

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Adam Israel Klein

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

Chairman and Member of the Privacy and Civil Liberties Oversight Board

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.

Center for a New American Security
1152 15th St. NW, 9th Floor
Washington, DC 20005

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

October 11, 1981; Falls Church, VA

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.

Columbia Law School, JD 2011 (attended 2008 - 2011)

Northwestern University, BA 2003 (attended 1999 - 2003)

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.

Center for a New American Security
1152 15th St. NW, 9th Floor
Washington, DC 20005
September 2016 - Present – Senior Fellow
September 2015 - September 2016 – Visiting Fellow / Council on Foreign Relations
International Affairs Fellow (Received stipend from Council on Foreign Relations during this period, but the Center for a New American Security was my employer)

Bipartisan Policy Center
1225 I St. NW #1000
Washington, DC 20005
October 2016 - Present – Consultant

Arizona State University, Sandra Day O'Connor College of Law
111 E. Taylor St.
Phoenix, AZ 85004
January 2017 - May 2017 – Adjunct Law Faculty

Morrison Cohen LLP
909 3rd Ave.
New York, NY 10022
November 2016 - April 2017 – Consulting Attorney

Trusted Security Alliance
302 Sentinel Dr., Suite 300
Annapolis Junction, MD 20701
September 2016 - December 2016 – Consultant

Goldstein & Russell PC
7475 Wisconsin Ave., Suite 850
Bethesda, MD 20814
May 2016 – Consultant

Rutgers Law School – Newark
123 Washington St.
Newark, NJ 07102
January 2016 - May 2016 – Adjunct Law Faculty

Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale)
1875 Pennsylvania Avenue NW
Washington, DC 20006
January 2015 - September 2015 – Senior Associate
November 2013 - January 2015 – Associate

Supreme Court of the United States
One First Street NE
Washington, DC 20002
July 2012 - July 2013 – Law Clerk to Hon. Antonin Scalia

U.S. Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue NW
Washington, DC 20001
August 2011 - July 2012 – Law Clerk to Hon. Brett M. Kavanaugh

Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale)
1875 Pennsylvania Avenue NW
Washington, DC 20006

Summer 2010 – Summer Associate

The Brookings Institution
1775 Massachusetts Ave NW
Washington, DC 20036
Summer 2009 – Summer Research Fellow

RAND Corporation
1200 South Hayes St.
Arlington, VA 22202
August 2007 - May 2008 – National Security Legislative Analyst

Robert Bosch Foundation
Heidehofstr. 31
70184 Stuttgart, Germany
June 2006 - June 2007 – Robert Bosch Foundation Fellow

Tom Kean Jr. for U.S. Senate
187 Mill Lane
Mountainside, NJ 07092
January 2006 - May 2006 – Policy Adviser and Writer

9/11 Public Discourse Project
1 Dupont Circle NW
Washington, DC 20036
October 2004 - December 2005 – Director for Communications

Office of U.S. Rep. C.W. “Bill” Young
Rayburn House Office Building
45 Independence Ave SW
Washington, DC 20515
July 2003 - October 2004 – Legislative Assistant

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

I have not served in the military. I have registered for 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.

Council on Foreign Relations, International Affairs Fellow, 2015 - 2016

Columbia Law School:
Ruth Bader Ginsburg Prize (cumulative academic achievement) (2011)
Edwin Parker Prize (awarded for excellence in international or comparative law) (2011)

Samuel I. Rosenman Prize (awarded by faculty for "academic excellence in public law courses and outstanding qualities and leadership in the Law School") (2011)
Wilfred Feinberg Prize (best performance in Federal Courts) (2010)
James Kent Scholar (annual academic honors) (2009, 2010, 2011)

Articles Editor, Columbia Law Review, 2010 - 2011

Robert Bosch Foundation Fellow, 2006 - 2007

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.

Federalist Society: National Security and International Law Practice Group, Executive Committee (app. 2013 - 2017; Executive Committee 2016 - 2017)

Columbia Society of International Law: Co-President (2010 - 2011)

10. **Bar and Court Admission:**

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

New York, October 2013

District of Columbia, November 2014

There have been no lapses in membership.

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

U.S. Court of Appeals for the District of Columbia Circuit, November 2014. There have been no lapses of 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.

Robert Bosch Foundation Alumni Association – 2007 - 2017

John Hay Initiative – 2015 - 2016 – Vice Chair, Int'l Law Working Group

Conservative Reform Network – 2016 - 2017

- b. 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 listed above discriminates, or has discriminated, to my knowledge.

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.

To the best of my recollection, and based on searches of available databases, I have found the following materials that I have authored or co-authored. Copies are provided in Appendix 12(a).

Think Tank Reports and Papers

December 2016, *Surveillance Policy: A Pragmatic Agenda for 2017 and Beyond*, Center for a New American Security report (with Michèle Flournoy and Richard Fontaine).

September 26, 2016, *Decryption Mandates and Global Internet Freedom*, Hoover Institution Aegis Series Paper.

May 2007, *The Costs of Terror: The Economic Consequences of Global Terrorism*, Konrad Adenauer Foundation.

Journal Articles

June 2017, *The Cyclical Politics of Counterterrorism*, The Washington Quarterly.

November 2010, *The End of Al Qaeda: Rethinking the Legal End of the War on Terrorism*, Columbia Law Review.

January 2011, *Preventive Detention in American Theory and Practice* (with Benjamin Wittes), Harvard National Security Journal.

Op-Eds and Commentaries

July 27, 2017, *Connect the Dots to Stop Terror Plots*, Wall Street Journal.

June 16, 2017, *The Cyclical Politics of Counterterrorism*, Lawfare.

May 2, 2017, *Today's Big News About "Backdoor Searches,"* Lawfare.

May 1, 2017, *The End of "About" Collection under Section 702*, Lawfare.

April 17, 2017, *Don't Dismiss Concerns about Transition-Period Unmasking (At Least Not Yet)*, Lawfare.

March 27, 2017, *Bipartisan Investigations: How the 9/11 Commission Did It* (with Christopher Kojm), Lawfare.

March 20, 2017, *Takeaways from House Intel Hearing on Russian "Active Measures,"* Lawfare.

February 22, 2017, *The Pushback: Why the Trump Administration Needs to Play Hardball with Europe's Intelligence Community*, National Interest.

February 17, 2017, *It's Not About Mike Flynn*, Lawfare.

February 8, 2017, *Trump, tech, and the future of government surveillance*, TechCrunch.

January 30, 2017, *Antonin Scalia, Full-Time Originalist*, National Review Online.

January 27, 2017, *The "Interior Security" Executive Order, the Privacy Act, and Privacy Shield* (with Carrie Cordero), Lawfare.

January 4, 2017, *Why Trump must save the government's privacy board*, Politico.

December 22, 2016, *Surveillance Policy in a Trump Administration*, Lawfare.

November 29, 2016, *Scalia and Foreign Law*, Lawfare.

November 21, 2016, *The Hacking Bear*, National Review.

October 24, 2016, *What the U.S. Government Wants from Tech Firms*, National Interest.

September 28, 2016, *Decryption Mandates and Global Internet Freedom: Toward a Pragmatic Approach*, Lawfare.

August 2, 2016, *What Europe Got Wrong About the NSA* (with Michèle Flournoy), Foreign Affairs.

June 24, 2016, *How Bad Is Brexit for U.S. Policy?*, National Interest.

May 16, 2016, *Thoughts on the Opinion in Spokeo v. Robins*, Lawfare.

April 22, 2016, *Part III: Ending the AUMF War*, Lawfare.

April 19, 2016, *Part II: Terrorist Groups and the Law of How Wars End*, Lawfare.

April 18, 2016, *When Does the War on Terror End?*, Lawfare.

March 4, 2016, *Why the Supreme Court Doesn't Need a National-Security Justice*, Lawfare.

February 16, 2016, *Justice Scalia's Legacy*, Lawfare.

January 14, 2016, *Iran's Photographs of Navy Sailors: A War Crime (Or "Just" An Outrage?)*, Lawfare.

January 7, 2016, *Secretary Carter Illuminates the South China Sea FONOP* (with Mira Rapp-Hooper), Lawfare.

December 29, 2015, *Insoluble Problems and Imperfect Solutions: The Israeli-Palestinian Conflict*, Lawfare.

November 25, 2015, *Russian Pilots Shot While Descending By Parachute?*, Lawfare.

November 6, 2015, *An Answer to the Innocent Passage Mystery?* (with Mira Rapp-Hooper), Lawfare.

November 4, 2015, *Is Digital Injury "Real" Injury? Thoughts on Spokeo v. Robins*, Lawfare.

November 4, 2015, *What Did The Navy Do In the South China Sea?* (with Mira Rapp-Hooper), Lawfare.

October 27, 2015, *After the Freedom of Navigation Exercise: What Did the U.S. Signal?* (with Mira Rapp-Hooper), Lawfare.

October 23, 2015, *Freedom of Navigation Operations in the South China Sea: What to Watch For* (with Mira Rapp-Hooper), Lawfare.

October 15, 2015, *A Response to the "Drone Papers": AUMF Targeting is a Deliberate Process with Robust Political Accountability*, Lawfare.

September 15, 2015, *Privilege protection for internal investigations: lessons from KBR I & II* (with Elisebeth Collins, Carl Nichols, and Jeffrey Schomig), Global Investigations Review.

July 17, 2007, *The Economic Consequences of Terrorism*, Frankfurter Rundschau.

Infographics

August 4, 2017, *The "Section 702" Surveillance Program: What You Need to Know*, Center for a New American Security web feature (with Matt Olsen, Madeleine Christian, and Tristan Campos). Web version available at <https://www.cnas.org/publications/reports/702>; print-friendly version attached in Appendix 12(a).

- 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.

See Appendix 12(b).

- 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.

Testimony before the Senate Committee on the Judiciary, Hearing on The FISA Amendments Act: Reauthorizing America's Vital National Security Authority and Protecting Privacy and Civil Liberties, June 27, 2017, available at <https://www.judiciary.senate.gov/imo/media/doc/06-27-17%20Klein%20Testimony.pdf>.

Testimony before the House Committee on the Judiciary, Hearing on Section 702 of the Foreign Intelligence Surveillance Act, March 1, 2017, available at <https://judiciary.house.gov/wp-content/uploads/2017/02/Klein-Testimony.pdf>.

Advisory Committee to the Congressional Internet Caucus: *Balancing National Security and Privacy Protections. What will Congress do about FISA's 702?* (panel discussion), July 14, 2017, video available at <http://www.netcaucus.org/event/balancing-national-security-and-privacy-protections-what-will-congress-do-about-fisas-702/>.

Copies of the two testimonies are supplied in Appendix 12(c).

- 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.

To the best of my recollection, and based on searches of available databases, I have found the following events at which I spoke:

Global Network Initiative Annual Public Learning Forum, *Surveillance Law Worldwide and the Privacy Rights of "Others,"* June 21, 2017, available at <https://www.youtube.com/watch?v=YxEP-yQdsZk>.

Surveillance and Privacy: Can They Coexist? (moderator), CNAS Annual Conference, June 28, 2017, available at <https://www.cnas.org/publications/video/cnas-2017-surveillance-and-privacy-can-they-coexist>.

Is Nationalism Good for America? (moderator), Hoover Institution, June 6, 2017, available at <http://www.hoover.org/events/pizza-pints-policy-0>.

The "Section 702" Surveillance Program: What You Need to Know, CNAS Capitol Hill Briefing, June 6, 2017. CNAS Adjunct Senior Fellow Matt Olsen and I discussed the basics of FISA Section 702. Slides attached in Appendix 12(d).

Counterterrorism in the Middle East and in Cyberspace, Council on Foreign Relations, International Affairs Fellowship Conference, May 12, 2017. To the best of my recollection, my remarks focused on the U.S. government's use of electronic surveillance and other technological capabilities to combat terrorism.

Cybersecurity In The Trump Administration: What Should We Expect?, Hoover Institution (DC), February 22, 2017, available at <http://www.hoover.org/events/cybersecurity-trump-administration-what-should-we-expect>.

State of the Net 2017, *Surveillance Reform: What's Next For Government Powers*, January 22, 2017, available at https://www.youtube.com/watch?v=f8LopX_H8Bc&index=9&list=PLMCTOGS5GuYwK466SIUDAmSLjF6QCb7U9.

Surveillance Policy: A Pragmatic Agenda for 2017 and Beyond, Center for a New American Security event, December 12, 2016, available at <https://www.cnas.org/publications/video/surveillance-policy-a-pragmatic-agenda-for-2017-and-beyond>.

Justice Scalia's Jurisprudence and National Security, Federalist Society National Lawyers Convention 2016, November 18, 2016, available at <https://www.cnas.org/publications/video/justice-scalias-jurisprudence-and-national-security>.

Conservative Reform Network event with Reihan Salam, May 5, 2016. I introduced the principal speaker, author and columnist Reihan Salam. To the best of my recollection, my remarks focused on the need for innovative policy approaches and described some of Salam's work on that subject.

Balancing Security and Individual Rights in the Fight Against Terror, UCLA Law School, Jan. 26, 2016. The event compared efforts to balance national security and individual rights in the United States and Israel. To the best of my recollection, my remarks discussed the legal and oversight structures that govern national security surveillance by the U.S. government.

The Fourth Amendment and Emerging Technologies, New Jersey Judicial College, Nov. 2015. Presentation to New Jersey state judges. To the best of my recollection, my remarks discussed cases applying the Fourth Amendment to new technologies, including email, smartphones, and cell-site location information.

9/11 and the Law, Ten Years After, Rutgers Law Review Symposium, February 2011. I spoke on a panel on "Law of War Implications." To the best of my recollection, my remarks discussed the application of the law of armed conflict to counterterrorism.

America after 9/11 and the Future of the Struggle Against Terrorism, Lectures for the Konrad Adenauer Foundation in Bremen and Cuxhaven, Germany, Summer 2007. To the best of my recollection, these lectures discussed post-9/11 U.S. counterterrorism policy and differences in U.S. and German approaches to dealing with security threats.

- 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.

To the best of my recollection, and based on internet searches I conducted, I have found the following interviews I have given and articles in which I was quoted. Copies of all print articles are provided in Appendix 12(e); I have provided links to non-print interviews.

Brexit: 'Til Regulations Do Us Part?, DCBar.org, August 8, 2017.

Federalist Society Podcast, *Reauthorization of Section 702*, July 19, 2017, available at <https://www.fed-soc.org/multimedia/detail/reauthorization-of-section-702-podcast>.

Voice of America, *Press Conference USA*, July 14, 2017, available at <https://www.voanews.com/a/3922299.html>.

The actual reason for Wednesday's Russia hearing, CNN, June 7, 2017.

Republicans worried about leaks consider cutting back surveillance authority, McClatchy, June 6, 2017.

Fact Check: Why did the NSA breach privacy protections?, Weekly Standard, June 1, 2017.

Ransomware attack is why we can't have security backdoors, say privacy advocates, USA Today, May 17, 2017.

Will Comey's encryption legacy at FBI go dark?, FCW, May 11, 2017.

Battle intensifies between Trump's CIA, WikiLeaks, The Hill, April 17, 2017.

Susan Rice, Michael Flynn, and the politics of surveillance, Christian Science Monitor, April 6, 2017.

What Could Be Next for Susan Rice in 'Unmasking' Controversy, Daily Signal, April 5, 2017.

Overseeing What's Overheard, Weekly Standard, March 27, 2017.

Spy powers at risk amid Trump controversy, FCW, March 23, 2017.

Alleged Surveillance of Trump Team Fuels Debate Over Government Spying, Daily Signal, March 23, 2017.

Man jailed until he unlocks encrypted hard drives in child abuse images case, The Guardian, March 23, 2017.

CNAS Podcast, *Investigating Russian Hacking, Wiretapping Claims, and Surveillance Leaks*, March 20, 2017, available at <https://www.cnas.org/publications/podcast/investigating-russian-hacking-wiretapping-claims-and-surveillance-leaks>.

Trump, Russia And The Echoes Of Watergate, Vocativ, March 20, 2017.

The Coming Battle Over Surveillance, Weekly Standard, Mar. 17, 2017.

Trump's Wiretap Claims Are Bogus. But He's Still Onto Something., Bloomberg View, March 15, 2017.

WikiLeaks pledges to release software code of CIA hacking tools to tech firms, Washington Post, March 9, 2017.

Trump's claim of FISA use against him puts focus on spying scope, Washington Times, March 8, 2017.

WikiLeaks Dumps CIA Hacking Docs Online, TechNewsWorld, March 8, 2017.

Coats Stuck in Middle as Trump Takes On Intelligence Agencies, Bloomberg Politics, February 28, 2017.

What to expect from the Trump administration on cybersecurity, PC World, Feb. 22, 2017.

Federalist Society, Mike Lewis Memorial Podcast, *Legal and Policy Frameworks Governing the Use of Military Force*, January 25, 2017, available at <https://www.fed-soc.org/multimedia/detail/the-second-annual-mike-lewis-memorial-podcast>.

Tech Policy Podcast, *Legal Hacking*, July 2016, available at <https://www.podbean.com/media/share/pb-hmqrw-610f5b#>.

Young Conservatives Push for Innovative Policy Agenda in Face of Trump, Washington Free Beacon, May 6, 2012.

Congress's reaction to Brussels is full of sound and fury, signifying almost nothing, Washington Post, March 22, 2016.

When Terrorism Strikes, History Shows Economies Prove Resilient, Bloomberg Business, November 16, 2015.

Federalist Society Podcast, *"The Drone Papers": What They Reveal About The Fight Against Terrorism (And What They Don't)*, October 30, 2015, available at <https://www.fed-soc.org/multimedia/detail/the-drone-papers-what-they-reveal-about-the-fight-against-terrorism-and-what-they-dont-podcast>.

13. 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.

U.S. House of Representatives, Office of Rep. C.W. "Bill" Young (R-FL)
Legislative Assistant (appointed by Rep. Young)

U.S. Court of Appeals for the D.C. Circuit, Hon. Brett M. Kavanaugh
Law Clerk (appointed by Judge Kavanaugh)

U.S. Supreme Court, Hon. Antonin Scalia
Law Clerk (appointed by Justice Scalia)

- 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.

Tom Kean Jr. for U.S. Senate (New Jersey, 2006 cycle)
January 2006 - May 2006
Policy Adviser and Writer
Advised campaign on federal policy issues and drafted speeches, website copy, and position papers.

Lawyers for Rubio
November 2015 - May 2016
Volunteer
Provided volunteer assistance to presidential campaign.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to Judge Brett M. Kavanaugh of the U.S. Court of Appeals for the D.C. Circuit from 2011 to 2012. I served as a law clerk to Associate Justice Antonin Scalia of the U.S. Supreme Court from 2012 to 2013.

- 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.

Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
January 2015 - September 2015 – Senior Associate
October 2013 - January 2015 – Associate
Summer 2010 – Summer Associate

Morrison Cohen LLP
909 3rd Ave.
New York, NY 10022
November 2016 - April 2017 – Consulting Attorney

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

I have 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.

Immediately after graduating from law school, I served as a law clerk to Circuit Judge Brett M. Kavanaugh on the U.S. Court of Appeals for the D.C. Circuit, and then for Associate Justice Antonin Scalia of the Supreme Court of the United States.

I then entered private practice at WilmerHale, where I assisted on a wide range of litigation, counseling, and pro bono matters. These included appellate litigation, counseling clients on investigations and other legal issues, and some litigation in the district courts. That mix remained relatively stable during my time in private practice.

Since departing WilmerHale, I undertook a brief consulting role with Morrison Cohen LLP, which I advised on Supreme Court procedure and appellate strategy. I have occasionally assisted former colleagues by participating in moot courts.

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

My clients in private practice were a mix of nonprofit organizations, governmental entities, companies, and individuals.

- 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.

To the best of my recollection:

- i. Indicate the percentage of your practice in:
 - 1. federal courts; **75%**
 - 2. state courts of record; **20%**
 - 3. other courts;
 - 4. administrative agencies **5%**
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; **100%**
 - 2. criminal proceedings. **0%**

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

My practice was predominantly appellate litigation; my best estimate is that I participated in fewer than ten district-court matters, all of which were resolved through motions practice or settlement.

- i. What percentage of these trials were:
 1. jury; **0%**
 2. non-jury. **100%**

N/A

- 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 advised Morrison Cohen LLP on strategy and the petition for certiorari in *Jankovic v. International Crisis Group*, No. 16-683. Copies of the briefs from that case are supplied in Appendix 14(e).

15. **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. *Tuaua v. United States*, 788 F.3d 300 (D.C. Cir. 2015) (before Judge Brown and Senior Judges Silberman and Sentelle) (representation 2014 - 2015).

The plaintiffs, U.S. nationals born in American Samoa, challenged the provision of the Immigration and Nationality Act that provides U.S. nationality, but not citizenship, to those born in American Samoa. They argued that the phrase "born ... in the United States" in the Fourteenth Amendment encompasses persons born in outlying U.S. territories, including American Samoa. The District Court granted the government's motion to dismiss, the D.C. Circuit affirmed, and the Supreme Court ultimately denied certiorari. We filed an amicus brief in the D.C. Circuit, in support of neither party, on behalf of a diverse group of scholars of

constitutional law and legal history. The brief argued that the early-20th-century *Insular Cases* did not resolve, and should not be extended to reach, the Citizenship Clause question presented.

Co-Counsel: Paul R.Q. Wolfson, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000; Dina Mishra, then of WilmerHale, now at the Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549, 202-551-5100.

Counsel for Plaintiffs Tuaua et al.: Murad Hussain, Robert J. Katerberg, and Elliott Cruchley Mogul, Arnold & Porter, 601 Massachusetts Avenue, NW, Washington, DC 20001, 202-942-5000; Neil Weare, We the People Project, 1421 T Street, NW, Apartment 10, Washington, DC 20009, 202-304-1202.

Counsel for the United States: Wynne Patrick Kelly, R. Craig Lawrence, Patrick G. Nemeroff, and Ronald Machen, Jr., Office of the U.S. Attorney for the District of Columbia, 555 4th Street, NW, Washington, DC 20530, 202-252-2500; Mark B. Stern, Department of Justice, Civil Appellate Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-2000.

2. *Missouri v. Harris*, No. 2:14-cv-00341, 58 F. Supp. 3d 1059 (E.D. Cal. 2014) (before Judge Mueller) (representation 2014-2015).

Missouri and five other States sued to enjoin enforcement of provisions of California law prohibiting the sale within California of eggs laid by hens housed in cages below a certain size. The plaintiffs argued that California's ban was preempted by a federal statute and violated the "dormant" Commerce Clause. We represented the Association of California Egg Farmers, which intervened in support of California. I participated in briefing District Court motions. The District Court dismissed with prejudice, holding that the plaintiff States could not assert *parens patriae* standing; the Ninth Circuit affirmed that holding, 847 F.3d 646 (9th Cir. 2016), but remanded with instructions to dismiss with lack of prejudice.

Co-Counsel: Carl Nichols, Brian Boynton, and Francesco Valentini, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000.

Counsel for California: Susan K. Smith, Office of the Attorney General of California, 300 South Spring Street, 6th Floor, South Tower, Los Angeles, CA 90013, 213-897-2105.

Counsel for Intervenor the Human Society of the United States: J. Scott Ballenger, Latham & Watkins, 555 Eleventh Street, NW, Suite 1000, Washington, DC 20004, 202-637-2145; Bruce Wagman, Schiff Hardin LLP, One Market Plaza, 32nd Floor San Francisco, CA 94105, 415-901-8762.

Opposing Counsel for State of Missouri: H. Anthony Relys, Office of the Missouri Attorney General, 815 Olive Street, Suite 200, St. Louis, MO 63101, 314-340-7862; John Hirth, Office of the Missouri Attorney General, 207 West High Street, P.O. Box 899, Jefferson City, MO 65102, 573-751-0818; Darryl Horowitt and Sherrie Flynn, Coleman & Horowitt, LLP, 499 W. Shaw Ave., Suite 116, Fresno, CA 93704, 559-248-482.

Opposing Counsel for State of Nebraska: Blake Johnson, Nebraska Attorney General's Office, 2115 State Capitol, Lincoln, NE 68509, 402-471-1912.

Opposing Counsel for State of Alabama: Robert D. Tambling, Office of the Alabama Attorney General, 501 Washington Avenue, Montgomery, AL 36130, 334-242-7445.

Opposing Counsel for Commonwealth of Kentucky: Sean J. Riley, Office of the Kentucky Attorney General, 700 Capital Avenue, Suite 118, Frankfort, KY 90601, 502-696-5350.

Opposing Counsel for State of Oklahoma: P. Clayton Eubanks and Thomas Bates, Oklahoma Attorney General's Office, 313 NE 21st Street, Oklahoma City, OK 73105, 405-522-8992.

Opposing Counsel for State of Iowa: Jacob J. Larson, Iowa Attorney General's Office, Lucas State Office Building, 321 E. 12th Street, Des Moines, IA 50319, 515-281-5341.

3. *Nyambal v. International Monetary Fund*, 772 F.3d 277 (D.C. Cir. 2014) (U.S. Court of Appeals for the District of Columbia Circuit, before Judges Tatel and Brown and Senior Judge Silberman) (representation 2014).

Nyambal, a former International Monetary Fund employee, alleged that he was fired in retaliation for raising allegations of corruption. He further alleged that, as part of the retaliation, he was forcibly removed from the credit-union branch located on the Fund's premises. Nyambal sued the Fund in U.S. District Court, asserting several tort claims. The District Court ordered "jurisdictional discovery" to determine whether the Fund's contracts with the credit union or the company responsible for security there waived the Fund's absolute immunity from suit in U.S. court. The Fund took an interlocutory appeal. The D.C. Circuit reversed, holding that Nyambal's waiver allegations were not sufficiently plausible to overcome the Fund's immunity from discovery. We represented the Fund; I participated in appellate briefing before the D.C. Circuit.

Co-Counsel: Patrick Carome and Christopher Morgan, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000.

Opposing Counsel: John M. Shoreman, McFadden & Shoreman, 1050 Connecticut Avenue NW, Suite 500, Washington, DC 20036, 202-772-3188.

4. *DC Ass'n of Public Charter Schools v. District of Columbia*, No. 1:14-cv-01293-TSC (D.D.C. Oct. 1, 2015 (motion to dismiss), Sept. 30, 2017 (summary judgment)) (U.S. District Court for the District of Columbia, before Judge Chutkan)

Plaintiffs, charter schools and charter-school supporters, sued in District Court to compel the District of Columbia to comply with the District of Columbia School Reform Act of 1995, which requires the District to fund public charter schools and traditional public schools equally on a per-student basis. Plaintiffs contended that the District had long provided public charter schools with less funding per student. The District moved to dismiss, contending that the Home Rule Act authorized the District to amend or repeal the School Reform Act. The District Court denied the motion to dismiss in part and granted it in part; it later granted defendants' cross-motion for summary judgment on the remaining claims. We represented the plaintiffs; I assisted in drafting the opposition to the motion to dismiss.

Co-counsel: Carl Nichols, Ryan Huschka, and Stephen Carey, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000; Stephen Marcus

and Sherry Ingram, The Marcus Firm, 1730 Rhode Island Avenue, NW, Suite 713, Washington, DC 20036, 202-776-0390.

Opposing Counsel: Chad Copeland, Douglas Rosenbloom, Matthew Blecher, Gregory Cumming, Office of the District of Columbia Attorney General, 441 4th Street, NW, Suite 630 South, Washington, DC 20001, 202-724-6627.

5. *Glick v. Harvey*, 25 N.Y.3d 1175 (2015) (New York Court of Appeals, before Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein, and Fahey) (representation 2015).

The plaintiffs sought to block New York University's plan to redevelop two "superblocks" in lower Manhattan. They argued that parcels abutting the superblocks had been impliedly dedicated as parkland and thus could not be used to facilitate construction on the superblocks. The city government and NYU argued that the parcels had never been dedicated as parkland and remained city streets. The trial judge held that the parcels had been impliedly dedicated as parks, but the Appellate Division and the Court of Appeals disagreed, holding that the parcels had never been dedicated as parkland. We represented NYU during the merits phase in the Court of Appeals; I participated in the briefing in that court.

Co-Counsel: Seth Waxman, Alan Schoenfeld, Kelly Dunbar, Albinas Prizgintas, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000.

Counsel for New York City: Michael J. Pastor, then of the New York Law Department, now with the New York Department of Internet and Telecommunications, 255 Greenwich, 9th Floor, New York, NY 10007, 212-788-6600. Corporation Counsel for New York City: Zachary W. Carter, 100 Church Street, New York, NY 10017, 212-356-1000.

Opposing Counsel: Caitlin Halligan and Randy Mastro, Gibson Dunn & Crutcher, 200 Park Avenue, New York, NY 10166, 212-351-4000.

6. *Arizona v. Tohono O'odham Nation*, 818 F.3d 549 (9th Cir. 2016) (U.S. Court of Appeals for the Ninth Circuit, before Judges O'Scannlain, Silverman, and Bea) (representation 2014 - 2015).

The State of Arizona and two Phoenix-area tribes sued to enjoin the Tohono O'odham Nation from conducting casino-style "Class III" gaming on a certain parcel of land in unincorporated Maricopa County, Arizona. The Nation argued that the unambiguous terms of its Tribal-State Compact with Arizona and the federal Indian Gaming Regulatory Act (IGRA) permitted it to conduct Class III gaming on the parcel. The District Court granted summary judgment in favor of the Nation, agreeing with certain claims on the merits and dismissing others based on tribal sovereign immunity. The Court of Appeals for the Ninth Circuit affirmed, holding that both the statute and the Compact unambiguously permitted the Nation to conduct Class III gaming on the disputed parcel, and that the Nation was not barred from doing so by judicial estoppel or the implied covenant of good faith and fair dealing. We represented the Nation; I participated in drafting appellate briefs.

Co-Counsel: Seth Waxman and Danielle Spinelli, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000; Sonya Lebsack, then of

WilmerHale, now of the Office of the D.C. Solicitor General, 441 4th Street, NW, Washington, DC 20001, (202) 727-3400; Jonathan L. Jantzen and Laura Berglan, Tohono O'odham Nation, P.O. Box 837, Sells, AZ 85634, 520-383-3410; Michael J. Rusing, Rusing Lopez & Ricardi, 6363 North Swan Road, Suite 151, Tucson, AZ 85718, 520-792-4800.

Opposing Counsel for Arizona: Robert Ellman, Thomas Horne, and Michael Tryon, Arizona Attorney General's Office, 1275 West Washington Street, 4th Floor – South, Phoenix, AZ 85007, 602-542-8355.

Opposing Counsel for Gila River Indian Community: Linus Everling, Gila River Indian Community, P.O. Box 97, Sacaton, AZ 85247-0400, 520-562-9763; Pratik A. Shah, Merrill C. Godfrey, and James Patrick Tuite, Akin Gump, 1333 New Hampshire Avenue, NW, Washington, DC 20036, 202-887-4210; Brian J. Schulman, Greenberg Traurig, 2375 East Camelback Road, Phoenix, AZ 85016, 602-445-8000.

Opposing Counsel for Salt River Pima-Maricopa Indian Community: John L. Blanchard, Shane M. Ham, and Mary O'Grady, Osborn Maledon, 2929 N. Central Avenue, Phoenix, AZ 85012, 602-640-9000.

7. *Tohono O'odham Nation v. Ducey et al.*, 130 F. Supp. 3d 1301 (D. Ariz. 2015) (U.S. District Court for the District of Arizona, before Judge Campbell) (representation 2015).

This case arises out of the same tribal-state dispute as the previous matter listed. In April 2015, one of the defendants, Arizona Gaming Director Daniel Bergin, wrote that his department would not commence various licensing proceedings that would be required for the Nation to open a Class III facility on the disputed parcel because, in its view, the Nation had engaged in fraud during the formation of the Compact. The Nation then sued various Arizona officials in their official capacities in District Court, arguing that their refusal to undertake the licensing proceedings violated federal law. The parties ultimately stipulated to dismissal after reaching a settlement in July 2017. We represented the Nation. I participated in drafting District-Court filings.

Co-Counsel: Seth Waxman, Danielle Spinelli, and Kelly Dunbar, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, (202) 663-6000; Sonya Lebsack, then of WilmerHale, now of the Office of the D.C. Solicitor General, 441 4th Street, NW, Washington, DC 20001, 202-727-3400; Jonathan L. Jantzen and Laura Berglan, Tohono O'odham Nation, P.O. Box 837, Sells, AZ 85634, 520-383-3410; Erin Norris Bass, Paul Kipp Charlton, Jennifer Bonneville, and Karl Michael Tilleman, Steptoe & Johnson LLP, Collier Center, 201 E Washington St., Suite 1600, Phoenix, AZ 85004, 602-257-5260.

Opposing Counsel for Arizona Gov. Douglas Ducey, in his official capacity: Brett William Johnson, Heidi McNeil Staudenmaier, Robert Francis Kethcart, Sara Jane Agne, Thomas James Clees, Snell & Wilmer LLP, 1 Arizona Ctr., 400 E Van Buren, Phoenix, AZ 85004, 602-382-6000.

Opposing Counsel for Arizona Attorney General Mark Brnovich, in his official capacity: Karen J. Hartman-Tellez and Thomas K Chenal, Office of the Arizona Attorney General, 1275 W Washington St., Phoenix, AZ 85007, 602-542-4951.

Opposing Counsel for Arizona Department of Gaming Director Daniel Bergin, in his official capacity: Carrie Ryerson, Douglas Northup, and Patrick Irvine, Fennemore Craig, 2394 E Camelback Rd., Suite 600, Phoenix, AZ 85016, 602-916-5000; Matthew A Hoffman, Timothy Loose, and Andrew Pappas, Gibson Dunn & Crutcher LLP, 333 S Grand Ave., Los Angeles, CA 90071, 213-229-7000; Matthew McGill, Gibson Dunn & Crutcher LLP, 1050 Connecticut Ave. NW, Suite 900, Washington, DC 20036, 202-955-8500.

8. *In re Aoki v. Aoki*, 27 N.Y. 3d 32 (2016) (N.Y. Mar. 31, 2016) (New York Court of Appeals, before Chief Judge DiFiore and Judges Pigott, Abdus-Salaam, Fahey, Garcia, Stein, and Rivera) (representation 2015).

In 2002, Benihana founder Rocky Aoki signed a document that had the effect of barring him from leaving his ownership stake in the company to anyone other than his descendants—thereby excluding his wife, Keiko Ono Aoki. This litigation concerned whether those releases were valid. Keiko argued that the releases were invalid because they were the product of “constructive fraud” by Rocky’s attorneys. The trial court agreed, but the Appellate Division reversed. The New York Court of Appeals granted leave to appeal, but ultimately affirmed the Appellate Division’s judgment that the releases were valid. We represented Keiko Aoki. I participated in briefing the motion for leave to appeal and merits before the Court of Appeals.

Co-Counsel: Seth Waxman, Daniel Volchok, Alan Schoenfeld, Thomas Sprankling, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000.

Opposing Counsel: David C. Rose, Pryor Cashman, 7 Times Square, New York, NY 10036, 212-326-0142.

9. *In re Kellogg Brown & Root Inc.*, 756 F.3d 754 (D.C. Cir. June 27, 2014) (before Judges Griffith, Kavanaugh, and Srinivasan) (representation 2014).

This case arose out of a False Claims Act suit filed against KBR, a Department of Defense contractor. During discovery, the District Court ordered KBR to disclose to the relator documents produced during KBR’s internal investigation into the alleged fraud. KBR argued that the documents were covered by the attorney-client privilege under *Upjohn Co. v. United States*, 449 U.S. 383 (1981), and filed a petition for mandamus in the D.C. Circuit to prevent disclosure. The D.C. Circuit granted mandamus, holding that as long as obtaining legal advice was one of the significant purposes of a lawyer-directed internal investigation, the attorney-client privilege applies. We filed an amicus brief in the D.C. Circuit in support of KBR on behalf of several trade associations.

Co-Counsel: Carl Nichols, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000; Elisebeth Collins, then of WilmerHale, currently at MS2 – 2C104, Washington, DC 20511, 202-331-1986; Rachel L. Brand, then of the National Chamber Litigation Center, now at the Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530-0001, 202-514-2000; Steven P. Lehotsky, National Chamber Litigation Center, 1615 H St NW, Washington, DC 20062, 202-463-5337; Quentin Riegel, National Association of Manufacturers, 33 10th Street NW, Suite 700, Washington, DC 20001, 202-637-3000; Amar Sarwal, Association of Corporate Counsel, 1025 Connecticut Avenue NW, Suite 200, Washington, DC 20036, 202-293-4103; Wendy Ackerman, then of the Association of

Corporate Counsel, now at 2900 K Street NW, North Tower - Suite 200, Washington, DC 20007-5118, 202-625-3500.

Counsel for KBR: John Elwood, Craig Margolis, Jeremy Marwell, and Joshua Johnson, Vinson & Elkins, 2200 Pennsylvania Ave. NW, Washington, DC 20037, 202-639-6500; John M. Faust, then of Vinson & Elkins, now Law Offices of John M. Faust, 1325 G St. NW Suite 500, Washington, DC, 20005-3136, 202-449-7707.

Counsel for Relator Harry Barko: Stephen Kohn, David Colapinto, and Michael Kohn, Kohn, Kohn & Colapinto, 3233 P St NW, Washington, DC 20007, 202-342-6980.

10. *Liberty Media Corporation v. Vivendi Universal*, No. 13-596 (2d. Cir.) (U.S. Court of Appeals for the Second Circuit; no panel assigned at time of settlement) (representation 2014 - 2015).

In 2001, Liberty Media acquired a stake in Vivendi Universal, a French media conglomerate. Liberty later sued Vivendi for securities fraud in the U.S. District Court for the Southern District of New York, arguing that Vivendi had concealed a dire liquidity crisis when the deal was concluded. After trial, a jury agreed with Liberty, awarding nearly \$1 billion in damages. Vivendi appealed to the Court of Appeals for the Second Circuit. The case was fully briefed and argument had been scheduled when the parties reached a \$775 million settlement. We represented Liberty. I participated in briefing motions and the merits in the Second Circuit.

Co-Counsel: Seth Waxman, Daniel Volchok, Jonathan Bressler, Wilmer Cutler Pickering Hale and Dorr, 1875 Pennsylvania Avenue NW, Washington, DC 20005, 202-663-6000; Michael L. Calhoon, Vernon Cassin, III, and Julie Rubenstein, Baker Botts, 1299 Pennsylvania Avenue, NW, Washington, DC 20004, 202-639-7700; Macey Reasoner Stokes, Baker Botts, 1 Shell Plaza, Suite 3609, 910 Louisiana Street, Houston, TX 77002, 713-229-1369.

Opposing Counsel: Miguel A. Estrada, Mark Andrew Perry, Lucas Townsend, Gibson, Dunn & Crutcher, 1050 Connecticut Avenue, NW, Washington, DC 20036, 202-955-8257; Caitlin Joan Halligan, Gibson, Dunn & Crutcher, 200 Park Avenue, New York, NY 10166, 212-351-3909; James W. Quinn and Gregory Silbert, Weil, Gotshal & Manges LLP, 767 5th Avenue, New York, NY 10153; 212-833-3897; Penny Packard Reid, Sidley Austin LLP, Suite 2000, 2021 McKinney Avenue, Dallas, TX 75201, 214-981-3413; Paul C. Saunders and Daniel Slifkin, Cravath, Swaine & Moore LLP, 3970 Worldwide Plaza, 825 8th Avenue, New York, NY 10019, 212-474-1000.

16. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

My litigation practice is described above. While litigation formed the bulk of my workload in private practice, I also assisted with various counseling matters. These involved advising clients on constitutional, statutory, and regulatory issues, and aiding clients in responding to government investigations.

In my current role, I conduct research about national security law and policy. This includes identifying potential statutory changes and changes in legal policy by the executive branch.

I have not performed any lobbying.

17. **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.

Arizona State University, Sandra Day O'Connor College of Law (DC program)
Counterterrorism Under Law, Spring Semester 2017

U.S. national security law, including the use of military force, electronic surveillance, the intelligence community, covert action, executive power, congressional oversight of intelligence, and the role of the courts in national security.

Rutgers Law School - Newark

Espionage, Surveillance, and the Constitution, Spring Semester 2016

U.S. national security law, including the use of military force, electronic surveillance, the intelligence community, covert action, executive power, congressional oversight of intelligence, and the role of the courts in national security.

The syllabus for each course is provided in Appendix 17.

18. **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.

None, other than passive participation (no new contributions) in the WilmerHale, RAND, and Center for a New American Security 401(k) plans.

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

None.

20. **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.

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

See attached statement and schedules.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

In connection with this nomination process, I have consulted with the Office of Government Ethics and the Privacy and Civil Liberties Oversight Board's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's agency ethics official. I am not aware of any other potential conflicts of interest.

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

In connection with this nomination process, I have consulted with the Office of Government Ethics and the Privacy and Civil Liberties Oversight Board's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's agency ethics official. I am not aware of any other potential conflicts of interest.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

During my time in active practice, I performed a significant amount pro bono work, which according to records cumulatively exceeded 400 hours. This included two public-interest litigation matters described above (*Tuaua* and *DC Association of Public Charter Schools*). Another illustrative matter involved advising a faith-based charity on how to ensure that its interactions with public schools comported with the schools' obligations under the Establishment Clause. That matter involved site visits, extensive research, client consultation, and drafting.