in this establishment clause case involving the teaching of creationism in Louisiana schools. Our client prevailed, the Supreme Court striking down the law as unconstitutional. The brief is available at 1986 WL 727665 (U.S. Aug. 18, 1986).

The lead attorney on this case at Paul, Weiss was Jay Topkis, Tel 212-373-3319; Gerard Harper, Tel 212-373-3263, was principal drafter of the brief. Opposing Counsel was the Attorney General of the State of Louisiana & Wendell Bird, Esq., now of Bird & Associates, 1150 Monarch Plaza, 3414 Peachtree Rd. NE, Atlanta GA 30326, Tel (404) 264-9400.

3. *Does 1-4 v. United States*, 487 U.S. 1240 (1988) (mem.)
Supreme Court of the United States
Counsel for the United States, Appellate Staff, Civil Division

I drafted the brief for the United States in opposition to an application for a writ of certiorari in a case involving a criminal investigation of a failed saving and loan association. The petitioners sought to quash grand jury subpoenas based on the ground that the depositions sought were protected by a Rule 26 civil protective order. The petitioners' application for a writ of certiorari was denied.

Co-counsel was Douglas Letter, Appellate Staff, Civil Division, Tel (202) 514-3311. Opposing counsel were Paul L. Friedman & Anne D. Smith, White & Case, 1747 Pennsylvania Ave., NW, Washington, D.C. 20006, Tel (202) 872-0013.

4. *Crowley Caribbean Transport, Inc. v. United States*,
865 F.2d 1281 (D.C. Cir. 1989)
Counsel for the United States, Appellate Staff, Civil Division

I argued and drafted the brief on behalf of the United States supporting the right of the government to choose appropriate carriers for the provision of emergency aid relief to El Salvador after an earthquake. Certain American companies had argued that the government had violated the Cargo Preference Act when it chose non-American carriers in providing emergency disaster relief. The legal question involved a potential statutory conflict between the Cargo Preference Act and the Foreign Assistance Act. The Government prevailed.

Co-counsel at the Department of Justice was Leonard Schaitman, Appellate Staff, Civil Division, Tel (202) 514-3311. Opposing counsel were Michael Joseph, now of Blank & Rome LLP, 600 New Hampshire Ave. NW, Washington, DC, Tel 202-772-5959, and Thomas Mills, now of Winston & Strawn, 1700 K Street, NW, Washington DC 20006, Tel 202-282-5714.

5. *Food Chemical News v. Young*,
900 F.2d 328 (D.C. Cir. 1990)
Counsel for the United States, Appellate Staff, Civil Division

I drafted the brief on behalf of the United States, under the supervision of a more senior attorney. This case involved a significant issue of the application of the Federal Advisory Committee Act, which places limits on the ability of federal agencies to "utilize" outside advisory committees. The Court of Appeals ruled for the

government that the panel in question did not qualify as an “advisory committee” subject to the act. At the time, there were a number of these cases pending on this issue, one of which went to the Supreme Court. The decision was written by then-Judge Ruth Bader Ginsburg, on a panel with Silberman, J. and Sentelle, J.

Lead counsel on the appellate staff was Douglas Letter, Appellate Staff, Civil Division, Tel (202) 514-3311. Opposing counsel was Eleanor H. Smith, Zuckerman Spaeder LLP, 1800 M. Street, NW, Suite 1000, Washington, DC 20036, Tel (202) 778-1838.

6. *Martin Bischoff, Templeton, Ericsson & Langlet v. United States*,
No. 88-3753, 1990 WL 1400 (9th Cir. Jan. 11, 1990)
Counsel for the United States, Appellate Staff, Civil Division

I argued and drafted the brief on behalf of the United States in a case where a law firm sought to foreclose a state-created attorneys’ lien against the United States. The legal question was whether the United States had waived its sovereign immunity under the federal lien foreclosure statute or the Administrative Procedure Act. The sovereign immunity argument prevailed, as did the government. The case was argued before Canby, J., Thompson, J. & Leavy, J.

Co-counsel at the Appellate Staff was Marleigh Dover, Tel (202) 514-3311. Opposing counsel were Jonathan M. Hoffman and Stephanie L. Striffler, Martin, Bischoff, Templeton, Ericsson & Langslet, 3100 First Interstate Tower, Portland, OR 97201.

7. *Johnson v. United States*, No. 89-35019, 1990 WL 125339 (9th Cir. Nov. 2, 1989)
Counsel for the United States, Appellate Staff, Civil Division

I drafted the brief in opposition to an appeal in a case involving the potential conflict between federal bankruptcy laws and the Federal Tort Claims Act (FTCA). The district court had dismissed this medical malpractice case for lack of subject matter jurisdiction. The plaintiffs appealed. The Court of Appeals affirmed the district court’s opinion, ruling as the government argued that the bankruptcy laws could not toll the statute of limitations under the FTCA. The Case was decided by a panel of Browning, J., Schroeder, J. and Fletcher, J. without oral argument.

Co-counsel on the case was Robert Greenspan, Appellate Staff, Civil Division, Tel (202) 514-3311. Opposing counsel was John Hendrickson, 3105A Lakeshore Drive Suite 102, Anchorage, AK 99517.

8. *United States Office of Personnel Mgmt. v. FLRA*,
905 F.2d 430 (D.C. Cir. 1990)
Counsel for the United States, Appellate Staff, Civil Division

I crafted the argument on retaking this appeal. I drafted the brief, but left the Department before it was argued. The case challenged what appeared to be a settled rule involving the “vitally affects” test, which the D.C. Circuit had borrowed from private sector labor law and applied to public sector bargaining. The precise issue was complex, and in this case the government did not prevail because of the law of the case doctrine. The opinion was written by Sentelle, J., on a panel with Ginsburg, J., & Silberman, J. Silberman, J., dissented. The ultimate claim that the “vitally affects” test had been misread prevailed in a subsequent case involving a different dispute, 952 F.2d 1434 (D.C. Cir. 1992).

When I left to join the staff of the Senate Judiciary Committee, the case was taken over at the Department of Justice by Mark Pennak. Appellate Staff co-counsel was William Kanter, Tel (202) 514-3311. Opposing counsel was William R. Tobey, Federal Labor Relations Authority, Solicitor’s Office, Room 330, 607 14th Street NW, Washington, D.C. 20424, (202) 482-6620.

9. Public Citizen Health Research Group. v. Young,
909 F.2d 546 (D.C. Cir. 1990)
Counsel for the United States, Appellate Staff, Civil Division

I drafted the brief in a case arising from Food & Drug Administration warnings concerning the intake of aspirin by children and the risk of Reye’s syndrome. The case involved the award of attorneys’ fees under the Equal Access to Justice Act. The government prevailed in substantial part, the case being affirmed in part, reversed in part. The district court had applied a standard less generous to the government than appropriate and had awarded fees for an inappropriate period of time. Opposing counsel was Public Citizen Health Research Group. The opinion was written by Williams, J., on a panel of Buckley, J., Williams, J. & Sentelle, J.

My co-counsels at the Department of Justice were William Kanter, Tel (202) 514-3311, and Robert K. Rasmussen, now Dean of the University of Southern California Law School, Tel (213) 740-6473. Opposing counsel was Katherine Anne Meyer, now of Meyer Glitzenstein & Crystal, 1601 Connecticut Ave., N.W., Suite 700 Washington, DC 20009, Tel (202) 588-5206.

10. Creekmore v. United States,
905 F.2d 1508 (11th Cir. 1990)
Counsel for the United States, Appellate Staff, Civil Division

I drafted the brief on behalf of the government in a federal tort action on the question of whether *res ipsa loquitur* applied to an accident involving a large NASA elevator. The government prevailed; the judgment of the district court was vacated and remanded. The opinion was written by Hill, J. on a panel of Cox, J., Hill, J., & Smith, J.

Co-counsel at the Appellate Staff was Robert S. Greenspan, Esq. (202) 514-3311. Opposing counsel was Robert Sellers Smith., Robert Sellers Smith, L.L.C., 6004 Macon Court, Huntsville, AL 35802, Tel (256) 883-6850.

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 do not lobby and have never lobbied in the past.

During my period as a staffer for the Senate Judiciary Committee, I was a senior staff advisor to then-Senator Biden. From 1991-1993, I was the chief staffer for Chairman Biden on anti-crime legislation, culminating in the most comprehensive anti-crime and anti-drug bill of the era: the Biden-Hatch Violent Crime Control and Law Enforcement Act of 1994. Included within that bill was the Biden Violence Against Women Act. My work as a staffer on that bill is recounted in a book by Fred Strebeigh, Women Reshape American Law (Norton 2009).

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.

Legislation

Statutory interpretation and Congress

Georgetown: 2010, Spring 2009

Emory: 2009

Wisconsin: Spring 1994, Spring 1995, Fall 1997, Fall 1998, Spring 1999, Fall 2004, Spring 2006

Maryland: 1997

Constitutional Law & History

History of the founding, separation of powers, federalism, rights

Georgetown: Spring 2010

Emory: Fall 2008, Spring 2009

Yale: Fall 2002

Wisconsin: Spring 1996, Spring 2000, Spring 2002, Spring 2006

Criminal Law

Mens rea, homicide, defenses

Emory: Spring 2008, Spring 2009

NYU: Spring 2003

Yale: Fall 2002

Wisconsin: Fall 1993 , Fall 1994 , Spring 1999 , Fall 1999 , Fall 2001 , Fall 2004 ,
Fall 2005

Maryland: Fall 1996, 1997

Criminal Procedure

Fourth, Fifth & Sixth Amendments

Wisconsin: Spring 1994, Spring 1995, Spring 1996, Spring 2000

Maryland: Fall 1996, Fall/1997

Evidence

Federal rules of evidence

Maryland: Spring 1997, 1998

Seminars

The History of Twentieth Century Legal Thought (Wisconsin 2005)

Criminal Law and History (Wisconsin 2005)

Criminal Law and Political Theory (Wisconsin 2001)

Gender and the Law (Wisconsin 1994)

As part of my responsibilities as a tenured member of the faculty at University of Wisconsin, I have been the sponsoring professor for a Domestic Violence Clinic in several years. Although I have been listed as a co-instructor for the course, the clinic itself is taught by an adjunct faculty member; my role is to provide administrative support and academic certification.

I have supplied all syllabi that I have retained over the years for these 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.

Under my contract with Norton Press for publication of In Reckless Hands, I am entitled to royalties based on book sales.

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 commitments or agreements to pursue outside employment, with or without compensation, during my service with the court. I may consider occasional law teaching, but only if I determine that it is compatible with the duties I would assume if confirmed as a circuit judge.

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.

My father-in-law, Richard D. Cudahy, is a Circuit Judge for Seventh Circuit. Although he retired by taking senior status in 1994, he has continued to render substantial service to the Court of Appeals for the Seventh Circuit. Judge Cudahy has advised me that, if I am confirmed, he will become an inactive retired judge and upon my nomination and confirmation by the U.S. Senate will no longer sit on cases for the Court of Appeals for the Seventh Circuit.

Although I do not anticipate other conflicts as likely, I have or have recently had relationships with several entities that could in theory come before the Court. My husband is presently employed at Robert W. Baird & Co, an investment advisory firm in Milwaukee, Wisconsin. I am an employee or recently have been an employee of the University of Wisconsin, Georgetown University, and Emory University. My husband's family has a charitable foundation, the Patrick & Anna M. Cudahy foundation, which funds service organizations within Wisconsin and my husband has sat on its Board. My husband's mother established a school in inner-city Milwaukee, Urban Day School, and my husband has been the head of the Board of Trustees and remains actively involved with the school. If confirmed, I would carefully apply the recusal statutes, the relevant canons of the Code of Conduct for United States Judges, and the advice of colleagues and/or the Judicial Conference to any case involving one or more of these entities in any capacity. Whenever necessary to ensure impartiality or to avoid appearance of partiality, I would disclose ties to litigants and recuse myself as appropriate.

- 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 handle all matters involving actual or potential conflicts of interest through the careful and diligent application of the code of Conduct for United States Judges as well as other relevant canons and statutory provisions.

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 take seriously the responsibility of lawyers to serve those who are the most vulnerable and least advantaged in our society. I have sought to reflect this commitment in my research and writing: I spent seven years unearthing the lost history of a home-schooled lawyer and his destitute clients who fought the science of eugenics, bringing their case all the way to the Supreme Court of the United States.

Prior to entering academia, I engaged directly in *pro bono* legal representation. As a young law firm associate, I volunteered in Manhattan's housing court to prevent the wrongful eviction of the poor. I drafted an ethics opinion for the New York City Bar Association. I actively sought *pro bono* work on matters even when the principal task involved proofreading the briefs (see *Edwards v. Aguillard*, 482 U.S. 587 (1987) *supra*).

As a law professor, I have focused my *pro bono* work on victims of violence. I have provided advice and other support to local shelters, national organizations, students, and other academics seeking to end sexual assault and domestic violence. That advice has ranged from matters as practical as how to obtain grant funding or as sophisticated as the state of legal challenges under section 1983. From 1995 to 2000, I provided dozens of hours of advice to academics and national organizations litigating for victims of violence under the civil rights remedy of the Violence Against Women Act. In 1995, I travelled to Russia for a week to educate women on American laws and practices involving violence against women (at that time, there was one battered woman's shelter in Moscow, population 8 million). In addition, I have supervised numerous students writing papers on violence against women; sponsored courses on domestic violence by service providers; sat on dissertation committees and advised students in other departments (sociology and political science), where research is being done on violence.

Finally, my husband and I have devoted substantial money and time to support Urban Day School, an inner-city "choice" school in Milwaukee, primarily serving low-income African-American children. This school was started in the 1970s by my husband's mother, who died in her early 40s of breast cancer, and is one reason why we chose to live in Milwaukee, as opposed to Madison (72 miles away), where I have taught for more than 15 years.

26. Selection Process:

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

There is a judicial nominating commission in Wisconsin. I applied to and was interviewed by the commission. Among several others, my name was sent to Senators Kohl and Feingold. I interviewed with Senators Kohl and Feingold. On January 21, 2010, Senator Kohl telephoned me and told me that he was forwarding my name (on a list with three others) to the President on behalf of himself and Senator Feingold.

Before I applied to the Commission, given my prior employment for the Vice President, I had a conversation with the Vice President's chief counsel, concerning the position. I have had periodic communications with the Vice President's chief counsel throughout the process.

Since February 2010, I have been in contact with pre-nomination officials at the Department of Justice. On April 7, 2010, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice. On July 14, 2010, 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, VICTORIA FRANCES NOURSE, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

7/9/2010
(DATE)

Personally appeared

Vicoria F. Nourse
(NAME)

before me this 9th day of July, 2010

Diane DeWindt-Hall
(NOTARY)

Diane DeWindt-Hall
My commission expires 03/09/2014
State of Wisconsin, Milwaukee County

