

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Allison Jones Rushing  
Allison Blair Jones

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

United States Court of Appeals Judge for the Fourth 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.

Williams & Connolly LLP  
725 Twelfth Street NW  
Washington, District of Columbia 20005

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

1982; Hendersonville, North Carolina

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.

2004 – 2007, Duke University School of Law; J.D. (*magna cum laude*), 2007

2000 – 2004, Wake Forest University; B.A. (*summa cum laude*), 2004

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.

2011 – present  
Williams & Connolly LLP  
725 Twelfth Street NW  
Washington, District of Columbia 20005

Partner (2017 – present)  
Associate (2011 – 2016)

2010 – 2011  
Supreme Court of the United States  
One First Street NE  
Washington, District of Columbia 20543  
Law Clerk to the Honorable Clarence Thomas

2009 – 2010  
Williams & Connolly LLP  
725 Twelfth Street NW  
Washington, District of Columbia 20005  
Associate

2008 – 2009  
United States Court of Appeals for the D.C. Circuit  
333 Constitution Avenue NW  
Washington, District of Columbia 20001  
Law Clerk to the Honorable David B. Sentelle

2007 – 2008  
United States Court of Appeals for the Tenth Circuit  
1823 Stout Street  
Denver, Colorado 80257  
Law Clerk to the Honorable Neil M. Gorsuch

Summer 2007  
United States Department of Justice  
Office of Legal Counsel  
950 Pennsylvania Avenue NW  
Washington, District of Columbia 20530  
Summer Law Clerk

Summer 2006  
Williams & Connolly LLP  
725 Twelfth Street NW  
Washington, District of Columbia 20005  
Summer Associate

Summer 2005  
Alliance Defense Fund  
(now known as Alliance Defending Freedom)  
15333 North Pima Road  
Suite 165  
Scottsdale, Arizona 85260

Legal Intern

Summer 2004  
Prince, Youngblood & Massagee, PLLC  
240 Third Avenue West  
Hendersonville, North Carolina 28739  
Paralegal

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 United States military. I was not required to register for selective service.

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

*Super Lawyers*, Washington D.C. “Rising Star” (2014 – 2018)

*The National Law Journal*, “Appellate Hot List” (2015 – 2017)

Capital Pro Bono Honor Roll, High Honors (2012 – 2017)

*The Legal 500 United States*, Supreme Court and Appellate Litigation (2015)

Duke University School of Law

Order of the Coif (2007)

*Duke Law Journal*, Executive Editor (2006 – 2007), Staff Editor (2005 – 2006)

Moot Court Board (2006 – 2007)

Smith-Mordecai Scholar (2004 – 2007)

Wake Forest University

Graduation honors in music (2004)

President of Pi Sigma Alpha Political Science Honor Society (approximately 2003 – 2004)

Phi Beta Kappa (2003 – 2004)

William Louis Poteat Scholar (2000 – 2004)

Caldwell Scholar (approximately 2000 – 2004)

Carswell Scholar (approximately 2001 – 2004)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2016 – present)

Appellate Judges Education Institute Summit (2012)

D.C. Circuit Judicial Conference (2012, 2015)

Edward Coke Appellate Inn of Court (2014 – 2017)

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.

Virginia, 2007

District of Columbia, 2009

There have been no lapses in memberships.

- 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, 2013

United States Court of Appeals for the D.C. Circuit, 2009

United States Court of Appeals for the First Circuit, 2015

United States Court of Appeals for the Second Circuit, 2012

United States Court of Appeals for the Third Circuit, 2010

United States Court of Appeals for the Fourth Circuit, 2017

United States Court of Appeals for the Seventh Circuit, 2015

United States Court of Appeals for the Eighth Circuit, 2015

United States Court of Appeals for the Ninth Circuit, 2010

United States Court of Appeals for the Tenth Circuit, 2008

United States Court of Appeals for the Eleventh Circuit, 2017

United States Court of Appeals for the Federal Circuit, 2013

United States District Court for the District of Columbia, 2013

There have been no lapses in memberships of which I am aware.

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.

Colorado Symphony Chorus (2007 – 2008)

The Federalist Society for Law & Public Policy Studies (2012 – present)

The Washington Chorus (2008)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

**12. Published Writings and Public Statements:**

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

*The Rooker-Feldman Doctrine: What Does It Mean to Be Inextricably Intertwined?*, 56 Duke L. J. 643 (2006). Copy supplied.

With Jordan Lorence, *Nothing to Stand On: "Offended Observers" and the Ten Commandments*, 6 Engage 138 (2005). 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.

None.

- 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.

Letter to Sens. Grassley and Feinstein, Committee on the Judiciary, United States Senate, Nomination of Judge Neil M. Gorsuch to be Associate Justice of the Supreme Court (with former female law clerks), Mar. 20, 2017. Copy supplied.

Letter to Sens. Grassley and Feinstein, Committee on the Judiciary, United States Senate, Nomination of Judge Neil M. Gorsuch to be Associate Justice of the Supreme Court (with former clerks to Judge David B. Sentelle), Mar. 14, 2017. Copy supplied.

Letter to Sens. Grassley and Feinstein, Committee on the Judiciary, United States Senate, Nomination of Judge Neil M. Gorsuch to be Associate Justice of the Supreme Court (with former clerks), Feb. 13, 2017. Copy supplied.

- 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.

The public speaking engagements I can recall, after conducting a thorough search, are as follows:

Aug. 3, 2017: Panelist, “Blackstone and Beyond: A View from Some Fellows,” Alliance Defending Freedom, Pentagon City, Virginia. The panel was a question-and-answer session with rising second-year law students and practicing lawyers. I have no notes, transcript, or recording. The address for the Alliance Defending Freedom is 15100 N. 90th Street, Scottsdale, Arizona 85260.

July 19, 2017: Panelist, “Supreme Court Review,” Duke University School of Law D.C. Summer Institute on Law and Policy, Washington, District of Columbia. I was one of three panelists discussing the Supreme Court’s decisions from the 2016 – 2017 Term. I have no notes, transcript, or recording. The address for Duke University School of Law D.C. Summer Institute on Law and Policy is Duke University School of Law, Box 90362, Durham, North Carolina 27708-0362.

July 7, 2017; July 8, 2016; Oct. 17, 2014; Jan. 30, 2014; Feb. 1, 2013; Mar. 23, 2012: Speaker, “Overview of a Clerk’s Role in the Judicial Process,” Alliance

Defending Freedom, Arlington, Virginia. This speech was for law students about the role of a law clerk in the judicial system. Notes supplied.

June 14, 2017: Presenter, “U.S. Supreme Court Speaks: *Henson v. Santander*,” Consumer Financial Services Committee of the Business Law Section of the 2017 Association, Online Webinar. Video supplied.

July 27, 2016: Panelist, “Supreme Court Review,” Duke University School of Law D.C. Summer Institute on Law and Policy, Washington, District of Columbia. I was one of three panelists discussing the Supreme Court’s decisions from the 2015 – 2016 Term. I have no notes, transcript, or recording. The address for Duke University School of Law D.C. Summer Institute on Law and Policy is Duke University School of Law, Box 90362, Durham, North Carolina 27708-0362.

Aug. 4, 2015: Speaker, “The Boutique Practice: The Art and Craft of Advocacy,” Alliance Defending Freedom, Tucson, Arizona. This was a presentation to rising second-year law students about practicing as a litigation attorney. Notes supplied.

July 15, 2015: Panelist, “Supreme Court Review,” Duke University School of Law D.C. Summer Institute on Law and Policy, Washington, District of Columbia. I was one of three panelists discussing the Supreme Court’s decisions from the 2014 – 2015 Term. I have no notes, transcript, or recording. The address for Duke University School of Law D.C. Summer Institute on Law and Policy is Duke University School of Law, Box 90362, Durham, North Carolina 27708-0362.

June 23, 2015: Moderator, “Supreme Court Term Review,” Edward Coke Appellate Inn of Court, Washington, District of Columbia. This panel was about the Supreme Court’s 2014 – 2015 Term; I moderated a discussion among three journalist about the Term. I have no notes, transcript, or recording. The current president of the Inn is Douglas Letter, whose address is The George Washington University Law School, 2000 H Street NW, Washington, District of Columbia, 20052.

July 16, 2014: Panelist, “Where Can Your Law Degree Take You?,” Duke University School of Law D.C. Summer Institute on Law and Policy, Washington, District of Columbia. This panel for college students and graduates was about the variety of different careers available in the law; I was one of the panelists who discussed their own legal career. I have no notes, transcript, or recording. The address for Duke University School of Law D.C. Summer Institute on Law and Policy is Duke University School of Law, Box 90362, Durham, North Carolina 27708-0362.

Oct. 30, 2013: Co-speaker, “Henry Forum: ‘Enemies of Mankind’: Religion and Morality in the Supreme Court’s Same-Sex Marriage Jurisprudence,” Capitol Hill

Baptist Church, Washington, District of Columbia. Speech supplied.

Oct. 13, 2012: Speaker, 25th Anniversary Dinner for Chief Judge David B. Sentelle, Washington, District of Columbia. I introduced Ms. Kristen Silverberg and then read a tribute letter about the Judge from Justice Clarence Thomas. I have no notes, transcript, or recording. The event took place at the United States Court of Appeals for the D.C. Circuit, 333 Constitution Avenue NW, Washington, District of Columbia 20001.

July 2010 – July 2011: In my capacity as a law clerk, I regularly gave tours of the Supreme Court building to various groups of people. I have no notes, transcript, or recording.

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

Katelyn Polantz, “Appellate Hot List: Williams & Connolly,” Nat. L. J., Dec. 26, 2016. Copy supplied.

“Duke Law celebrates a third Supreme Court clerkship,” Duke Law News, Apr. 6, 2010. Copy supplied.

“WFU Music Steps Up Students to Present First Major Opera; Faculty Determined the Time Has Come,” Winston-Salem J., Oct. 19, 2003. Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_

- i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_%  
bench trials: \_\_\_\_\_% [total 100%]

civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
  - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
  - e. Provide a list of all cases in which certiorari was requested or granted.
  - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;

- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

**15. Public Office, Political Activities and Affiliations:**

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

I have never been a candidate for or held an elected or appointed public office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never held a position or played a role in a political party or election committee.

Volunteer legal advisor, Mitt Romney Presidential Campaign (2012). I advised the general counsel of the campaign in connection with preparing for potential election-related litigation.

Volunteer, Sam Arora for Maryland House of Delegates (2009). I jointly hosted a fundraiser with other individuals and assisted in a day of door-to-door campaigning.

**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 2007 to 2008, I served as a law clerk to the Honorable Neil M. Gorsuch, Circuit Judge of the United States Court of Appeals for the Tenth Circuit.

From 2008 to 2009, I served as a law clerk to the Honorable David B. Sentelle, Chief Judge of the United States Court of Appeals for the D.C. Circuit.

From 2010 to 2011, I served as a law clerk to the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States.

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

I 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.

Summer 2007  
United States Department of Justice  
Office of Legal Counsel  
950 Pennsylvania Avenue NW  
Washington, District of Columbia 20530  
Summer Law Clerk

2009 – 2010, 2011 – present  
Williams & Connolly LLP  
725 Twelfth Street NW  
Washington, District of Columbia 20005  
Partner (2017 – present)  
Associate (2009 – 2010; 2011 – 2016)

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

In 2009, I joined Williams & Connolly LLP as an associate. I returned to the firm in 2011 after clerking for Justice Clarence Thomas on the United States Supreme Court. I became a partner at the firm on January 1, 2017. My practice primarily focuses on appellate matters in the Supreme Court and federal courts of appeals and spans a wide range of substantive areas,

including commercial litigation, products liability, qui tam actions, intellectual property, arbitration, bankruptcy, professional liability, constitutional issues, proceedings under various federal statutes, and criminal law. I have also handled appeals in state appellate courts.

In addition to appeals, I handle some matters in federal district courts, including cases arising under the Administrative Procedure Act. I have litigated two cases (a qui tam action and a defamation suit) to jury verdicts in federal district courts and one case (a professional liability case) to judgment in arbitration. I also draft and advise on complaints, motions, and jury instructions. I have defended multiple clients in government investigations.

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

My typical clients in appellate and district court matters are public and private companies, law firms and accounting firms, trade associations, and private individuals. I have also devoted substantial time to providing pro bono service, especially in criminal cases, to 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.

Over 90 percent of my practice is litigation or activities in anticipation of litigation. I have appeared in court frequently.

- i. Indicate the percentage of your practice in:

1. federal courts:	80%
2. state courts of record:	20%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	70%
2. criminal proceedings:	30%

- 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 four cases to verdict or judgment as associate counsel. Two of those cases were jury trials and two were Administrative Procedure Act cases before district court judges. I also tried a case to judgment, as associate counsel, before

an arbitration panel. I have also consulted on and drafted complaints, briefs, motions, and jury instructions for multiple other district court cases that either proceeded to trial or settled. In addition, I have represented amici curiae in Administrative Procedure Act cases in the district court.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 50% |
| 2. non-jury: | 50% |

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

I have filed approximately 47 briefs in the Supreme Court of the United States, including merits briefs, amicus briefs, and briefs at the certiorari stage.

Supplemental Brief for the Petitioner, *Ulbricht v. United States*, 138 S. Ct. 2708 (2018) (No. 17-950). Copy supplied.

Reply Brief for the Petitioner in Support of Certiorari, *Ulbricht v. United States*, 138 S. Ct. 2708 (2018) (No. 17-950). Copy supplied.

Petition for a Writ of Certiorari, *Ulbricht v. United States*, 138 S. Ct. 2708 (2018) (No. 17-950). Copy supplied.

Reply Brief for the Petitioners, *Epic Systems Corp. v. Lewis (Ernst & Young LLP Morris)*, 138 S. Ct. 1612 (2018) (Nos. 16-285, 16-300, 16-307). Copy supplied.

Brief for the Petitioners, *Epic Systems Corp. v. Lewis (Ernst & Young LLP Morris)*, 138 S. Ct. 1612 (2018) (Nos. 16-285, 16-300, 16-307). Copy supplied.

Reply Brief for the Petitioners in Support of Certiorari, *Ernst & Young LLP v. Morris*, 138 S. Ct. 1612 (2018) (No. 16-300). Copy supplied.

Petition for Certiorari, *Ernst & Young LLP v. Morris*, 138 S. Ct. 1612 (2018) (No. 16-300). Copy supplied.

Reply Brief for the Petitioners, *Dahda v. United States*, 138 S. Ct. 1491 (2018) (No. 17-43). Copy supplied.

Brief for the Petitioners, *Dahda v. United States*, 138 S. Ct. 1491 (2018) (No. 17-43). Copy supplied.

Reply Brief for the Petitioners in Support of Certiorari, *Dahda v. United States*, 138 S. Ct. 1491 (2018) (No. 17-43). Copy supplied.

Petition for a Writ of Certiorari, *Dahda v. United States*, 138 S. Ct. 1491 (2018) (No. 17-43). Copy supplied.

Brief for the Respondents in Opposition, *Ho v. ReconTrust Company, N.A.*, 138 S. Ct. 504 (2017) (No. 17-278). Copy supplied.

Brief for Amicus Curiae the Fraternal Order of Eagles Supporting Petitioner, *City of Bloomfield v. Felix*, 138 S. Ct. 357 (2017) (No. 17-60). Copy supplied.

Brief for Respondent Outdoor Advertising Association of America, Inc., in Opposition, *Scenic Am., Inc. v. Dep't of Transp.*, 138 S. Ct. 2 (2017) (No. 16-739). Copy supplied.

Brief for the Respondent, *Nelson v. Midland Credit Mgmt., Inc.*, 137 S. Ct. 2158 (2017) (No. 16-757). Copy supplied.

Brief of Amicus Curiae the Bronx Household of Faith Supporting Petitioner, *Trinity Lutheran Church of Columbia, Inc. v. Pauley*, 137 S. Ct. 2012 (2017) (No. 15-577). Copy supplied.

Brief for Amicus Curiae the American Jewish Committee Supporting Respondent, *Matal v. Tam (Lee v. Tam)*, 137 S. Ct. 1744 (2017) (No. 15-1293). Copy supplied.

Brief for the Respondent, *Henson v. Santander Consumer USA Inc.*, 137 S. Ct. 1718 (2017) (No. 16-349). Copy supplied.

Reply Brief for the Petitioner, *Midland Funding, LLC v. Johnson*, 137 S. Ct. 1407 (2017) (No. 16-348). Copy supplied.

Brief for the Petitioner, *Midland Funding, LLC v. Johnson*, 137 S. Ct. 1407 (2017) (No. 16-348). Copy supplied.

Reply Brief for the Petitioner in Support of Certiorari, *Midland Funding, LLC v. Johnson*, 137 S. Ct. 1407 (2017) (No. 16-348). Copy supplied.

Petition for a Writ of Certiorari, *Midland Funding, LLC v. Johnson*, 137 S. Ct. 1407 (2017) (No. 16-348). Copy supplied.

Brief for the Internet Association; the Software & Information Industry Association; Dell Inc.; eBay Inc.; Facebook, Inc.; Garmin International, Inc.; Google Inc.; Hewlett Packard Enterprise Co.; HP Inc.; Lenovo USA; Motorola Mobility LLC; Newegg Inc.; Pegasystems Inc.; Red Hat, Inc.; SAS Institute Inc.; Varian Medical Systems; and Vizio, Inc. Supporting Petitioners, *Samsung Electronics Co., Ltd. v. Apple Inc.*, 137 S. Ct. 429 (2016) (No. 15-777). Copy

supplied.

Brief for Amici Curiae Dell Inc., eBay Inc., Facebook Inc., Google Inc., HP Inc., Hewlett Packard Enterprise Co., Newegg Inc., Pegasystems Inc., and Vizio, Inc. Supporting Petitioners and Certiorari, *Samsung Electronics Co., Ltd. v. Apple Inc.*, 137 S. Ct. 429 (2016) (No. 15-777). Copy supplied.

Brief for Amici Curiae Intel Corp., Hewlett Packard Enterprise Co., and Medtronic PLC Supporting Respondents, *Halo Electronics, Inc. v. Pulse Electronics, Inc. and Stryker Corp. v. Zimmer, Inc.*, 136 S. Ct. 1923 (2016) (Nos. 14-1513 & 14-1520). Copy supplied.

Supplemental Brief for the Petitioners, *Midland Funding, LLC v. Madden*, 136 S. Ct. 1484 (2016) (No. 15-610). Copy supplied.

Reply Brief for the Petitioners in Support of Certiorari, *Midland Funding, LLC v. Madden*, 136 S. Ct. 1484 (2016) (No. 15-610). Copy supplied.

Petition for a Writ of Certiorari, *Midland Funding, LLC v. Madden*, 136 S. Ct. 1484 (2016) (No. 15-610). Copy supplied.

Reply Brief for the Petitioner, *Dietz v. Bouldin*, 136 S. Ct. 1885 (2016) (No. 15-458). Copy supplied.

Brief for the Petitioner, *Dietz v. Bouldin*, 136 S. Ct. 1885 (2016) (No. 15-458). Copy supplied.

Reply Brief for the Petitioner in Support of Certiorari, *Dietz v. Bouldin*, 136 S. Ct. 1885 (2016) (No. 15-458). Copy supplied.

Petition for a Writ of Certiorari, *Dietz v. Bouldin*, 136 S. Ct. 1885 (2016) (No. 15-458). Copy supplied.

Brief for the Respondent in Opposition, *Biogen MA, Inc. v. Japanese Found. for Cancer Research*, 136 S. Ct. 1450 (2016) (No. 15-607). Copy supplied.

Brief for Amici Curiae the American Insurance Association, the National Association of Mutual Insurance Companies, and the Property Casualty Insurers Association of America Supporting Petitioners, *Texas Dep't of Housing and Community Affairs v. The Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015) (No. 13-1371). Copy supplied.

Reply Brief for the Petitioner, *Coleman v. Tollefson*, 135 S. Ct. 1759 (2015) (No. 13-1333). Copy supplied.

Brief for the Petitioner, *Coleman v. Tollefson*, 135 S. Ct. 1759 (2015) (No. 13-

1333). Copy supplied.

Reply Brief for the Petitioner in Support of Certiorari, *Coleman v. Tollefson*, 135 S. Ct. 1759 (2015) (No. 13-1333). Copy supplied.

Petition for a Writ of Certiorari, *Coleman v. Tollefson*, 135 S. Ct. 1759 (2015) (No. 13-1333). Copy supplied.

Reply Brief of Petitioners in Support of Certiorari, *Korab v. McManaman*, 135 S. Ct. 472 (2014) (No. 14-281). Copy supplied.

Petition for a Writ of Certiorari, *Korab v. McManaman*, 135 S. Ct. 472 (2014) (No. 14-281). Copy supplied.

Reply Brief for the Petitioners, *Clark v. Rameker*, 134 S. Ct. 2242 (2014) (No. 13-299). Copy supplied.

Brief for the Petitioners, *Clark v. Rameker*, 134 S. Ct. 2242 (2014) (No. 13-299). Copy supplied.

Reply Brief for Petitioners in Support of Certiorari, *Clark v. Rameker*, 134 S. Ct. 2242 (2014) (No. 13-299). Copy supplied.

Petition for a Writ of Certiorari, *Clark v. Rameker*, 134 S. Ct. 2242 (2014) (No. 13-299). Copy supplied.

Brief for Amici Curiae the American Insurance Association, the National Association of Mutual Insurance Companies, the Property Casualty Insurers Association of America, and the Independent Insurance Agents & Brokers of America Supporting Petitioners, *Township of Mount Holly v. Mt. Holly Gardens Citizens in Action, Inc.*, 134 S. Ct. 636 (2013) (No. 11-1507). Copy supplied.

Reply Brief for Petitioner in Support of Certiorari, *Textron Inc. v. United States*, 560 U.S. 924 (2010) (No. 09-750). Copy supplied.

Petition for a Writ of Certiorari, *Textron Inc. v. United States*, 560 U.S. 924 (2010) (No. 09-750). Copy supplied.

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

- a. the date of representation;

- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
  - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *United States ex rel. O'Donnell v. Countrywide Home Loans, Inc.*, 83 F. Supp. 3d 528 (S.D.N.Y. 2015) (Rakoff, J.), and 33 F. Supp. 3d 494 (S.D.N.Y. 2014) (Rakoff, J.), *reversed by* 822 F.3d 650 (2d Cir. 2016) (Raggi, Wesley, and Droney, JJ.).

I represented Bank of America Corporation and Bank of America, N.A., in this qui tam action both in the Southern District of New York (2012 – 2014) and on appeal to the United States Court of Appeals for the Second Circuit (2014 – 2016). The United States Attorney for the Southern District of New York intervened and proceeded against the Bank of America entities as successors to Countrywide Home Loans, Inc. and Countrywide Financial Corporation, under the False Claims Act, 31 U.S.C. § 3729 *et seq.*, and the Financial Institutions Reform, Recovery, and Enforcement Act, 12 U.S.C. § 1833a. The case raised novel legal questions, which I briefed and argued in motions to the district court, addressed in draft jury instructions, and briefed before the Second Circuit. The jury ruled against the defendants, and the district court imposed a \$1.2 billion civil penalty. The court of appeals reversed, holding that the government's evidence was insufficient as a matter of law.

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2. *Martin v. McDonald*, 761 F.3d 1366 (Fed. Cir. 2014) (Newman, Clevenger, Taranto, JJ.).

The United States Court of Appeals for the Federal Circuit appointed my colleague Kannon Shanmugam as an amicus curiae in support of the claimant-appellant in this case, a veteran seeking education benefits. From 2013 to 2014, I represented Mr. Shanmugam, supporting the interests of the veteran, who was proceeding pro se. The issue on appeal was whether discharge from service for alcohol rehabilitation failure was, as a matter of law, discharge for willful misconduct that precludes eligibility for educational assistance benefits under Chapter 20 of Title 38 of the United States Code. I directed the litigation on appeal, including drafting the briefs and presenting

oral argument. The Federal Circuit ruled in favor of the veteran.

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3. *Certain Funds, Accounts and/or Inv. Vehicles v. KPMG, LLP*, 798 F.3d 113 (2d Cir. 2015) (Jacobs, Calabresi, Lynch, JJ.).

I represented defendant-appellee KPMG LLP in this appeal to the United States Court of Appeals for the Second Circuit from 2014 to 2015. The case concerned the limits and application of the federal statute governing discovery for use in a foreign proceeding, 28 U.S.C. § 1782. I directed the litigation on appeal, including drafting the brief and other filings and presenting oral argument for KPMG LLP. The Second Circuit affirmed in favor of KPMG LLP.

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4. *Mitre Sports Int'l Ltd. v. Home Box Office, Inc.*, No. 1:08-cv-09117-GBD-HBP  
(S.D.N.Y. 2015) (Daniels, J.).

I represented Home Box Office, Inc. and its program *Real Sports with Bryant Gumbel* in this defamation action in the Southern District of New York from 2014 to 2015. My firm took over the defense of this case after the district court denied summary judgment. I drafted and argued motions to the district court, prepared witnesses to testify, drafted cross examinations, liaised with opposing counsel, and advised at counsel table throughout the trial. After a four-week trial, the jury returned a complete defense verdict.

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5. *United States v. Litvak*, 889 F.3d 56 (2d Cir. 2018) (Winter and Chin, JJ., and Korman, J., by designation), and 808 F.3d 160 (2d Cir. 2015) (Straub, Parker, Carney, JJ.).

I represented Jesse Litvak, a former bond trader at Jefferies & Company, twice on appeal to the United States Court of Appeals for the Second Circuit, from 2014 to 2018. In this case, the first of its kind, the government prosecuted Mr. Litvak for statements he made in the course of negotiations with professional investment managers for the purchase or sale of certain bonds. Mr. Litvak was convicted on multiple counts of securities fraud, fraud against the Troubled Asset Relief Program (TARP), and making false statements on a matter within the government's jurisdiction. In the first appeal, the Second Circuit reversed the TARP fraud and false statements convictions and vacated the securities fraud convictions. The government retried Mr. Litvak on the remaining counts, and he was convicted on one count of securities fraud. In the second appeal, the Second Circuit again vacated Mr. Litvak's conviction. On remand, the government dropped the one remaining charge against Mr. Litvak. I drafted the briefs in both appeals.

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6. *Ritchie Risk-Linked Strategies Trading (Ireland), Ltd. v. Coventry First LLC*, 673 Fed. App. 57 (2d Cir. 2016) (Livingston, Chin, Carney, JJ.).

I represented the defendants-appellees, Coventry First LLC and related companies, in this appeal to the United States Court of Appeals for the Second Circuit from 2015 to 2016. The case presented a dispute concerning complex agreements for the sale of life insurance policies. The defendants prevailed in a bench trial in the Southern District of New York, and the plaintiffs appealed. I directed the litigation on appeal, including drafting the briefs and presenting oral argument. The Second Circuit affirmed.

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7. *Eli Lilly and Co. v. Teva Parenteral Medicines, Inc.*, 845 F.3d 1357 (Fed. Cir. 2017) (Prost, C.J., Newman, Dyk, JJ.).

I represented plaintiff-appellee Eli Lilly and Company in this patent case on appeal to the United States Court of Appeals for the Federal Circuit from 2015 to 2017. The dispute concerned infringement of Lilly's patent for a method of administering a drug for treatment of specific types of lung cancer and mesothelioma. The case raised an important issue of first impression for the Federal Circuit concerning divided infringement in the pharmaceutical context. I drafted the brief on appeal. The Federal Circuit affirmed the ruling in Lilly's favor.

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8. *Midland Funding, LLC v. Johnson*, 137 S. Ct. 1407 (2017).

I represented Midland Funding, LLC, in this case before the United States Supreme Court from 2016 to 2017. The case concerned whether the filing of an accurate proof of claim for an unextinguished time-barred debt in a bankruptcy proceeding violates the Fair Debt Collection Practice Act. I drafted the briefs seeking certiorari and the briefs on the merits. The Supreme Court ruled in favor of Midland Funding, LLC.

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9. *Henson v. Santander Consumer USA Inc.*, 137 S. Ct. 1718 (2017).

I represented Santander Consumer USA Inc. in this case before the United States Supreme Court in 2017. The case concerned whether an entity qualifies as a “debt collector” under the definition in the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a(6), when it has purchased a debt portfolio from another entity, including debts that are in default, and is attempting to collect those debts for its own account. I drafted the brief on the merits. The Supreme Court ruled in favor of Santander Consumer USA Inc.

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10. *Epic Systems Corp. v. Lewis*, 138 S. Ct. 1612 (2018)

I represented Ernst & Young LLP and Ernst & Young U.S. LLP in this case before the United States Supreme Court from 2016 to 2018. (My clients’ case, *Ernst & Young LLP v. Morris*, No. 16-300, was consolidated with *Epic Systems* for argument and decision, but the cases were briefed separately.) The case concerned whether the collective-bargaining provisions of the National Labor Relations Act prohibit enforcement under the Federal Arbitration Act of an agreement requiring an employee to arbitrate claims against an employer on an individual, rather than collective, basis. I drafted the briefs seeking certiorari and the briefs on the merits. The Supreme Court ruled in favor of Ernst & Young.

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

My legal practice has consisted almost entirely of litigation and strategic counseling in anticipation of litigation. I have disclosed the most significant such cases above. I have occasionally represented clients in government investigations, including representing an individual in a multinational antitrust investigation. I have never acted or registered as a

lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have a partnership capital account with Williams & Connolly LLP that will be paid after I leave the firm.

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 do not have any plans, commitments, or agreements to pursue outside employment.

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 myself from any case where I have ever played any

role. For a period of time, I anticipate recusing myself in all cases in which my current law firm, Williams & Connolly LLP, represents a party. I will evaluate any other real or potential conflict of interest, or relationship that could give rise to the appearance of a conflict of interest, on a case-by-case basis and determine appropriate action, including recusal, with the input of the parties and consultation of the applicable canons of judicial ethics.

- 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 of interest by reference to 28 U.S.C. § 455, all applicable canons of the Code of Conduct for United States Judges, and any and all other laws, rules, practices, and procedures 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.

I have devoted substantial time to pro bono work. I have been named to the District of Columbia Courts' Capital Pro Bono Honor Roll, with High Honors (which requires at least 100 hours of pro bono service per year) every year of my private practice that the Honor Roll has existed: 2012, 2013, 2014, 2015, 2016, and 2017.

As part of my pro bono service, I have accepted three case assignments from the Appellate Division of the Maryland Office of the Public Defender. *See Santiago v. State*, 181 A.3d 796 (Md. 2018); *Santiago v. State*, 2017 WL 347604 (Md. App. Jan. 24, 2017); *Coker v. State*, No. 0914, Sept. Term 2011 (Md. App. Aug. 5, 2013); *Kaur v. State*, No. 02516, Sept. Term 2016 (awaiting decision). Pursuant to those assignments, I represented clients in appealing their criminal convictions to the Maryland Court of Special Appeals and, in one case, again to the Maryland Court of Appeals. My work included reviewing the record, conducting legal research, preparing the briefs and related filings, and presenting or supervising oral argument.

Similarly, pursuant to a pro bono assignment from the United States Court of Appeals for the Federal Circuit, I represented the interests of a veteran seeking educational-assistance benefits. *See Martin v. McDonald*, 761 F.3d 1366 (Fed. Cir. 2014). That representation similarly involved reviewing the record, conducting legal research, preparing the briefs and related filings, and arguing the case in the Federal Circuit. The court unanimously vacated the denial of benefits by the Board of Veterans' Appeals.

Another aspect of my pro bono work has involved representing individuals who cannot afford representation before the United States Supreme Court, including prisoners and the indigent. *See, e.g., Dahda v. United States*, 138 S. Ct. 1491 (2018); *Coleman v.*

*Tollefson*, 135 S. Ct. 1759 (2015); *Clark v. Rameker*, 134 S. Ct. 2242 (2014). My work on these cases has included reviewing the record, conducting legal research, preparing petitions for certiorari, briefs on the merits, and reply briefs, and conducting moot courts in preparation for my colleague's oral arguments.

I have also represented pro bono the interests of public organizations providing input as amici in litigation in the federal courts of appeals and Supreme Court. Such organizations have included, for example, the United Nations High Commissioner for Refugees (*Matter of A-R-C-G et al.*, 26 I & N Dec. 388 (BIA Aug. 26, 2014)); the New York City Council Black, Latino, and Asian Caucus (*Bronx Household of Faith v. Bd. of Educ. of the City of New York*, 750 F.3d 184 (2d Cir. 2014)); the Bronx Household of Faith (*Trinity Lutheran Church of Columbia, Inc. v. Pauley*, 137 S. Ct. 2012 (2017)); and the Fraternal Order of Eagles (*City of Bloomfield v. Felix*, 138 S. Ct. 357 (2017)).

**26. Selection Process:**

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

There is no selection commission in my jurisdiction. I was contacted by the White House Counsel's Office about an interview in mid-June 2018. I interviewed with attorneys from the White House and the Department of Justice on June 20, 2018 in Washington, District of Columbia. On June 29, 2018, I was informed that the President intended to nominate me to fill the vacancy on the Fourth Circuit. Since then, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy.

- 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.