

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

David James Porter

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

United States Circuit Judge for the Third Circuit

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

Office: Buchanan Ingersoll & Rooney PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219

Residence: Bradfordwoods, Pennsylvania

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

1966; Kittanning, Pennsylvania

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.

1989 – 1992, George Mason University School of Law; J.D., 1992

1984 – 1986 and 1987 – 1988, Grove City College; B.A. (*with honors*), 1988

1986 – 1987, Millersville University; no degree

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.

1994 – present

Buchanan Ingersoll & Rooney PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
Shareholder (2002 – present)
Associate (1994 – 2001)

1992 – 1994

Honorable D. Brooks Smith
United States District Court for the Western District of Pennsylvania
United States Courthouse and Post Office
700 Grant Street
Pittsburgh, Pennsylvania 15219
Law Clerk

Summer 1991

Thorp, Reed & Armstrong
Now Clark Hill PLC
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, Pennsylvania 15219
Summer Associate

Summer 1990

Citizens for a Sound Economy
Now FreedomWorks
400 North Capitol Street N.W.
Washington, D.C. 20001
Summer Law Clerk

1988 – 1989

Institute on Religion and Democracy
1023 15th Street N.W., Suite 601
Washington, D.C. 20005
Editor/Research Assistant

Other Affiliations (uncompensated)

2006 – present
Grove City College
100 Campus Drive
Grove City, Pennsylvania 16127
Presidential Search Committee Member (2013 – 2014)
Editorial Board Member, *Grove City College Journal of Law & Public Policy* (2010 – present)
Trustee (2006 – present)

2001 – present
Blackburn Study Center
108 Daisy Lane
Wexford, Pennsylvania 15090
President

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.

The Best Lawyers in America – Recognized for Commercial Litigation (2015 – present)

Pennsylvania Super Lawyer (2011 – present)

Articles Editor, *George Mason University Law Review* (1991 – 1992)

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.

Allegheny County Bar Association (1994 – present)
Chair, Federal Court Section (2009)
Chair, Civil Litigation Section (2008)

American Inns of Court (2001 – 2008)
Master, Pittsburgh Chapter

American Law Institute (2005 – present)
Members Consultative Group, Restatement of the Law Third, Torts: Liability for Economic Loss

Federalist Society for Law and Public Policy Studies (1989 – 1992, 1995 – present)
President, Pittsburgh Chapter (1995 – present)
Co-President, George Mason University School of Law Chapter (1989 – 1992)

National Association of College and University Attorneys (2010 – present)
Editorial Board, *Journal of College and University Law*
(2013 – 2016)

Pennsylvania Bar Association (2002 – 2007)
Council, Civil Litigation Section (2003 – 2006)

Pennsylvania Judicial Network (2009 (est.))

Republican National Lawyers Association (2004 – 2005)
President, Pittsburgh Chapter

United States Commission on Civil Rights (2007 – 2009)
Pennsylvania State Advisory Committee

United States District Court for the Western District of Pennsylvania
Historical Committee (2005 – present)

10. **Bar and Court Admission:**

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

Pennsylvania, 1992

There have been no lapses in membership.

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

Supreme Court of the United States, 2005

United States Court of Appeals for the Third Circuit, 1996

United States District Court for the Eastern District of Pennsylvania, 2005

United States District Court for the Middle District of Pennsylvania, 2006

United States District Court for the Western District of Pennsylvania, 1992

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.

Blackburn Study Center
President (2001 – present)

Grove City College
Presidential Search Committee (2013 – 2014)
Editorial Board Member, *Grove City College Journal of Law & Public Policy* (2010 – present)
Trustee (2006 – present)

Leadership Pittsburgh XXII (2006)

- 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 for 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 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 one (1) electronic copy of all published material to the Committee.

David Porter, '88, Grove City C. Website (last visited Apr. 17, 2018). Copy supplied.

With Kevin P. Lucas and Thomas G. Collins, *Commonwealth Court Rejects Constitutional Challenge to Natural Gas Production on State-Owned Lands and Use of Lease Funds in General Budget* (Buchanan Ingersoll & Rooney PC, Jan. 9, 2015). Copy supplied.

Supreme Court to America: Surprise!, PITTSBURGH POST-GAZETTE, July 4, 2012. Copy supplied.

A Whirlwind Tour of the Supreme Court's Commerce Clause Jurisprudence (Grove City C. Ctr. for Vision and Values, Apr. 2, 2012). Copy supplied. Reprinted in multiple outlets.

Is the Health Care Law Constitutional? / No, Strike It Down, PITTSBURGH POST-GAZETTE, Mar. 25, 2012. Copy supplied. Reprinted in multiple outlets.

Due Diligence and Protection of Confidential Information (Buchanan Ingersoll & Rooney PC, Apr. 5, 2011). Copy supplied.

Book Review: *Ourselves and Our Posterity: Essays in Constitutional Originalism*, 2 GROVE CITY C. J. OF L. & PUB. POL'Y 63 (Spring 2011). Copy supplied.

Factors to Consider in Deciding Whether to Commence Litigation, in PROTECTING YOUR CORPORATE ASSETS: HOW TO MAKE TRADE SECRET & RESTRICTIVE COVENANT LAW WORK FOR YOU (Buchanan Ingersoll & Rooney PC, 2010). Copy supplied.

SLAPPED in Pennsylvania, PITTSBURGH POST-GAZETTE, Mar. 1, 2009. Copy supplied.

William F. Buckley, Jr., RIP: A Tribute from Grove City College, (Grove City C. Ctr. for Vision and Values, Feb. 29, 2008). Copy supplied. Reprinted in multiple outlets.

Book Review: *It Takes a Family*, MERE COMMENTS: THE TOUCHSTONE BLOG (Sept. 7, 2007), <http://touchstonemag.com/merecomments/2007/09/page/5/>. Reprinted in multiple outlets.

Restore the Balance, PITTSBURGH TRIBUNE-REVIEW, Sept. 7, 2003. Copy supplied.

Using Demonstrative Evidence to Enhance Juror Understanding, in ADVANCED TRIAL ADVOCACY IN PENNSYLVANIA (Nat'l Bus. Inst., 2003). Copy supplied.

Comprehensive Cross Examination, in ADVANCED TRIAL ADVOCACY IN PENNSYLVANIA (Nat'l Bus. Inst., 2003). Copy supplied.

Ethical Considerations, in ADVANCED TRIAL ADVOCACY IN PENNSYLVANIA (Nat'l Bus. Inst., 2003). Copy supplied.

Talking to the Press, in ADVANCED TRIAL ADVOCACY IN PENNSYLVANIA (Nat'l Bus. Inst., 2003). Copy supplied.

Removal, in FEDERAL CIVIL LITIGATION IN PITTSBURGH (Lorman Educ. Servs., 2002). Copy supplied.

Internet Jurisdiction, in FEDERAL CIVIL LITIGATION IN PITTSBURGH (Lorman Educ. Servs., 2002). Copy supplied.

Talking to the Press: Rules of the Game, in FEDERAL CIVIL LITIGATION IN PITTSBURGH (Lorman Educ. Servs., 2002). Copy supplied.

With Arthur J. Schwab, *Guarding the Crown Jewels: A Guide to Protecting Your Trade Secrets* (Washington Legal Found., 2002). Copy supplied.

With Pamela A. McCallum, *Enforcement of Trade Secret Rights*, in HOW TO PROTECT TRADE SECRETS IN BLACK & WHITE (Buchanan Ingersoll PC, 1997 and 2001). Copy supplied.

John Ashcroft, Attorney General?, PITTSBURGH POST-GAZETTE, Dec. 31, 2000. Copy supplied. Reprinted in multiple outlets.

With David J. Sorin, *Protecting Confidential Information: The Nondisclosure Agreement*, CorporateIntelligence.com (Oct. 2000). Copy supplied.

With Arthur J. Schwab, *Understanding the Economic Espionage Act of 1996*, PBA Civil Litigation Section Newsletter (Winter 1998). Copy supplied.

With Arthur J. Schwab, *Federal Protection of Trade Secrets*, 21 PENN. L. WKLY. 1013, Aug. 17, 1998. Copy supplied.

With Arthur J. Schwab, *Federal Protection of Trade Secrets: Understanding the Economic Espionage Act of 1996*, J. PROPRIETARY RTS. (Apr. 1998). Copy supplied.

New Defenses for Internet Access Providers, PITTSBURGH T.E.Q. (June 1996). Copy supplied.

Cultivating Dissent: Wetlands Regulators Down on the Farm, Freeman (Feb. 1996). Copy supplied.

Enjoining Competitive Employment in the Absence of a Covenant Not to Compete, PITTSBURGH L. J. (Aug. 1995). Copy supplied.

Wetlands: Cleaning Up a Legal Quagmire, 7 CIV. LITIGATOR 1 (June 1995). Copy supplied.

Codifying Takings Law, PITTSBURGH LEGAL J. (Feb. 1995). Copy supplied.

Book Review: *Original Intentions: On the Making and Ratification of the United States Constitution*, CHRONICLES (December 1994). Copy supplied.

The Business Roundtable v. Securities and Exchange Commission: The Interpretive Principle of Corporate Federalism and Federal Securities Law, 13 GEO. MASON U.L. REV. 413 (1990). 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.

Grove City College, Board of Trustees, *Resolution of the Board of Trustees of Grove City College* (2015). Copy supplied.

Allegheny County Bar Association, Civil Litigation Section, *Year-End Report* (2008). Copy supplied.

Blackburn Study Center, *Statement of Faith and Why Blackburn Teaches the Classics* (2001). Copies 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.

I appeared before the Allegheny County Board of Election on October 27, 2003, in connection with my representation of then- judicial candidate Susan P. Gantman. Despite diligent efforts, I have been unable to locate transcript, notes, or recordings of that appearance.

- 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.

October 12, 2017: Speaker, Portrait Unveiling Ceremony of Chief Judge D. Brooks Smith, United States Court of Appeals for the Third Circuit, Pittsburgh, Pennsylvania. Transcript and press coverage supplied.

October 25, 2016: Panelist, "The Possibility of Replacing Federal Funding," Legal & Public Policy Conference, Council for Christian Colleges & Universities, Provo, Utah. Notes supplied.

January 27, 2012: Speaker, "Legal Basics of Trade Secrets," Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. Presentation slides supplied.

November 1, 2011: Speaker, Twentieth Anniversary Commemoration Ceremony for the Johnstown Division of the United States District Court for the Western District of Pennsylvania, Johnstown, Pennsylvania. Transcript supplied.

October 5, 2011: Speaker, "Restrictive Covenant Litigation," Buchanan Ingersoll & Rooney, PC, Pittsburgh, Pennsylvania. Notes supplied.

June 14, 2011: Speaker, Cemetery Management and First Amendment Rights, Western Pennsylvania Cemetery Association, Pittsburgh, Pennsylvania. Notes supplied.

March 26, 2009: Speaker, Introductory Remarks for Stephen A. Saltzburg, Academy of Trial Lawyers of Allegheny County and the Federal Court and Civil Litigation Sections of the Allegheny County Bar Association, Pittsburgh, Pennsylvania. Notes supplied.

November 9, 2007: Speaker, "General Law on Opening Statements," Academy of Trial Lawyers of Allegheny County and the Federal Court and Civil Litigation Sections of the Allegheny County Bar Association, Pittsburgh, Pennsylvania. Notes supplied.

October 23, 2007: Speaker, "Lunch With Judges," Allegheny County Bar Association, Civil Litigation Section, Pittsburgh, Pennsylvania. Notes supplied.

August 6, 2003: Speaker, "Newsgathering and the Law," WTAE-TV Newsroom Seminar, Pittsburgh, Pennsylvania. Presentation materials supplied.

March 17, 2003: Speaker, "Media Law and Dealing With the Press," Civil Litigation Section of the Allegheny County Bar Association. I spoke regarding general topics in media law. I have no notes, transcripts or recordings. The address of the Allegheny County Bar Association is 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

March 13, 2003: Speaker, "Advanced Trial Advocacy in Pennsylvania," National Business Institute, Pittsburgh, Pennsylvania. Presentation materials supplied in response to Question 12.a.

January 23, 2003: Speaker, Investiture Ceremony of the Honorable Arthur J. Schwab, United States District Court for the Western District of Pennsylvania, Pittsburgh, Pennsylvania. Notes supplied.

November 5, 2002: Speaker, "Top 10 Reasons Employers Lose Trade Secret Cases," Intellectual Property Owners Association Annual Meeting, Los Angeles, California. Presentation materials supplied.

October 22, 2002: Speaker, "Federal Civil Litigation in Pennsylvania," Lorman Education Services, Pittsburgh, Pennsylvania. Presentation materials supplied in response to Question 12.a.

2001 – 2014: Guest lecturer, Intellectual Property Course, Grove City College, Grove City Pennsylvania. For fourteen years, I gave guest lectures on the intersection of copyright and First Amendment law as part of an Intellectual Property course at Grove City College. Notes and presentation slides supplied.

February 14, 1990: Speaker, "Guns, Crime & the Second Amendment," George Mason University School of Law, Arlington, Virginia. Video recording available at <https://www.c-span.org/video/?11154-1/guns-crime-amendment>.

In connection with my role as President of the Pittsburgh chapter of the Federalist Society, I make welcoming, introductory, and concluding remarks during most meetings. To the extent that a meeting features a speaker, I generally act as moderator for a post-speech question-and-answer session. Given the nature of these duties, I do not have notes, transcripts, or recording. I acted in a similar capacity while in the Federalist Society at George Mason, and I do not have notes, transcripts, or recording, aside from the video recording disclosed.

- 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 one (1) electronic copy of the clips or transcripts of these interviews where they are available to you.

Polly Mosendz, *Why the MTA Can't Be the 'Offensiveness Police'*, NEWSWEEK (May 9, 2015), <http://www.newsweek.com/why-mta-cant-be-offensiveness-police-330484>.

Mark Belko, *Developer, Trust Settle Suit Over \$460M Project*, PITTSBURGH POST-GAZETTE, Apr. 29, 2015. Copy supplied.

Tracie Mauriello, *Senators Caught in Controversial Judicial Deal*, PITTSBURGH POST-GAZETTE, Apr. 9, 2014. Copy supplied.

Chris Potter, *Capitol Offenses*, PITTSBURGH CITY PAPER, Apr. 9, 2014. Copy supplied.

Mari A. Schaefer, *Delco Judge Says To Count 14 Votes at Nursing Home*, PHILA. INQUIRER, Nov. 21, 2013. Copy supplied.

Mari A. Schaefer, *Delco D.A. To Review Vote-Fraud Allegations*, PHILA. INQUIRER, Nov. 19, 2013. Copy supplied.

Gabrielle Banks, *Support Your Boss's Political Cause – or Else?*, PITTSBURGH POST-GAZETTE, May 23, 2011. Copy supplied. Reprinted in multiple outlets.

Brad Bumsted and Debra Erdley, *Orie Melvin Leads Panella for Pennsylvania Supreme Court Seat*, PITTSBURGH TRIBUNE-REVIEW, Nov. 4, 2009. Copy supplied.

Ben Semmes, *Bishoff Project Contractor Strikes out Against Union*, COLUMBUS BUS. FIRST, Mar. 24, 2008. Copy supplied.

Ben Semmes, *Dynamic Building Embroiled in Lawsuit With Carpenters Union*, PITTSBURGH BUS. TIMES, Mar. 17, 2008. Copy supplied.

Tracy Carbasho, *Member Paul Titus Receives Professionalism Award From Civil Litigation Section*, THE LAWYERS J., Dec. 7, 2007. Copy supplied.

Tamara Ikenberg, *Yes, Even Paris Needs Privacy*, LOUISVILLE COURIER-JOURNAL, Feb. 10, 2007. Copy and firm press release supplied.

Chris Foreman, *TV Reporters Say Judge Blocks Taping of Evidence*, DAILY COURIER (Connellsville, Pennsylvania), Jan. 12, 2006. Copy supplied. Reprinted in multiple outlets.

Rich Lord & Marty Levine, *Cast of Thousands; Unless Balloting Rules Are Changed, Pennsylvania Could Be Another Ohio*, PITTSBURGH CITY PAPER, Nov. 10, 2004. Copy supplied.

Mike Wereschagin, *Election Board Ok's Absentee Delivery*, PITTSBURGH TRIBUNE-REVIEW, Oct. 28, 2003. Copy supplied

Mark Preston, *Biden, Jurist Face Day of Reckoning*, ROLL CALL, Feb. 25, 2002. Copy supplied.

Dan Trigoboff, *Turnabout*, BROADCASTING & CABLE, Oct. 12, 1998. Copy supplied.

Jon Schmitz, *Videotape of Arrest Debated in Court*, PITTSBURGH POST-GAZETTE, Sept. 29, 1998. Copy supplied.

Marylynn Pitz, *Swissvale Officer Faces His Second Civil Rights Suit*,
PITTSBURGH POST-GAZETTE, July 25, 1998. 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.

Member, Pennsylvania State Advisory Committee, United States Commission on Civil Rights (2007 – 2009). Appointed by United States Commission on Civil Rights.

- 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.

Assistant Solicitor, Republican Committee of Allegheny County (2003 – 2012)
Counsel, Republican State Committee of Pennsylvania (2003, 2004, 2008, 2012)
Counsel, Bush-Cheney 2004, Inc. (2004).

Counsel, Susan Gantman for Superior Court, Inc. (2003)
Member, Marshall Township Republican Organization (2000 – 2001)

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 1992 to 1994, I served as law clerk to the Honorable D. Brooks Smith, United States District Court for the Western District of Pennsylvania.

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

I have never practiced law alone.

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

1994 – present
Buchanan Ingersoll & Rooney PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
Shareholder (2002 – present)
Associate (1994 – 2001)

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.

In the Western District of Pennsylvania, most civil cases are subject to mandatory alternative dispute resolution (“ADR”). The parties attempt to agree on a neutral, and if they are unable to agree, the court appoints a neutral. I am a member of the panel of approved ADR neutrals for the court, and have served occasionally over the years. My most significant matters as a neutral have been:

1. A civil action for defamation and commercial disparagement.
2. A breach of contract claim relating to the ownership of certain candy-making equipment.

3. A dispute regarding the installation of public utility lines on church property, which implicated the First Amendment.

b. Describe:

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

I am a trial lawyer with litigation experience in federal and state courts throughout the nation, and in alternative dispute resolution fora.

At the conclusion of my judicial clerkship with the Honorable D. Brooks Smith, I joined the commercial litigation section at Buchanan Ingersoll, PC, as an associate. In this position from 1994 to 2001, I drafted and responded to written discovery, drafted motions and appeals, took depositions, appeared in court to argue motions, and represented clients and contested hearings and trials. During the late 1990s, I increasingly took on primary responsibility for handling cases, either alone or as the lead trial attorney with assistance from colleagues. After becoming partner in 2002, I continued to work on fast-paced and complex business litigation.

My practice has afforded me the opportunity to litigate or arbitrate cases in twenty-one states, as well as the District of Columbia. These cases are often document intensive, involve heavy motions practice, and feature simultaneous proceedings in multiple jurisdictions. In addition to trial work, I have handled multiple appeals to the Third Circuit and the Pennsylvania appellate courts.

My practice both as an associate and as a partner has involved a wide range of legal issues, including banking, breach of contract, civil RICO, ERISA, employment, securities litigation, and toxic torts. In particular, I have developed considerable experience and expertise as a First Amendment and media lawyer. I regularly represented publishers and broadcasters in all phases of their businesses, including newsgathering and access matters, pre-publication review, copyright and trademark issues, and libel defense. I also have handled many cases in federal and state courts involving alleged misappropriation of trade secrets, unfair competition, and breach of covenants not to compete. Finally, I have been involved in a number of cases involving various aspects of election law.

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

I represent, and have represented during my legal career, clients from all walks of life. My typical clients are private and public companies and large, non-profit institutions such as colleges and universities. I have also

represented many individuals, land owners, employers and employees, political candidates, and public officials or governmental entities.

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

i. Indicate the percentage of your practice in:

- | | | |
|----|-------------------------|-----|
| 1. | federal courts; | 75% |
| 2. | state courts of record; | 25% |
| 3. | other courts; | |
| 4. | administrative agencies | |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings; | 99% |
| 2. | criminal proceedings. | 1% |

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.

I have tried eight cases to a final judgment: a week-long jury trial in which I was chief counsel; a week-long commercial arbitration proceeding before the American Arbitration Association in which I was sole counsel; four non-jury preliminary injunction trials which were terminal proceedings leading to entry of a final judgment (sole counsel); and two jury trials in which I was associate counsel.

i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury; | 35% |
| 2. | non-jury. | 65% |

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.

Petition for Writ of Certiorari, *Brace v. United States*, 515 U.S. 1158 (1995) (No. 94-1669) (cert. denied). Brief available at 1995 WL 17048801.

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. *Rendell v. Rumsfeld*, 2005 WL 2050295 (E.D. Pa. Aug. 26, 2005), *vacated and remanded*, 484 F.3d 236 (3d Cir. 2007).

This case arose out of the Department of Defense's attempt to deactivate the 111th Fighter Wing of the Pennsylvania Air National Guard without consultation with, or approval of, the Governor of Pennsylvania. I served as lead trial counsel for plaintiffs, various elected officials including: then-Governor Rendell and Senators Specter and Santorum. I drafted and argued plaintiffs' cross-motion for summary judgment, which resulted in an order by the district court declaring the Defense Department's recommendation to deactivate the 111th Fighter Wing null and void. The Third Circuit subsequently vacated the district court's judgment on mootness grounds.

Judges:

U.S. Court of Appeals for the Third Circuit: Judges Dolores K. Sloviter, Michael A. Chagares, and Richard L. Nygaard

U.S District Court for the Eastern District of Pennsylvania: Judge John R. Padova

Co-Counsel:

Antoinette R. Stone

Deceased

Formerly with Buchanan Ingersoll & Rooney PC

Barbara Adams

Philadelphia Energy Authority

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Formerly General Counsel to Governor Rendell

Daniel J. Doyle

Retired

Formerly Senior Deputy Attorney General, Commonwealth of Pennsylvania

Peter M. Murphy
Deceased
Formerly with Holland & Knight LLP

Dennis Guise
Deceased
Formerly Chief Counsel, Pennsylvania Department of Military and Veterans Affairs

Opposing Counsel:

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BASF Corporation
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Formerly with United States Department of Justice, Civil Division

2. *Ayco Co. v. Walton*, Case No. 02CC18156 (Super. Ct., Orange Cnty. (Calif.)), Case No. 8138-02 (Sup. Ct., Albany Cnty. (N.Y.)), & Case No. 13 147 01839 03 (Am. Arbitration Ass'n).

This case involved the enforceability of certain non-solicitation covenants contained in a partnership agreement. A partner and senior-level employee of my client commenced a California action seeking a judicial declaration that these covenants were unenforceable, as well as damages for alleged violations of California's wage and hour laws. My client responded by filing a temporary restraining order in New York state court and filing a claim with the American Arbitration Association. This resulted in extensive motions practice in California and New York state courts. I later tried the case before an arbitrator, who entered a decision in my client's favor.

Judges and arbitrator:

Superior Court of California, County of Orange: Judge Mary Fingal Erickson

Supreme Court of New York, Albany County: Justice Thomas J. McNamara

American Arbitration Association: Arbitrator Eugene I. Farber

Co-Counsel:

William J. Tebbe
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Opposing Counsel:

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BarrittSmith, LLP
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3. *Concord Eastridge, Inc. v. Pittsburgh Trust for Cultural Res.*, Case No. GD 09-2389 (Ct. C.P., Allegheny Cnty. (Pa.)).

This case arose out of plans to develop a six-acre site in Pittsburgh into 700 housing units, shops, restaurants, park space, and arts venues. Since 1984, my client had overseen the cultural and economic revitalization of the greater neighborhood called the Cultural District. Plaintiffs, who were tentatively chosen to lead the development project, sued after the project was suspended in the wake of the 2008 financial crisis. I was sole counsel for my client for most of the litigation, and was responsible for discovery, motions practice, and trial preparations. The case ultimately settled on the eve of trial.

Judge:

Court of Common Pleas of Allegheny County, Pennsylvania: Judge Joseph M. James

Co-Counsel:

Kevin P. Lucas
Buchanan Ingersoll & Rooney PC
One Oxford Centre
301 Grant Street, 20th Floor
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(412) 562-8350

Opposing Counsel:

Walter P. DeForest
David J. Berardinelli
Deforest Koscelnik Yokitis Kaplan & Berardinelli
436 Seventh Avenue, 30th Floor
Pittsburgh, Pennsylvania 15219

(412) 227-3100

4. *Onconome, Inc. v. Univ. of Pittsburgh*, Case No. 09-cv-1195, 2009 WL 5064481 (W.D. Pa. Dec. 17, 2009).

Plaintiff sued my clients – the University of Pittsburgh and one of its faculty members – for over \$150 million. Plaintiff asserted tort and contract claims on the ground that it had been fraudulently induced to invest in the professor’s research based upon material misrepresentations about the accuracy and success of his tests. I was lead counsel and successfully sought dismissal of the tort claims. After additional litigation, the case was settled.

Judge:

U.S. District Court for the Western District of Pennsylvania: Judge Arthur J. Schwab.

Co-Counsel:

Pamela W. Connelly
University of Pittsburgh
500 Craig Hall
Pittsburgh, Pennsylvania 15260
(412) 648-7860

Opposing Counsel:

Spencer Hosie
Hosie Rice LLP
600 Montgomery Street
San Francisco, California 94111
(415) 247-6000

Steven M. Recht
Recht Law Offices
3405 Main Street
Weirton, West Virginia 26062
(304) 748-5850

5. *In re Canvass of Absentee Ballots of November 4, 2003*, Case Nos. GD 03-022785 and 03-022803 (Ct. C.P., Allegheny Cnty. (Pa.)), *aff’d*, 839 A.2d 451 (Pa. Commw. Ct. 2003), *rev’d*, 843 A.2d 1223 (Pa. 2004).

This case arose out of a challenge by my clients to the long-standing practice in Allegheny County of accepting third-party delivery of absentee ballots. My clients, who included a judicial candidate, brought suit against this practice in federal court in the Western District of Pennsylvania. The court granted a temporary restraining order ordering that certain hand-delivered absentee ballots be segregated and that candidates were entitled to a hearing on validity of such challenged ballots. After the 2003 general

election, the parties litigated this issue in the Pennsylvania state court. Ultimately, the Supreme Court of Pennsylvania held that Allegheny County's practice of accepting absentee ballots from third parties violated the Pennsylvania Election Code.

Judges:

Court of Common Pleas of Allegheny County, Pennsylvania: Judge Joseph M. James

U.S. District Court for the Western District of Pennsylvania: Judge Joy F. Conti

Commonwealth Court of Pennsylvania: Judges James Gardner Collins, Bernard McGinley, Doris A. Smith-Ribner, Dan R. Pellegrini, Rochelle S. Friedman, Bonnie Brigance Leadbetter, and Robert Edward Simpson

Supreme Court of Pennsylvania: Justices Ralph Cappy, Ronald Castille, Russell Nigro, Sandra Newman, Thomas Saylor, and Michael Eakin

Co-Counsel:

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Meyer, Unkovic & Scott LLP
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535 Smithfield Street
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(412) 456-2800

Lawrence J. Tabas
Obermayer Rebmann Maxwell & Hippel LLP
Centre Square West
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Counsel for Allegheny County Board of Elections:

Charles P. McCullough
Retired
Formerly with Eckert Seamans Cherrin & Mellott

Alan J. Opsitnick
Opsitnick and Associates
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Counsel for Intervenors:

Clifford B. Levine
Cohen & Grigsby, PC

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David J. Montgomery
The Montgomery Law Firm
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(412) 904-2641

6. *Hometown Coffee Co. v. Premio Foods, Inc.*, Case No. 04-1708 (W.D. Pa.).

I was lead trial counsel for a New Jersey-based producer of sausage and meat products. Plaintiff sued my client for \$3 million, based upon an alleged oral agreement relating to brokerage commissions tied to my client's sales of sausage to Giant Eagle, a supermarket chain based in Pittsburgh. The case resulted in a week long jury trial. At the conclusion of the trial, the jury returned a verdict for plaintiff in the amount of \$186,000.

Judge:

U.S. District Court for the Western District of Pennsylvania: Judge David S. Cercone

Opposing Counsel:

Brian T. Must
Metz Lewis Brodman Must O'Keefe LLC
535 Smithfield Street, Suite 800
Pittsburgh, Pennsylvania 15222
(412) 918-1124

7. *Huber v. Lawruk*, Case No. 3:07-cv-00145, 2009 WL 1565651 (W.D. Pa. June 3, 2009), *aff'd*, 424 F. App'x 128 (3d Cir. 2011). *See also Huber v. Lawruk*, Case No. 09-GN-2646 (Ct. C.P., Blair Cnty. (Pa.)).

I was counsel for the defendants, an individual and various entities engaged in the ownership and operation of the Penn Alto Hotel, a historic building in downtown Altoona, Pennsylvania. Plaintiffs sued my clients for breach of contract stemming (originally) from the 1989 sale of the hotel. The Western District of Pennsylvania entered judgment as a matter of law in favor of Defendants, and the Third Circuit affirmed.

While the District Court's order was on appeal to the United States Court of Appeals for the Third Circuit, Plaintiffs commenced another action in the Court of Common Pleas of Blair County, Pennsylvania. I successfully argued that this action was barred by *res judicata* and collateral estoppel.

Judges:

U.S. District Court for the Western District of Pennsylvania: Judge Kim R. Gibson

U.S. Court of Appeals for the Third Circuit: Judges Kent A. Jordan, Joseph A. Greenaway, Jr., and Leonard I. Garth

Court of Common Pleas of Blair County, Pennsylvania: Judge Hiram A. Carpenter, III

Opposing Counsel:

Albert N. Peterlin

Avnet Inc.

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Formerly with Pietragallo, Bosick & Gordon, LLP and Morella & Associates PC

Anthony J. Basinski

Retired

Formerly with Pietragallo, Bosick & Gordon, LLP

Alan E. Cech

Murtagh Hobaugh & Cech

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Wexford, Pennsylvania 15090

(724) 935-7555

Richard Oare

1434 South George Street

York, Pennsylvania 17403

(717) 846-3000

8. *USANA Health Scis., Inc. v. Minkow*, Case No. 2:07-cv-159-TC, 2008 WL 619287 (D. Utah Mar. 4, 2008).

Plaintiff, a manufacturer of nutritional and skin-care products, asserted a variety of federal and California state law claims against my clients, an individual and a California corporation. My clients had published a report that was critical of plaintiff's multi-level marketing business model and that had taken issue with certain factual statements made by plaintiff about its products. After a period of discovery, the District Court granted my clients' motion to strike all of USANA's state law claims and awarded attorney's fees. Plaintiff subsequently dismissed the action with prejudice.

Judge:

U.S. District Court for the District of Utah: Judge Tena Campbell

Opposing Counsel:

D.J. Poyfair
Reese, Poyfair, Richards PLLC
1275 East Fort Union Boulevard, Suite 115
Cottonwood Heights, Utah 84047
(801) 981-8281

9. *Abu-Jamal v. St. Martin's Press, LLC*, Case No. 01-540 (W.D. Pa) & Case No. 01-2850 (S.D.N.Y.).

This case related to a book written by a defense counsel to Mumia Abu-Jamal. This book was intended to attract a more mainstream audience to Abu-Jamal's case and was written with his support. When Abu-Jamal read the book, however, he terminated the lawyer and sued St. Martin's Press in the Western District of Pennsylvania to stop the publisher from distributing the book. I represented defendants as lead counsel. The case was transferred to the Southern District of New York, where the court ruled that Abu-Jamal had failed to satisfy both the exacting First Amendment requirements for the extraordinary remedy of a prior restraint as well as traditional preliminary injunction standards. The case was subsequently dismissed with prejudice.

Judges:

U. S. District Court for the Western District of Pennsylvania: Judge William L. Standish and Magistrate Judge Ila Jeanne Sensenich

U.S. District Court for the Southern District of New York: Judge Loretta A. Preska

Co-Counsel:

The Honorable Mark R. Hornak
United States District Court for the Western District of Pennsylvania
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New York, New York 10038

(212) 581-5005

Robert D. Balin
Davis Wright & Tremaine LLP
1251 Avenue of the Americas
New York, New York 10038
(212) 489-8230

David Kaye
St. Martin's Press, LLC
175 Fifth Avenue
New York, New York 10010
(212) 674-5151

Opposing Counsel:

Jere Krakoff
Retired
Formerly a sole practitioner in Pittsburgh.

Andrew Shubin
The Law Offices of Andrew Shubin
333 South Allen Street
State College, Pennsylvania 16801
(814) 867-3115

10. *Behavioral Healthcare Options, Inc. v. Charter Behavioral Health Sys. of Tampa Bay, Inc.*, Case No. 94-1808 (Fla. Cir. Ct. for Hillsborough Cnty.).

Plaintiffs were a Florida corporation and its owner, a doctor who had previously worked for defendant, my client. Plaintiffs brought suit, claiming that the doctor was driven out of Charter when he refused to comply with an alleged unwritten policy. Plaintiffs also alleged that Charter breached a verbal agreement to transfer a network of counseling centers to his company. Plaintiffs sought \$3 million. The case culminated in a 10-day trial, which resulted in a defense verdict on three of the four counts and awarded the plaintiff \$100,000. I was second-chair on the trial team, examining witnesses and preparing and arguing trial motions and proposed jury instructions.

Judge:

Circuit Court for the Thirteenth Judicial Circuit in and for Hillsborough County, Florida,
General Civil Division: Chief Circuit Judge Manuel Menendez, Jr.

Co-Counsel:

Samuel W. Braver
Buchanan Ingersoll & Rooney PC
One Oxford Centre

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(412) 562-8939

Opposing Counsel:

Paul B. Catania
Catania & Catania
Barnett Plaza, Suite 2400
101 East Kennedy Boulevard
Tampa, Florida 33602
(813) 222-8545

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.)

In addition to my work as litigator, I have put my legal skills to use to serve the broader Pennsylvania community. I have served on various legal and non-legal boards, which have called upon my legal skills and training in various respects. I served for two years on the Pennsylvania State Advisory Committee to the United States Commission on Civil Rights, a profound honor and responsibility. I have devoted significant time and energy to various leadership roles in the Allegheny County Bar Association. This includes serving as an elected officer of the Federal Court and Civil Litigation Sections of the Bar Association, including stints as chair of each section. Furthermore, I serve on the Board of Trustees of my alma mater, Grove City College, where I chair the Legal Affairs Subcommittee.

Recently, I worked to help the Commonwealth of Pennsylvania navigate turbulent financial waters. In 2015, the Commonwealth of Pennsylvania experienced a budget impasse between the Governor and the General Assembly. As the General Assembly's 2014 – 2015 line item dwindled without the prospect of a new budget, the Republican Caucus of the Pennsylvania House of Representatives retained me (and Buchanan Ingersoll & Rooney) as borrower's counsel to secure a \$30,000,000 non-revolving line of credit. This credit enabled the Caucus to avoid laying off staff, pay vendors, and otherwise continue to operate until the Legislature and the Governor resolved the budget impasse. I worked cooperatively with lender's counsel, counsel for the State Treasurer, and with the Republican and Democratic Caucuses in House and Senate to achieve this result.

I have not engaged in lobbying activity.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe

briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught 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.

I have capital and capital unit accounts with my law firm, Buchanan Ingersoll & Rooney PC, which would be returned to me should my employment with the firm terminate by appointment or otherwise. Otherwise, I have no arrangements to be compensated in the future for any financial business interest.

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 such plans, commitments, or agreements.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Buchanan Ingersoll & Rooney PC, appears. I also will recuse from any case in which Grove City College appears as a party for as long as I continue to serve as a trustee.

Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

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

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During the course of my legal career, I have undertaken pro bono legal representation in different ways. I have directly provided pro bono services to individuals. For example, I have represented indigent individuals in housing disputes, particularly relating to fraudulent representations by sellers and landlords. I also have represented a Pennsylvania State Trooper in a Section 304 (involuntary commission to hospital for mental treatment) hearing under the Pennsylvania Mental Health Procedures Act of 1976. Moreover, I represented a *pro se* whistleblower at mediation as part of the U.S. District Court for the Western District of Pennsylvania's pro bono ADR program.

I have also provided hundreds of hours of pro bono legal services to non-profit organizations, including Grove City College, Blackburn Study Center, and the Reformed Presbyterian Church of North Hills.

26. **Selection Process:**

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

In November and December 2016, I met with members of Senator Pat Toomey's staff to discuss an anticipated vacancy on the United States Court of Appeals for the Third Circuit. In or about January 2017, the Honorable D. Michael Fisher

announced that he would take senior status, effective February 1, 2017. About that time, I discussed the forthcoming vacancy with the White House Counsel's Office. On February 24, 2017, I met with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, District of Columbia. On March 8, 2017, the White House Counsel's Office contacted me to advise that the President intended to submit my nomination for the United States Court of Appeals for the Third Circuit.

Since that time, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. On April 12, 2018, the President submitted my nomination to the Senate.

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

No.