

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jeremy Daniel Kernodle

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

United States District Judge for the Eastern District of Texas

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.

Haynes and Boone, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219

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

1976; Memphis, Tennessee

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.

1998 – 2001, Vanderbilt University Law School; J.D. (Highest Honors), 2001

1994 – 1998, Harding University; B.A. (*summa cum laude*), 1998; B.B.A. (*summa cum laude*), 1998

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.

2006 – present; Summer 2000; Summer 1999
Haynes and Boone, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219

Partner (2012 – present)
Associate (2006 – 2012)
Summer Associate (Summer 2000; Summer 1999)

2005 – 2006
Office of Legal Counsel
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Attorney-Advisor

2002 – 2005
Covington & Burling LLP
850 Tenth Street, N.W.
Washington, D.C. 20001
Associate

2001 – 2002
United States Court of Appeals for the Eleventh Circuit
Honorable Gerald B. Tjoflat
300 North Hogan Street
Jacksonville, Florida 32202
Law Clerk

Summer 2000
Norton Rose Fulbright US LLP
98 San Jacinto Boulevard, Suite 1100
Austin, Texas 78701
Summer Associate
Formerly Fulbright & Jaworski LLP

Summer 2000
Carrington, Coleman, Sloman & Blumenthal, L.L.P.
901 Main Street, Suite 5500
Dallas, Texas 75202
Summer Associate

Other Affiliations (Uncompensated):

2017 – present
Teach the Story
1914 Skillman Street, Suite 110-193
Dallas, Texas 75206
Board Member

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 did not serve in the military. I registered for the selective service upon turning 18.

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.

Best Lawyers in America, Woodward/White, Inc. (2018)

Texas Super Lawyer, *Thomson Reuters* (2013 – 2017)

Texas Super Lawyer – Rising Star, *Thomson Reuters* (2010 – 2013)

Fifth Circuit Litigation Star, *Benchmark Litigation* (2012 – 2013)

Leading Appellate Practitioner in the Fifth Circuit, *Benchmark Litigation* (2011)

Vanderbilt Law School

Founders Medal (2001)

Order of the Coif (2001)

Morgan Prize (2001)

Vanderbilt Law Review – Articles Editor (2000 – 2001) and Member (1999 – 2000)

Robert Jackson Memorial Prize (2000)

Archie B. Martin Memorial Prize (1999)

Harding University

Summa cum laude (1998)

Honor Scholar (1994 – 1998)

Arkansas Governor's Scholar (1994 – 1998)

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.

The William “Mac” Taylor Inn of Court, Barrister (2014 – present)

Bar Association of the Fifth Federal Circuit (2010 – present)

Federal Bar Association (2009 – present)

President, Dallas Chapter (2012 – 2013)

President-Elect, Dallas Chapter (2011 – 2012)

Vice-President, Dallas Chapter (2010 – 2011)

Secretary, Dallas Chapter (2009 – 2010)

Dallas Bar Association (2007 – present)
Vice Chair, Appellate Section (2018)
Secretary, Appellate Section (2017)
Treasurer, Appellate Section (2016)
Council Member, Appellate Section (2015)

The Patrick E. Higginbotham Inn of Court, Associate (2007 – 2008)

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.

Texas, 2001
District of Columbia, 2002

There have been no lapses in membership. While practicing out of state from 2002 to 2006, I received a Non-Practicing Exemption from the Minimum Continuing Legal Education Requirements of the State Bar of Texas.

- 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, 2005
United States Court of Appeals for the Third Circuit, 2003
United States Court of Appeals for the Fourth Circuit, 2009
United States Court of Appeals for the Fifth Circuit, 2009
United States Court of Appeals for the Sixth Circuit, 2017
United States Court of Appeals for the Ninth Circuit, 2007
United States Court of Appeals for the Eleventh Circuit, 2017
United States Court of Appeals for the D.C. Circuit, 2016
United States District Court for the Eastern District of Texas, 2014
United States District Court for the Northern District of Texas, 2008
United States District Court for the Southern District of Texas, 2011
United States District Court for the Western District of Texas, 2017
United States Court of Federal Claims, 2004
Supreme Court of Texas, 2001

To my knowledge, there have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school.

Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Texas Supreme Court Historical Society (2015 – present)

The Federalist Society for Law and Public Policy Studies (2006 – present)

President, Dallas Lawyers Chapter (2014 – present)

Vice President, Dallas Lawyers Chapter (2009 – 2014)

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

To the best of my knowledge, none of the organizations listed in response to Question 11a above currently discriminates 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.

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.

Co-author, *2017 Year in Review – The False Claims Act*, Haynesboone.com (January 2018). Along with several colleagues, I drafted and published an extensive summary of legal developments regarding the False Claims Act. Copy supplied.

The Basics of Writing to Win, State Bar of Texas, Practical Skills for New Lawyers (March 28, 2017). Copy supplied.

Co-author, *2016 Year in Review – The False Claims Act*, Haynesboone.com (February 2017). Along with several colleagues, I drafted and published an extensive summary of legal developments regarding the False Claims Act. Copy supplied.

With Taryn McDonald, *Seventh Circuit Requires Objective Standards in Medical Necessity Cases*, Health Law Vitals – A Healthcare Newsletter from Haynes and Boone, LLP (November 2016). Copy supplied.

Co-author, *2015 Year in Review – The False Claims Act*, Haynesboone.com (January 2016). Along with several colleagues, I drafted and published an extensive summary of legal developments regarding the False Claims Act. Copy supplied.

With Christopher Rogers and Nicole Somerville, *Fraud Alert: What Every Texas Lawyer Should Know About the False Claims Act*, TEXAS BAR JOURNAL (October 2015). Copy supplied.

With Taryn McDonald, *Recent False Claims Act Settlements Focus on Stark Violations and Physician Compensation*, Haynesboone.com (September 2015). Copy supplied.

Co-author, *2014 Year in Review – The False Claims Act*, Haynesboone.com (January 2015). Along with several colleagues, I drafted and published an extensive summary of legal developments regarding the False Claims Act. Copy supplied.

With Andrew W. Guthrie, *Emerging Circuit Split Over Scope of FCA First-To-File Bar*, Law360 (April 2014). Copy supplied.

With Taryn McDonald, *Fourth Circuit Affirms Dismissal of FCA Suit Alleging Regulatory Violations*, Haynesboone.com (March 2014). Copy supplied.

Co-author, *2013 Year in Review – The False Claims Act*, Haynesboone.com (January 2014). Along with several colleagues, I drafted and published an extensive summary of legal developments regarding the False Claims Act. Copy supplied.

Whistleblowing Lawyer Violated Ethical Obligations in Bringing False Claims Act Suit against Former Client, Second Circuit Holds, Haynesboone.com (November 2013). Copy supplied.

With Nicole Somerville, *Are You Afraid of the False Claims Act? You Should Be*, HOUSTON BUSINESS JOURNAL (August 2013). Copy supplied.

With Nicole Somerville, *Are You Afraid of the False Claims Act? You Should Be*, DALLAS BUSINESS JOURNAL (August 2013). Copy supplied.

With Larry Gaydos, *Recent Case Highlights Practical Considerations for Creating an Enforceable Teaming Agreement*, Haynesboone.com (June 2013). Copy supplied.

\$39 Million Jury Verdict in False Claims Act Suit against Tuomey Healthcare, Haynesboone.com (May 2013). Copy supplied.

With Andrew W. Guthrie, *First Circuit Narrows Public Disclosure Defense in False Claims Act*, Haynesboone.com (April 2013). Copy supplied.

With Nicole Somerville, *Seventh Circuit Clarifies How to Treble Damages under the FCA*, Haynesboone.com (March 2013). Copy supplied.

With Nicole Somerville, *Jury Awards \$28 Million in False Claims Act Suit against Nursing Home*, Haynesboone.com (March 2013). Copy supplied.

Supreme Court Limits Government's Ability to Seek Civil Penalties on Stale Claims, Haynesboone.com (February 2013). Copy supplied.

With Kenya S. Woodruff, *Federal Judge Orders Disclosure of Emails with In-House Counsel in FCA Case*, Haynesboone.com (December 2012). Copy supplied.

"Letter from the President," *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (Winter 2012). Copy supplied.

"Letter from the President," *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (Fall 2012). Copy supplied.

With Nicole Somerville, *Fifth Circuit Holds SEC Claims against Bartek Untimely*, Haynesboone.com (August 2012). Copy supplied.

The Risk of False Claims Act Liability Is Rising, Haynesboone.com (June 2012). Copy supplied.

With Sarah Teachout and Ben Johnson, *DOJ's Emphasis on FCA Cases in 2011*, Law360 (January 2012). Copy supplied.

DOJ Report Emphasizes Continued Growth of False Claims Act Cases, Haynesboone.com (December 2011). Copy supplied.

With Nicole Somerville, *D.C. Circuit Dismisses Sallie Mae FCA Suit Based on First-to-File Rule*, Haynesboone.com (November 9, 2011). Copy supplied.

With Paul Searles, *Supplementing a Bid Protest Record in a Post-Axiom World*, 47 THE PROCUREMENT LAWYER, no. 1 at 3 (Fall 2011). Copy supplied.

Supreme Court Issues Two Significant Personal Jurisdiction Decisions, Haynesboone.com (June 2011). Copy supplied.

Supreme Court Holds FOIA Responses Trigger FCA Public Disclosure Bar, Haynesboone.com (May 2011). Copy supplied.

With Ron Breaux, *Limitations on the SEC: The Application of 28 U.S.C. § 2462 in SEC Proceedings*, 31 SECURITIES REFORM ACT LITIGATION REPORTER, no. 1 at 5 (April 2011). Copy supplied.

Editor, *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (May/June 2010). As the secretary of the local chapter, I edited pieces submitted by others. Copy supplied.

Editor, *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (March/April 2010). As the secretary of the local chapter, I edited pieces submitted by others. Copy supplied.

Editor, *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (February 2010). As the secretary of the local chapter, I edited pieces submitted by others. Copy supplied.

Editor, *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (January 2010). As the secretary of the local chapter, I edited pieces submitted by others. Copy supplied.

Editor, *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (November 2009). As the secretary of the local chapter, I edited pieces submitted by others. Copy supplied.

Editor, *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (October 2009). As the secretary of the local chapter, I edited pieces submitted by others. Copy supplied.

Editor, *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (September 2009). As the secretary of the local chapter, I edited pieces submitted by others. Copy supplied.

With Ben L. Mesches, *The 2008 Term of the United States Supreme Court: The Decisions Most Important to the Business Community*, Haynesboone.com (July 2009). Copy supplied.

With Nina Cortell, *Invisible Ink: What You Didn't Sign (Binding Non-Signatories to Arbitration Clauses, Jury Waivers, and Forum Selection Clauses)*, 19th Annual Conference on State and Federal Appeals (June 2009). Copy supplied.

Note, *Policing the Police: Clarifying the Test for Holding the Government Liable under 42 U.S.C. § 1983 and the State-Created Danger Theory*, 54 VAND. L. REV. 165 (2001). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association,

committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Letter to Members, *The FBA Newsletter*, Federal Bar Association, Dallas Chapter (Winter 2012). 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.

None.

- 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.

January 25, 2018: Panelist, "False Claims Act: 2017 Year in Review," Practising Law Institute, New York, New York. Recording supplied.

April 19, 2017: Panelist, "2016 Year in Review: False Claims Act," Dallas Bar Association, Health Law Section, Dallas, Texas. Slides supplied.

March 28, 2017: Presenter, "Writing Mechanics and Why You Should Care," Practical Skills for New Lawyers 2017 Course, State Bar of Texas, Austin, Texas. Recording supplied.

January 27, 2017: Panelist, "Appellate Practice Panel, How to Position Your Case for a Successful Appeal," Northern District of Texas Bench Bar Conference, Irving, Texas. Along with other panelists, I discussed strategies and tips for a successful appeal, beginning in the district court and continuing with briefing and argument in the Fifth Circuit. I have no notes, transcript, or recording. The program was sponsored by the Federal Bar Association, Dallas and Fort Worth Chapters, 2807 Allen Street, Suite 344, Dallas, Texas 75204.

January 25, 2017: Panelist, "False Claims Act: 2016 Year in Review," Practising Law Institute, New York, New York. Recording supplied.

October 5, 2016: Introduction of Speaker, "The ABA's New Speech Code for Lawyers," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Andrew S. Oldham, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

September 12, 2016: Introduction of Speaker, "Magna Carta and the Path Forward to the Rule of Law," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Charles Eskridge, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

July 20, 2016: Introduction of Speaker, "Supreme Court Round-Up," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, John Elwood, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

June 1, 2016: Introduction of Speaker, "The Legacy of Justice Antonin Scalia," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Ed Whelan, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

May 10, 2016: Presenter, "Writing to Win," Federal Litigation Update 2016, United States Attorney's Office for the Northern District of Texas. Slides supplied.

February 17, 2016: Panelist, "2015 Year in Review: False Claims Act," Dallas Bar Association, Health Law Section, Dallas, Texas. Slides supplied.

January 27, 2016: Panelist, "False Claims Act: 2015 Year in Review," Practising Law Institute, New York, New York. Slides supplied.

September 19, 2015: Opening Remarks, The Federalist Society of Law and Public Policy Studies: Texas Chapters Conference, Dallas, Texas. Recording supplied.

September 10, 2015: Presenter, "Litigation Trend: The False Claims Act," Federal Bar Association, 2015 Annual Meeting and Convention, Salt Lake City, Utah. Slides supplied.

May 20, 2015: Panelist, "False Claims Act Update," Dallas Bar Association, Health Law Section, Dallas, Texas. Slides supplied.

May 14, 2015: Panelist, "False Claims Act Update," University of Texas School of Law, Continuing Legal Education, Government Enforcement Institute, Dallas, Texas. Recording supplied.

March 31, 2015: Introduction of Speaker, "When Can the Executive Decide Not to Enforce the Law," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Andrew S. Oldham, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

February 10, 2015: Panelist, "False Claims Act: 2014 Year in Review," Practising Law Institute, New York, New York. Slides supplied.

September 25, 2014: Introduction of Speaker, "The Obama Administration and the Rule of Law," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Charles J. Cooper, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

August 15, 2014: Presenter, "Recent Texas Supreme Court Cases that Impact Businesses," 13th Annual Advanced In-House Counsel Course, State Bar of Texas, San Antonio, Texas. Slides supplied.

May 14, 2014: Panelist, "False Claims Act Update," Houston Bar Association, Health Law Section, Houston, Texas. Slides supplied.

April 1, 2014: Introduction of Speaker, "Stare Decisis and Constitutional Text," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Jonathan Mitchell, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

March 20, 2014: Introduction of Speaker, "Judicial Nominations," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Scott Keller, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

March 18, 2014: Panelist, "False Claims Act: 2013 Year in Review," Practising Law Institute, New York, New York. Slides supplied.

February 25, 2014: Introduction of Speaker, "*National Labor Relations Board v. Noel Canning*," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Noel Francisco, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

January 15, 2014: Panelist, "Recent Developments in False Claims Act Litigation," Dallas Bar Association, Health Law Section, Dallas, Texas. Along with another panelist, I discussed recent trends and significant decisions involving the False Claims Act. I have no notes, transcript, or recording. This program was sponsored by the Dallas Bar Association, 2101 Ross Ave., Dallas, Texas 75201.

May 2, 2013: Introduction of Speaker, "Reflections on the Supreme Court of Texas," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Justice Jeff Boyd, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

January 29, 2013: Opening Remarks, Federal Bar Association, Dallas Chapter, Annual Civil Practice Seminar, Dallas, Texas. Notes supplied.

February 9, 2012: Introduction of Speaker, "*Hosanna Tabor v. EEOC*," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, Hannah Smith, and provided a brief update on upcoming events. I have no notes, transcript, or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

January 26, 2012: Moderator and Panelist, "Advice and Tips for Practicing in the Northern District," Federal Bar Association, Dallas Chapter, Annual Civil Practice Seminar, Dallas, Texas. Notes supplied.

June 7, 2011: Moderator and Panelist, "The Rise in Whistleblower Liability," Haynes and Boone, LLP, Dallas, Texas. Slides supplied.

February 26, 2010: Introduction of Speaker, "Crisis and Command: A History of Executive Power from George Washington to George W. Bush," The Federalist Society for Law and Public Policy Studies, Dallas Chapter, Dallas, Texas. I introduced the speaker, John Yoo, and provided a brief update on upcoming events. I have no notes, transcript or recording. This program was sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

Fall 2004: Guest Lecturer, "The Rehnquist Court," Pepperdine University School of Law, Malibu, California. I presented a lecture on recently decided cases as part

of a seminar for second- and third-year law students focused on U.S. Supreme Court decisions. I have no notes, transcript, or recording. This seminar was offered by the Pepperdine University School of Law, 24255 Pacific Coast Highway, Malibu, California 90263.

In addition to the above, as a member and officer of the Dallas Chapter of the Federalist Society of Law and Public Policy Studies, I have from time to time introduced the speaker and provided a brief update on upcoming events. I have included herein the specific dates, topics, and speakers for which I have located records, but there may be a few additional events for which I have not maintained records and cannot recall my participation. I have no notes, transcripts or recordings. These programs were sponsored by the Federalist Society, 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

Outside of wholly personal speeches or talks I may have given—for example, toasts, eulogies, and religious instruction or commentary—the above represents my best recollection of all speeches or talks I have delivered since high school.

- 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.

Jeff Overley, *Six Lessons for Lawyers from Feds' 2013 FCA Haul*, Law360 (November 20, 2014). Copy 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 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 never been a candidate for or held an elective 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.

Host Committee, Dallas County Republican Party Reagan Dinner, Dallas, Texas (2017). Along with others, I co-hosted this annual fundraising event.

Precinct Chair, Dallas County Republican Party, Dallas, Texas (2016 – January 2018); appointed in 2016 by the County Executive Committee.

Steering Committee, Justice David Schenck for Dallas Court of Appeals Campaign, Dallas, Texas (2015 – 2016).

Host Committee, Justice Eva Guzman for Supreme Court of Texas Campaign, Dallas, Texas (2016). Along with other attorneys in the community, I co-hosted a reception supporting the reelection of Justice Eva Guzman to the Supreme Court of Texas.

Host Committee, Justice Michael Massengale for Supreme Court of Texas Campaign, Dallas, Texas (2015). Along with other attorneys in the community, I co-hosted a reception supporting the election of Justice Michael Massengale to the Supreme Court of Texas.

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 2001 to 2002, I served as a law clerk to the Honorable Gerald B. Tjoflat, Circuit Judge of the United States Court of Appeals for the Eleventh Circuit.

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

I have never practiced alone.

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

2006 – present; Summer 2000; Summer 1999

Haynes and Boone, LLP

2323 Victory Avenue, Suite 700

Dallas, Texas 75219

Partner (2012 – present)

Associate (2006 – 2012)

Summer Associate (Summer 2000; Summer 1999)

2005 – 2006

Office of Legal Counsel

United States Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Attorney-Advisor

2002 – 2005

Covington & Burling LLP

850 Tenth Street, N.W.

Washington, D.C. 20001

Associate

Summer 2000

Norton Rose Fulbright US LLP

98 San Jacinto Boulevard, Suite 1100

Austin, Texas 78701

Formerly Fulbright & Jaworski LLP

Summer 2000

Carrington, Coleman, Sloman & Blumenthal, L.L.P.

901 Main Street, Suite 5500

Dallas, Texas 75202

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

My practice is exclusively litigation. I have handled cases at every stage of the litigation process – from drafting initial pleadings, to leading teams in discovery, taking and defending depositions, briefing and arguing countless dispositive and other motions, assisting in jury and bench trials, and briefing and arguing appeals in state and federal appellate courts.

From 2002 to 2005, I was an associate attorney in the Litigation and Supreme Court Practice Group at Covington & Burling LLP. I worked on a variety of litigation matters, including a significant contract claim against the United States, several complex commercial cases in district courts throughout the country, and an appeal to the United States Supreme Court in *Ortega v. Star-Kist Foods, Inc.*, 545 U.S. 546 (2005), which was consolidated with *Exxon Mobil Corp. v. Allapattah Servs., Inc.*

From 2005 to 2006, I served as an Attorney-Advisor in the Office of Legal Counsel, U.S. Department of Justice. In that role, I advised senior Executive Branch officials on matters arising under the Constitution and other federal law.

I joined Haynes and Boone, LLP in 2006 as an associate attorney and was made partner in 2012. I have represented both plaintiffs and defendants in dozens of cases in state and federal courts. These cases have involved a wide variety of subject matter areas, including administrative, antitrust, and constitutional law, as well as patent, shareholder, and contract disputes. I have also developed a specialty defending government contractors and healthcare providers in False Claims Act litigation. Today my practice is approximately 60 percent FCA matters in federal district courts. On occasion, these cases also involve parallel criminal proceedings. The other approximately 40 percent of my practice primarily focuses on legal issues and appeals in complex commercial litigation.

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

At Haynes and Boone, my clients are typically business entities in varied

industries (energy, healthcare, banking, etc.). I have occasionally represented individuals serving as officers or directors of corporations. In my pro bono matters, I have represented non-profit entities and indigent individuals. From 2002 to 2005, when I worked at Covington & Burling, my clients were similarly business and non-profit entities.

At the Department of Justice, my client was the United States.

As noted above, since approximately 2007, I have developed substantial experience litigating False Claims Act matters. During this period, I have also continued practicing general civil litigation in both state and federal courts, at both the trial and appellate levels.

- 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.

My practice is exclusively litigation, and I have frequently appeared in state and federal courts, at both the trial and appellate levels.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 60% |
| 2. state courts of record: | 40% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 95% |
| 2. criminal proceedings: | 5% |

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

As chief or associate counsel, I have participated in the litigation of dozens of cases to final judgment in state and federal district courts, including assisting in the trials of three cases to verdict or final decision. I have also served as lead or co-counsel in more than fifty appeals.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 67% |
| 2. non-jury: | 33% |

- 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 served as co-counsel for respondent in one merits case, *Ortega v. Star-Kist Foods, Inc.*, 545 U.S. 546 (2005), and counsel of record or co-counsel on behalf of either a party or amicus curiae in the following cases at the certiorari stage: *Ferguson v. State of West Virginia*, 546 U.S. 812 (2005); *Doe v. American Airlines, Inc.*, 555 U.S. 1140 (2009) (no brief filed); *SEC v. Bartek*, 569 U.S. 901 (2013) (no brief filed); *Frazin v. Haynes & Boone, LLP*, 134 S. Ct. 1770 (2014) (no brief filed); and, as an allied attorney with Alliance Defending Freedom, *City of Bloomfield v. Felix*, 138 S. Ct. 357 (2017). Copies of briefs supplied.

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) *In re Dallas Roadster, Ltd.*, 846 F.3d 112 (5th Cir. 2017); *Texas Capital Bank N.A. v. Dallas Roadster, Ltd.*, 2015 WL 1467172 (E.D. Tex. Mar. 30, 2015).

This was an adversary proceeding arising out of a dispute between a debtor and creditor. I represented the creditor, a bank. Following a bench trial, the district court entered a take-nothing judgment in favor of the bank. The debtor and guarantors then appealed to the Fifth Circuit, and the bank cross-appealed seeking its attorneys' fees. I served as lead counsel and presented oral argument in the Fifth Circuit, which affirmed the take-nothing judgment against the debtor, vacated the take-nothing judgment against the bank, and remanded for further proceedings.

Presiding Judge: U.S. Chief District Judge Ron Clark

Appellate Panel: U.S. Circuit Judges Carolyn Dineen King, Priscilla R. Owen, and Catharina Haynes

Co-Counsel:
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- (2) *Energy Transfer Partners, L.P. v. Enterprise Products Partners, L.P.*, 529 S.W.3d 531 (Tex. App.—Dallas 2017, pet. filed).

This is a partnership dispute arising out of a partnership to market and pursue a pipeline project. I represent the plaintiff/appellee. The case was tried to a jury in Dallas County district court, resulting in a \$319 million judgment, plus disgorgement, for my client. Working with co-counsel, I assisted the trial team in obtaining judgment following the trial and in briefing the case on appeal to the Dallas Court of Appeals, which recently reversed. The case is now pending at the Texas Supreme Court.

Presiding Judge: Dallas County District Judge Emily G. Tobolowsky

Appellate Panel: Dallas Court of Appeals Justices Lana R. Myers, Craig T. Stoddart, and Bill Whitehill

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- (3) *United States ex rel. Colquitt v. Abbott Laboratories*, 858 F.3d 365 (5th Cir. 2017); *United States ex rel. Colquitt v. Abbott Laboratories*, 2016 WL 3583740 (N.D. Tex. Mar. 17, 2016); *United States ex rel. Colquitt v. Abbott Laboratories*, 2016 WL 3571329 (N.D. Tex. Mar. 8, 2016); *United States ex rel. Colquitt v. Abbott Laboratories*, 2016 WL 80000 (N.D. Tex. Jan. 7, 2016); *United States ex rel. Colquitt v. Abbott Laboratories*, 864 F. Supp.2d 499 (N.D. Tex. 2012).

This was a False Claims Act *qui tam* action against a healthcare company. Along with lawyers at another firm, I represented the healthcare company. The relator alleged that the company's predecessor had improperly marketed and sold a medical device, which resulted in allegedly false or fraudulent claims to Medicare. I assisted the team with discovery, multiple summary judgment motions and other briefs, pre-trial hearings, trial preparation, and trial, which resulted in a complete defense verdict. The district court thereafter entered judgment in favor of our client, and the Fifth Circuit affirmed.

Presiding Judge: U.S. Chief District Judge Barbara M.G. Lynn

Appellate Panel: U.S. Circuit Judges Carl E. Stewart, Patrick E. Higginbotham, and Gregg J. Costa

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Opposing Counsel:
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214-234-7900

- (4) *RSUI Indemnity Co. v. The Lynd Co.*, 466 S.W.3d 113 (Tex. 2015); *The Lynd Co. v. RSUI Indemnity Co.*, 399 S.W.3d 197 (Tex. App.—San Antonio 2012).

This was an insurance coverage dispute between a property owner and insurance company. I represented the property owner. When the insurer denied coverage, the owner filed suit in state court. The district court ruled in favor of the insurer and denied coverage, but the appellate court reversed. The insurance company petitioned the Texas Supreme Court for review and, along with other lawyers at my firm, I represented the property owner in that appeal, including briefing the case on the merits, assisting with oral argument, and drafting post-submission briefing. The Texas Supreme Court affirmed, finding that the policy provided coverage and ruling in favor of my client on all grounds.

Presiding Justices at the Supreme Court of Texas: Chief Justice Nathan Hecht and Justices Paul W. Green, Phil Johnson, Don R. Willett, Eva Guzman, Debra Lehrmann, Jeffrey S. Boyd, John P. Devine, and Jeff Brown

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- (5) *Dresser-Rand Co. v. NLRB*, 838 F.3d 512 (5th Cir. 2016); *Dresser-Rand Co. v. NLRB*, 576 F. App'x 332 (5th Cir. 2014).

This case challenged an order issued by the National Labor Relations Board against my client, a manufacturing company. The case arose out of negotiations for a new collective bargaining agreement between the company and union. I served as lead counsel in two separate appeals to the Fifth Circuit, in which I presented oral argument and argued that the order was unconstitutional and failed on multiple other grounds. The Fifth Circuit agreed, granted the company's petition, and denied the Board's cross-petition for enforcement.

First Appellate Panel: U.S. Circuit Judges Jerry E. Smith, Edward C. Prado, and James E. Graves, Jr.

Second Appellate Panel: U.S. Circuit Judges E. Grady Jolly, Edith Brown Clement, and Priscilla R. Owen

Co-Counsel:
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Washington, D.C. 20570
202-273-0264

- (6) *MRC Permian Co. v. Three Rivers Operating Co.*, 2015 WL 4639711 (Tex. App.—Dallas Aug. 5, 2015, pet. denied).

This was a breach of contract case between two energy companies to enforce preferential purchase rights in the Permian Basin. The district court entered summary judgment against my client, the plaintiff. On appeal, I led the team in briefing the case, in which we argued that the lower court had misapplied the law of preferential rights and misinterpreted the parties' contract. The appellate court agreed, reversed, and entered judgment in favor of my client. The defendant thereafter appealed to the Texas Supreme Court, which denied the petition for review following briefing on the merits.

Presiding Judge: Dallas County District Judge Eric Moyé

Appellate Panel: Dallas Court of Appeals Justices Robert M. Fillmore, Lana R. Myers, and David Evans

Presiding Justices at the Supreme Court of Texas: Chief Justice Nathan Hecht and Justices Paul W. Green, Phil Johnson, Don R. Willett, Eva Guzman, Debra Lehrmann, Jeffrey S. Boyd, John P. Devine, and Jeff Brown

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- (7) *In re Frazin*, 607 F. App'x 430 (5th Cir. 2015); *In re Frazin*, 598 F. App'x 335 (5th Cir. 2015); *In re Frazin*, 732 F.3d 313 (5th Cir. 2013); *In re Frazin*, 413 B.R. 378 (Bankr. N.D. Tex. 2009); *In re Frazin*, 2008 WL 5214036 (Bankr. N.D. Tex. Sept. 23, 2008); *In re Frazin*, 2008 WL 8159024 (Bankr. N.D. July 9, 2008).

This was a legal malpractice case that was filed as an adversary proceeding in bankruptcy court against two law firms and several individual attorneys. The case was tried to the bankruptcy court, appealed to the district court, and later appealed twice to the Fifth Circuit in two separate appeals. In all three courts, I represented one of the firms and two individual lawyers, and I represented all defendants in the appeals. In the bankruptcy court, I led the team in drafting and filing numerous motions and briefs, including motions for summary judgment and pre- and post-trial briefing, and assisted with discovery, trial preparation, and trial. On appeal, I served as lead counsel and presented oral argument in the Fifth Circuit. We won at every stage of the case.

Presiding Bankruptcy Judge: Chief Bankruptcy Judge Barbara J. Houser

Presiding District Judge: U.S. District Judge David C. Godbey

First Appellate Panel: U.S. Circuit Judges Thomas M. Reavley, Edward C. Prado, and Priscilla R. Owen

Second Appellate Panel: U.S. Circuit Judges Patrick E. Higginbotham, Edith H. Jones, and Stephen A. Higginson

Co-Counsel:

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- (8) *SEC v. Bartek*, 569 U.S. 901 (2013); *SEC v. Bartek*, 484 F. App'x 949 (5th Cir. 2012); *SEC v. Microtune, Inc.*, 783 F. Supp. 2d 867 (N.D. Tex. 2011); *SEC v. Microtune, Inc.*, 258 F.R.D. 310 (N.D. Tex. 2009).

This was a stock option backdating case brought by the SEC against a silicon company, its former Chief Executive Officer, and its former General Counsel. I represented the former CEO. The SEC alleged that the defendants engaged in a backdating scheme that resulted in allegedly false public filings. We argued that the filings complied with federal law and that the case was untimely. Following approximately 18 months of discovery, extensive summary judgment briefing, and trial preparation, the district court granted our summary judgment motion. The SEC appealed the case to the Fifth Circuit, where I briefed and argued the appeal. The Fifth Circuit affirmed the dismissal, and the U.S. Supreme Court dismissed the SEC's petition for certiorari.

Magistrate Judge: U.S. Magistrate Judge Jeff Kaplan

Presiding Judge: U.S. District Judge Jane J. Boyle

Appellate Panel: U.S. Circuit Judges Thomas M. Reavley, Catharina Haynes, and James E. Graves, Jr.

Co-Counsel:

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Formerly of the Securities and Exchange Commission

- (9) *L-3 Communications Integrated Systems, L.P. v. United States*, 98 Fed. Cl. 45 (2011); *L-3 Communications Integrated Systems, L.P. v. United States*, 94 Fed. Cl. 394 (2010); *L-3 Communications Integrated Systems, L.P. v. United States*, 91 Fed. Cl. 347 (2010); *L-3 Communications Integrated Systems, L.P. v. United States*, 84 Fed. Cl. 768 (2008); *L-3 Communications Integrated Systems, L.P. v. United States*, 79 Fed. Cl. 453 (2007).

This was a post-award bid protest following the criminal conviction of the former Principal Deputy Secretary of the Air Force. I represented the plaintiff, which challenged the Air Force's award of two contracts to another defense contractor. Working with others at my firm, I coordinated discovery; drafted numerous pleadings, motions, and briefs; and assisted in hearings and oral arguments throughout the life of the case. The resolution of the case is confidential.

Presiding Judge: U.S. Court of Federal Claims Judge Mary Ellen Coster Williams

Co-Counsel:

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Retired

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Washington, D.C. 20006
202-263-3469

- (10) *United States ex rel. Guzder v. MKM Engineers, Inc.*, No. 4:05-cv-00895 (S.D. Tex. 2011).

This was a False Claims Act *qui tam* case filed against my client, a defense contractor, for allegedly violating Small Business Administration (SBA) regulations. Working with co-counsel, I investigated the allegations; drafted numerous pleadings, motions, and briefs; coordinated discovery; and prepared for trial. We argued that our client complied with all laws and regulations and never submitted any false or fraudulent claims to the government. Following multiple rounds of dismissal briefing, more than a year of discovery, and summary judgment briefing, the case was dismissed.

Presiding Judge: U.S. District Judge Vanessa D. Gilmore

Co-Counsel:
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713-284-5200

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.)

For several years, I have led a team of firm attorneys in publishing an annual review of False Claims Act cases and other developments. I routinely speak on these issues to lawyers throughout the country in continuing legal education (CLE) courses. I also chair the firm's training program for litigation attorneys. In that role, I have planned and produced several internal CLE courses, including helping develop an extensive Civil Trial Advocacy course for young lawyers.

As a leader of two local legal organizations, I have organized and planned numerous programs and CLE courses in Dallas, including the Annual Civil Practice Seminar as the President of the Federal Bar Association, Dallas Chapter, and the first Annual Texas Chapters Conference as President of the Federalist Society for Law and Public Policy Studies, Dallas Chapter.

I have never acted or registered as a lobbyist.

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 never taught a course.

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.

Following my resignation from Haynes and Boone, LLP, I am entitled to the return of capital invested with the firm. If confirmed, I intend to ask that my capital be returned on an accelerated basis.

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

I have no plans, commitments, or agreements to pursue outside employment in the future.

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 case in which I have ever been involved. For a period of time, I expect that I will recuse in any case in which my current firm, Haynes and Boone, LLP, represents a party. In all other cases, I will evaluate any real or potential conflict, including relationships that could give rise to the appearance of a 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.

I will carefully evaluate any real or potential conflict pursuant to the standards set forth in 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all other applicable laws, rules, or policies governing ethics and conflicts of interest.

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 currently serve on my firm's Pro Bono Committee to encourage and facilitate pro bono work among firm lawyers. I have also personally provided substantial pro bono legal services to my church and to a non-profit mission organization, H.O.P.E. Dominican Republic. In addition, I have also represented indigent clients and non-profit organizations in numerous litigation matters. For example, in 2015, I spent more than 150 hours defending Congregation Toras Chaim in a lawsuit challenging the Congregation's right to meet in a private home. In 2011, I represented the Commission for Lawyer Discipline, which is a standing committee of the State Bar of Texas, in an appeal of a disbarment decision issued by the Commission, devoting more than 150 hours to briefing and presenting oral argument in the Dallas Court of Appeals.

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 January 19, 2017, Senator John Cornyn and Senator Ted Cruz announced that they were accepting applications for federal judicial vacancies in the State of Texas, and that they had established a panel of leading attorneys, known as the Federal Judicial Evaluation Committee (FJEC), to review applications, interview candidates, and make recommendations.

On February 19, 2017, I submitted my application to FJEC. On March 16, 2017, I interviewed with FJEC in Dallas, Texas, and was thereafter recommended by FJEC to the Senators. On May 9, 2017, I interviewed with Senators Cornyn and Cruz in Washington, D.C. On July 28, 2017, I interviewed with attorneys from the White House and the Department of Justice in Washington, D.C. Since then, I have been in contact with attorneys and staff from the White House Counsel's Office and the Department of Justice regarding my application.

- 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.