

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).
Donny Ray Willett (Don, Don R.)
2. **Position**: State the position for which you have been nominated.
United States Circuit Judge for the Fifth 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.
201 West Fourteenth Street
Austin, Texas 78701
4. **Birthplace**: State year and place of birth.
1966; Dallas, Texas
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.
2014 – 2016, Duke University School of Law; LL.M., 2016
1989 – 1992, Duke University; M.A., 1992
1989 – 1992, Duke University School of Law; J.D. (*with honors*), 1992
1984 – 1988, Baylor University; B.B.A., 1988
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.
2005 – present
Supreme Court of Texas

201 West Fourteenth Street
Austin, Texas 78701
Justice

2003 – 2005
Office of the Attorney General of Texas
209 West Fourteenth Street
Austin, Texas 78701
Deputy Attorney General for Legal Counsel

2002 – 2003
United States Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue, NW
Washington, DC 20530
Deputy Assistant Attorney General

2001 – 2002
The White House
1650 Pennsylvania Avenue, NW
Washington, DC 20502
Special Assistant to the President

2000 – 2001
George W. Bush Presidential Campaign & Transition Team
301 Congress Avenue
Austin, Texas 78701
Domestic Policy & Special Projects Advisor

1996 – 2000
Office of Texas Governor George W. Bush
1100 San Jacinto Boulevard
Austin, Texas 78701
Director of Research & Special Projects

1993 – 1996
Haynes and Boone, LLP
600 Congress Avenue, Suite 1300
Austin, Texas 78701
Attorney

1992 – 1993
Honorable Jerre S. Williams
United States Court of Appeals for the Fifth Circuit
903 San Jacinto Boulevard
Austin, Texas 78701

Law Clerk

1992

United States Attorney's Office for the Eastern District of North Carolina
310 New Bern Avenue
Federal Building, Suite 800
Raleigh, North Carolina 27601
Intern

1989 – 1992

Professor Thomas Metzloff
Duke University Law School
210 Science Drive
Durham, North Carolina 27708
Research Assistant

1991

Durham County District Attorney's Office
510 South Dillard Street
Durham, North Carolina 27701
Intern

Summer 1991

Liddell Sapp Zivley Hill & LaBoon, LLP (now Locke Lord LLP)
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201
Summer Associate

Summer 1991

Hughes & Luce LLP (now K&L Gates)
1717 Main Street, Suite 2800
Dallas, Texas 75201
Summer Associate

1989

Waco Independent School District
501 Franklin Avenue
Waco, Texas 76701
Tutor

1989

Steak and Ale Restaurant
1411 Valley Mills Drive
Waco, Texas 76712
Waiter

1989
Kaplan Test Prep
Dutton Avenue
Waco, Texas 76706
LSAT Instructor

Other Affiliations

2004 – 2010
National Fatherhood Initiative
12410 Milestone Center Drive, Suite 600
Germantown, Maryland 20876
Member, Board of Directors

2004 – 2008
Texas Lyceum
6046 Azalea Lane
Dallas, Texas 75230
Director

2005 – 2007
SafePlace (now merged with Austin Children's Shelter to form The SAFE Alliance: Stop Abuse for Everyone)
Post Office Box 19454
Austin, Texas 78760
Member, Board of Directors

2004 – 2006
Big Brothers Big Sisters of Central Texas
4800 Manor Road, Building K
Austin, Texas 78723
Member, Board of Directors

1997 – 2000
Austin Community Nursery Schools (now Mainspring Schools)
1100 West Live Oak Street
Austin, Texas 78704
Member, Board of Directors

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

I have not served in the military. I registered for the selective service when I turned 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.

Professional

Pro Texana Medal of Service, Baylor University (to be awarded October 19, 2017)

Tweeter Laureate of Texas, Texas House of Representatives (2015)

The Green Bag Almanac and Reader Award for Exemplary Legal Writing (2014 & 2015)

FastCase 50 Award (2014)

Jurist of the Year, *Texas Review of Law & Politics* (2014)

Fellowship, American Bar Foundation (2014)

Outstanding Board Service, Texas Center for Legal Ethics (2013)

Price Daniel Award for Distinguished Public Service, Baylor University (2012)

Recognition, Thurgood Marshall Legal Society, University of Texas School of Law (2012)

Recognition of Support, United States Army (2010)

Institute for Justice Award (2009)

Fellowship, Austin Bar Foundation (2009)

LexisNexis Insurance Jurist of the Year (2008)

Distinguished Alumni Award & Hall of Honor, Forney High School (2007)

Board Service Award, Texas Association of Court Administrators (2007)

Austin Under 40 Award (2006)

Membership, American Law Institute (2006)

Fellowship, Texas Bar Foundation (2006)

Outstanding Young Alumnus Award, Baylor University (2005)

Faith & Integrity in Legal Services Award, J. Reuben Clark Law Society (2005)

Law School

Degree conferred *with honors* (1992)

Law & Contemporary Problems

Senior Editor (1991 – 1992)

Staff Editor (1990 – 1991)

Staff Editor, *Duke International & Comparative Law Annual* (1989 – 1990)

American Jurisprudence Award, Criminal Law & Property Law

Award for outstanding contribution to the law school's *pro bono* program

Recipient of academic scholarships

College

Dean's List

President's Award for Excellence in Student Involvement (1988)

Mortar Board (1987 – 1988)

Omicron Delta Kappa (1986 – 1988)

Beta Gamma Sigma (approximately 1986 – 1988)

Gamma Beta Phi (1985 – 1988)

Alpha Lambda Delta (1985)

Recipient of academic scholarships

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 (2011 – present)

American Bar Foundation (2009 – present)

American Law Institute (2006 – present)

Austin Bar Association (formerly the Travis County Bar Association) (2005 – present)

Austin Bar Foundation (2009 – present)

College of the State Bar of Texas (1994 – 1997; 2011 – 2013)

Pro Bono College of the State Bar of Texas (1995 – 1997)

Texas Association for Court Administration, Judicial Advisory Board

Texas Bar Foundation (2006 – present)

Texas Commission on Judicial Efficiency, Judicial Selection Task Force (1996)

Texas Supreme Court Historical Society (2011 – present)

Texas Young Lawyers Association (1992 – 1997)

As a justice on the Supreme Court of Texas, I serve, or have served, as the liaison to the following bodies:

Appellate Section, State Bar of Texas (2013 – present)

Board of Law Examiners (2013 – present)

Court Reporters Certification Board (2009 – 2010)

Grievance Oversight Committee (2010 – 2012)

Professional Ethics Committee, State Bar of Texas (2005 – 2010; 2013 – present)

Task Force to Ensure Judicial Readiness in Times of Emergency (2005 – 2011)

Texas Association of Court Administrators (2005 – 2008)

Texas Center for the Judiciary (2010 – 2013)

Texas Center for Legal Ethics (2005 – 2013)

Unauthorized Practice of Law Committee (2013 – 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.

Texas, 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, 1996
United States Court of Appeals for the Fifth Circuit, 1993
United States District Court Northern District of Texas, 1994
United States District Court Western District of Texas, 1994

My membership in the bar of the United States Court of Appeals for the Fifth Circuit was administratively closed; because I no longer practice law, I have not sought to reactivate my admission. There have been no other 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.

Austin Civic Orchestra Percussionist (1994 – 1995)

Austin Community Nursery Schools (now Mainspring Schools)
Board of Directors (1997 – 2000)
Co-Chair, Rubber Duck Race (1998)

Austin Symphony
Knights of the Symphony (2007 – 2017)
Round Table Member (2010 – 2011)

Baylor University
Co-Director, Austin Young Graduate Foundation (approximately mid-1990s)
Corporate Advocacy Advisor's Group (approximately mid-1990s)
Council for Institutional Development (approximately mid-1990s – 2006)
George W. Bush Presidential Library Proposal Steering Committee (2004 – 2006)
Honors College Advisory Board (2008 – present)

Big Brothers Big Sisters of Central Texas
Board of Directors (2004 – 2006)

Capitol Cares (approximately mid-1990s)

ConSource: The Constitutional Sources Project
National Advisory Board (2007 – present)

Dwight D. Opperman Institute of Judicial Administration, NYU Law School
(2007 – 2008)

Federalist Society for Law and Public Policy Studies
Member (1992 – present)
Board of Advisors, Austin Lawyers Chapter (2003 – present)

The First Amendment Institute, Freedom of Information Foundation of Texas
(2004)

Governor's Awards for Excellence in the Arts, Humanities, and Sciences
Nominations Committee (approximately late-1990s)

Governor's Executive Development Program, Class XXII (2003 – 2004)

Harlan Institute
Board of Advisors (2011 – present)

Help America Vote Act
Texas Attorney General's Representative, Texas Advisory Committee

Judicature, The Scholarly Journal for Judges
Editor in Chief (2017)
Editorial Board (2016)

Leadership Austin (1997 – 1998)

National Fatherhood Initiative
Board of Directors (2004 – 2010)

Program for Research on Religion & Urban Civil Society, University of
Pennsylvania, Non-Resident Fellow (2003 – 2005)

SafePlace (now merged with Austin Children's Shelter to form The SAFE
Alliance: Stop Abuse for Everyone)
Board Advisory Council (2004 – 2005)
Board of Directors (2005 – 2007)

Scribes – The American Society of Legal Writers (2006 – 2014)

State Agency Task Force on Legal and Legislative Changes Affecting Volunteer Utilization (approximately late-1990s)

Texas Center for Legal Ethics and Professionalism (approximately mid-1990s)

Texas Civic Education Initiative
Chair, Statewide Advisory Board (2017)

Texas Commission on Volunteerism & Community Service, *Ex Officio* (2000)

Texas Lyceum
Director (2004 – 2008)
Advisory Council (2015 – present)

Texas Public Policy Foundation
Senior Fellow (1993 – 1996)

Texas State Society (2003 – 2005)

Texas Review of Law & Politics
Board of Advisors (2002 – present)

Unified State Plan Executive Planning Committee (approximately late-1990s)

- 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, 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 my knowledge, these organizations do not discriminate, currently or formerly, on the basis of race, sex, or 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.

To my recollection and through searches of my records and publicly available databases by persons acting on my behalf, I have found the following works that I have authored or co-authored:

From the Editor in Chief, *Judicature*, Spring 2017, at 2. Copy supplied.

A Week in the Life of Justice Don Willett, *Wall Street Journal*, Jan. 6, 2017, at C4. Copy supplied.

How the States Avoid Supreme Stalemates, *Judicature*, Winter 2016, at 8. Copy supplied.

Chalices, Jack-o'-Lanterns and Other State Court Tiebreakers, *Wall Street Journal*, May 30, 2016, at A13. Copy supplied.

As A Texas Justice, I Know Antonin Scalia Was A Giant In American Law And Culture, *Indep. J. Rev.*, Apr. 2016. Copy supplied.

Supreme Stalemates – Chalices, Jack-o'-Lanterns, and Other High Court Tiebreakers (2016) (unpublished LL.M. thesis, Duke University School of Law). Copy supplied.

With John Browning, *Rules of Engagement: Exploring Judicial Use of Social Media*, 79 *Tex. B.J.* 100 (2016). Copy supplied.

Don't Stop the Presses: Texas High Court Justices Help Revitalize a Revered Judicial Journal, 78 *Tex. B.J.* 628 (2016). Copy supplied.

The Tweeter Laureate of Texas Discusses Judges' Use of Social Media, *Wash. Times*, July 22, 2015. Copy supplied.

My Prayer This Christmas, *Breitbart Texas*, Dec. 24, 2014. Copy supplied.

Pre-"Originalism," 36 *Harv. J.L. & Public Pol'y* 277 (2013). Copy supplied.

Parsing the Court's Decision on Obamacare, *Houston Chron.*, June 29, 2012. Copy supplied.

Foreword, 64 *S.M.U. L. Rev.* 1 (2011). Copy supplied.

Order in the Courts, *New Yorker*, Oct. 18, 2010. Copy supplied.

Online Resource Helps Us Better Understand Our Constitution, *Waco Tribune Herald*, Sept. 17, 2010. Copy supplied.

With Kelly Frels, *Lawyer's Creed Curbed 'Sharp Practices'*, Houston Chron., Nov. 22, 2009. Copy supplied.

Constitution Day Teaches Us Importance of Freedom, McKinney Courier-Gazette (Texas), Sept. 21, 2008. Copy supplied.

An Inconvenient Truth: Conservatives Behaving Charitably, 12 Tex. Rev. L. & Pol. 181 (2007) (reviewing Arthur C. Brooks, *Who Really Cares: The Surprising Truth About Compassionate Conservatism* (2006)). Copy supplied.

I authored an article for the Austin American-Statesman entitled *Safer Place*; publicizing Domestic Violence Prevention Month. My records suggest the article was published October 22, 2006, however, I have not been able to locate a published version of the article. I have supplied the version I submitted.

With Susanna Dokupil, *Muted But Monumental – Achievements of Bush's Faith-Based Initiative*, in Thank You, President Bush: Reflections on the War on Terror, Defense of the Family, and Revival of the Economy (Rod D. Martin 2004). Copy supplied.

I recall writing an article discussing the Texas InnerChange Freedom Initiative in 1999. I have been unable to find a copy of this article.

With T. Vance McMahan, *Hope from Hopwood: Charting A Positive Civil Rights Course for Texas and The Nation*, 10 Stan. L. & Pol'y Rev. 163 (1999). Copy supplied.

Let's Put an End to Illiteracy, Dallas Morning News, Feb. 18, 1996, at 6J. Copy supplied.

Texas-Sized Silliness, Austin American-Statesman, Jan. 20, 1996. Copy supplied.

Crime Court is Worse than a Joke, Dallas Morning News, Jan. 14, 1996, at 6J. Copy supplied.

Juris-Imprudence: Law and Disorder at the Texas Court of Criminal Appeals, Tex. Pub. Policy Found. Briefing Paper (1995). Copy supplied.

Law and Disorder at the Court of Criminal Appeals, Austin American-Statesman, Dec. 29, 1994. Copy supplied.

Arguments Against School Choice Flawed, Austin American-Statesman, Jan. 25, 1994, at A9. Copy supplied.

With Thomas B Metzloff, *Summary Juries in the North Carolina State Court System* (1991). 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.

To my recollection and through searches of my records and publicly available databases by persons acting on my behalf, I have found the following responsive materials.

Interim Plan to Ensure Judicial Readiness in Times of Emergency, Task Force to Ensure Judicial Readiness in Times of Emergency. Copy supplied.

As Deputy Attorney General for Legal Counsel from 2003 to 2005, I assisted in the preparation of, and was a signatory to, opinions issued by then-Texas Attorney General Greg Abbott. A list and copies of these opinions are supplied at Appendix 12.b.

Judicial Selection Task Force of the Texas Commission on Judicial Efficiency, *Governance of the Texas Judiciary: Independence and Accountability* (1996). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

To my recollection and through searches of my records and publicly available databases by persons acting on my behalf, I have found the following responsive materials.

In 1999, while a legal and policy advisor to then-Governor Bush, I answered questions before the Texas House State Affairs Committee concerning one of Governor Bush's legislative priorities. I prepared no written testimony.

While a legal and policy advisor to then-Governor George W. Bush, I testified before an interim committee of the Texas House of Representatives regarding the role of faith-based organizations in combating criminal recidivism. My records do not indicate a date for this testimony, and I have no copy of that testimony.

In 1995, I testified before the Texas Senate Committee on Criminal Justice regarding a bill that would have codified a harmless-error rule in criminal appeals. I have no copy of that testimony.

In 1995, I testified before the State Board of Education on a proposed rule that would have forbidden SBOE members from communicating with local elected school board members about textbook selection. I have no copy of that testimony.

Judicial Campaign Materials

In 2006 and 2012, I ran for election and reelection to my position as a justice on the Supreme Court of Texas. In addition to the campaign events listed above, I note the following:

In 2005, I posted on my campaign website a page entitled "My Judicial Philosophy." Copy supplied.

Audio recordings of radio advertisements broadcast during my 2006 campaign are supplied.

Links to web videos and a television advertisement run during the 2012 campaign are provided below:

<https://www.youtube.com/watch?v=CcquAR3UfM0&t=2s>

https://www.youtube.com/watch?v=VHIA4l_uH4Q

<https://www.youtube.com/watch?v=WJQFioXc4Mg>

<https://www.youtube.com/watch?v=BosQ1SzfCgQ>

<https://www.youtube.com/watch?v=2Ca2cORWA3M>

A link to a radio advertisement run during the 2012 campaign is provided below:

<https://www.youtube.com/watch?v=Uu5drcbvIjw>

In February, 2012, I issued a one-page summary of my record to Texas newspaper editorial boards in support of my reelection. Copy supplied.

In connection with my 2006 and 2012 campaigns, I completed candidate questionnaires made public by various newspapers and voter-education organizations. I have supplied a copy of each such questionnaire for which I have a record.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports

about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

To my recollection and through a review of my calendars and searches of publicly available databases by persons acting on my behalf, I have found the following responsive materials.

October 5, 2017: Speaker, "Flunking on the Founders: Civic Illiteracy and the Rule of Law," Goldwater Institute, Philadelphia, Pennsylvania. Copy and PowerPoint supplied.

September 21, 2017: Speaker, Houston Realty Breakfast Coalition, Houston, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address of the Houston Realty Breakfast Coalition is 4708 Eigel Street, Houston, Texas 77007.

September 18, 2017: Speaker, William S. Boyd School of Law Federalist Society Chapter, University of Nevada Las Vegas, Las Vegas, Nevada. Copy and PowerPoint previously supplied.

September 15, 2017: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session, University of Houston, Houston, Texas. I and other members of the Court answered questions concerning the Court. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=108>.

September 12, 2017: Guest, The Weekly Brew podcast. Audio available at <https://weeklybrewcast.com>.

September 9, 2017: Guest, 1660 ESPN Radio, Baylor University Alumni Network Tailgate Show, Waco, Texas. I spoke regarding my time at Baylor and Baylor football. I have no notes, transcript, or recording. The address of 1660 ESPN Radio is M&M Broadcasters, ESPN Central Texas, 5501 Bagby Avenue, Waco, Texas 76711

July 14, 2017: Panelist, "Ethical Use of Social Media," Mississippi Bar Convention, Sandestin, Florida. I have no notes, transcript, or recording. The address of the Mississippi Bar is 643 North State Street, Jackson, Mississippi, 39202.

June 1, 2017: Panelist, "The Ethics of Social Media," University of Texas School of Law Civil Appellate CLE, Austin, Texas. Copy supplied.

May 23, 2017: Speaker, Cypress Falls High School state championship basketball team. I have no notes, transcript, or recording. I spoke regarding the Supreme Court of Texas and basketball. The address for Cypress Falls High School is 9811 Huffmeister Road, Houston, Texas 77095.

May 18, 2017: Speaker, "Citizenship 101," McLennan County Republican Club, Waco, Texas. Copy and PowerPoint previously supplied.

May 16, 2017: Guest, KTXW – The Bridge, Austin, Texas. Audio recording supplied.

May 11, 2017: Speaker, University of Chicago Law School Federalist Society, Chicago, Illinois. Copy supplied.

April 28, 2017: Speaker, Young America's Foundation, Santa Barbara, California. Video available at <https://www.youtube.com/watch?v=7Y4X4DgVTik>.

April 17, 2017: Speaker, Southlake Carroll Independent School District, Event for Student Leaders, Austin, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address for Southlake Carroll I.S.D. is 2400 North Carroll Avenue, Southlake, Texas 76092.

April 12, 2017: Speaker, Young Men's Business League, Austin, Texas. Copy and PowerPoint previously supplied.

April 7, 2017: Panelist, "State of the Judiciary," Duke Law School, Durham, North Carolina. A formal version of the panel's discussion appears in the Autumn 2017 edition of *Judicature*. Copy supplied.

March 24, 2017: Speaker, Harvard Law School Federalist Society, Cambridge, Massachusetts. Copy and PowerPoint previously supplied.

March 8, 2017: Speaker, Regents School of Austin, Senior Day at the Texas Capitol, Austin, Texas. I spoke regarding the Supreme Court of Texas and state government generally. I have no notes, transcript, or recording. The address for Regents School of Austin is 3230 Travis Country Circle, Austin, Texas 78735.

February 27, 2017: Speaker, Rockwall County Days, Austin, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address of Rockwall County is 101 East Rusk Street, Rockwall, Texas 75087.

February 27, 2017: Invocation, Texans for Lawsuit Reform Conference, Austin, Texas. I have no notes, transcript, or recording. The address for Texans for Lawsuit Reform is 919 Congress Avenue, Suite 455, Austin, Texas 78701.

February 16, 2017: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session, Longview, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. I have included a press report. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

January 12, 2017: Speaker, Texas Public Policy Foundation Policy Orientation, Austin, Texas. Copy and press reports supplied.

December 19, 2016: Speaker, Meeting of the Texas Electoral College Electors, Austin, Texas. Copy supplied.

December 1, 2016: Speaker, Winter Banquet, Yale Law School Federalist Society, New Haven, Connecticut. Copy and PowerPoint supplied.

November 18, 2016: Moderator, "Justice Scalia's Telecommunications Legacy," The Federalist Society 2016 National Lawyers Convention, Washington, DC. Copy supplied. Video available at <https://www.youtube.com/watch?v=PSPRXG-DK1s&t=34s>.

November 11, 2016: Speaker, Veterans Day Scholarship Dedication for U.S. Army Captain Shane Mahaffee, Widener Commonwealth Law School, Harrisburg, Pennsylvania. Copy and press reports supplied.

October 27, 2016: Speaker, Alabama Policy Institute, Birmingham, Alabama. Copy supplied.

October 27, 2016: Speaker, Birmingham lawyers and law students from the University of Alabama and Cumberland Law Schools, Balch & Bingham, LLP, Birmingham, Alabama. Video available at <https://www.facebook.com/balchbingham/videos/1392693534092487/>.

October 26, 2016: Guest, WTKI Radio Show with Fred Holland. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address for WTKI is 2305 Holmes Ave., NW, Huntsville, Alabama 35816.

October 24, 2016: Speaker, St. Edwards's Pre-Law Students, Austin, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address of St. Edward's University is 3001 South Congress Avenue, Austin, Texas 78704.

October 21, 2016: Speaker, Republican Women of Kerr County, Kerrville, Texas. Copy and press report supplied. PowerPoint previously supplied.

October 6, 2016: Speaker, "Supreme Scuttlebutt," Supreme Court of Texas Update, Dallas Bar Association CLE, Dallas, Texas. Copy and blog coverage supplied.

September 23, 2016: Panelist, "Supreme Court Confidential," Texas Tribune Festival, Austin, Texas. Copy supplied.

September 17, 2016: Moderator, "Texas and Regulation," The Federalist Society Second Annual Texas Chapters Conference, Austin, Texas. Audio recording supplied.

September 15, 2016: Speaker, Texas Farm Bureau, Event for AgLead/FarmLead members, Austin, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address for the Texas Farm Bureau is Post Office Box 2689, Waco, Texas 76702.

September 12, 2016: Invocation and Benediction, Star of Texas Awards, Austin, Texas. Copy supplied.

September 6, 2016: Speaker, Republican Club of Austin, Austin, Texas. Copy supplied.

June 16, 2016: Moot Court Judge, 2016 State Moot Court Competition, Texas Young Lawyers Association, Fort Worth, Texas. I have no notes, transcript, or recording. The address of the Texas Young Lawyers Association is Post Office Box 12487, Capitol Station, Austin, Texas 78711.

June 9, 2016: Speaker, Supreme Court of Texas Update, State Bar of Texas Insurance Law CLE, San Antonio, Texas. Copy supplied.

May 21, 2016: Commencement Speaker, Texas Tech University School of Law, Lubbock, Texas. Copy supplied.

May 11, 2016: Panelist, "Tweets, Likes & Live-Streams: Social Media & the Internet's Role in the Legal World," Fifth Circuit Conference, Houston, Texas. I have no notes, transcript, or recording. The United States Court of Appeals for the Fifth Circuit's address is 600 South Maestri Place, New Orleans, Louisiana, 70130-3408.

April 30, 2016: Commencement Speaker, Baylor University School of Law, Waco, Texas. Copy supplied.

April 9, 2016: Invocation, *Texas Review of Law & Politics* Banquet, Austin, Texas. Copy supplied.

March 31, 2016: Invocation, Texas Conservative Coalition Research Institute Luncheon, Austin, Texas. Copy supplied.

March 30, 2016: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session, Baylor University, Waco, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

March 9, 2016: Speaker, Regents School of Austin, Senior Day at the Texas Capitol, Austin, Texas. I spoke regarding the Supreme Court of Texas and state government generally. I have no notes, transcript, or recording. The address for Regents School of Austin is 3230 Travis Country Circle, Austin, Texas 78735.

February 11, 2016: Panelist: "Cameras in the Courtroom and the Role of Social Media," Georgia State University Symposium on the United States Supreme Court, Atlanta, Georgia. Copy supplied.

February 9, 2016: Master of Ceremonies, Williamson County Republican Party Reagan Dinner, Round Rock, Texas. I introduced speakers and oversaw the event. I have no notes, transcript, or recording. The address for the Williamson County Republican Party is 716 South Rock Street, Georgetown, Texas 78626.

January 20, 2016: Speaker, American Enterprise Institute, Austin Chapter, Austin, Texas. I spoke regarding the court, civics education, and judicial-selection reform. The address for the American Enterprise Institute is 1789 Massachusetts Ave., NW, Washington, D.C. 20036.

January 7, 2016: Speaker, Texas Public Policy Foundation, Austin, Texas. Copy supplied.

November 13, 2015: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Abilene Christian University, Abilene, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

November 7, 2015: Speaker, Texas Home School Coalition Gala, Houston, Texas. Copy supplied.

November 5, 2015: Panelist, "Recent Texas Supreme Court Cases," Texas Civil Justice League. I have no notes, transcript, or recording. The address of the Texas Civil Justice League is 400 West Fifteenth Street, Suite 1400, Austin, Texas 78701.

October 29, 2015: Panelist, Retail Law Conference, San Antonio, Texas. Copy supplied.

October 24, 2015: Speaker, Investiture of Judge Emily Miskel, 470th District Court in Collin County, Texas. Video available at <https://www.youtube.com/watch?v=ji20t7eFBi4&t=9s>.

October 10, 2015, Speaker, 25-Year Anniversary of the Golden Corridor Republican Women, Plano, Texas. Copy supplied.

October 9, 2015: Speaker, Federalist Society Chapter at Notre Dame Law School, South Bend, Indiana. Copy supplied.

October 2, 2015: Speaker, "Texas Supreme Court Update," Dallas Bench-Bar Conference, Horseshoe Bay, Texas. Copy supplied.

September 25, 2015: Speaker, Accenture, Austin, Texas. Copy supplied.

September 19, 2015: Introduction of United States Supreme Court Justice Samuel A. Alito, The Federalist Society Inaugural Texas Chapters Conference, Dallas, Texas. Copy supplied.

August 6, 2015: Speaker, Bexar County Summer Spectacular, San Antonio, Texas. Copy supplied.

July 28, 2015: Moderator: "Liberty Litigation: Ethical Considerations & Recent Developments in Public Interest Law," Texas Public Policy Foundation, Austin, Texas. Video available at <https://www.youtube.com/watch?v=YSAMvjUko9o>.

April 18, 2015: Speaker, Young Conservatives of Texas Convention, Austin, Texas. Copy supplied.

March 12, 2015: Speaker, Federal Courts Class, UCLA School of Law, Los Angeles, California. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address for UCLA School of Law is 405 Hilgard Avenue, Los Angeles, California 90095.

February 26, 2015: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at the University of Texas at Tyler, Tyler, Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=80>.

February 7, 2015: Moot Court Judge, National Religious Freedom Moot Court Competition, George Washington Law School, Washington, D.C. I have no notes, transcript, or recording. The address of George Washington Law School is 2000 H Street, N.W., Washington, D.C. 20052

January 29, 2015: Speaker, YMCA Youth & Government Banquet, Austin, Texas. Copy supplied.

January 5, 2015: Speaker, Investiture of Texas Attorney General Ken Paxton, Austin, Texas. Copy supplied.

January 2, 2015: Emcee, Investiture of Texas Land Commissioner George P. Bush, Austin, Texas. Copy supplied.

November 13, 2014: Moderator, "Time to Revisit Chevron Deference?" The Federalist Society 2014 National Lawyers Convention. A formal version of the panel's discussion is published at 85 Miss. L.J. 737 (2016), a copy of which is supplied.

October 30, 2014: Speaker, "Current Happenings at the Texas Supreme Court," Dallas Lawyers Chapter, Federalist Society, Dallas, Texas. Copy supplied.

October 23, 2014: Speaker, Texas Supreme Court Update, University of Texas CLE Civil Litigation Conference, Austin, Texas. Copy supplied.

October 9, 2014: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Texas Tech University, Lubbock, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

October 8, 2014: Speaker, Coronado High School, Lubbock, Texas. I spoke to the school's government classes regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address of Coronado High School is 4910 29th Drive, Lubbock, Texas 79410. Press report supplied.

October 6, 2014: Introduction of Senator Ted Cruz, Travis County Reagan Gala, Austin, Texas. Copy supplied.

September 20, 2014: Panelist, "Inside the Texas Supreme Court," Texas Tribune Festival, Austin, Texas. Audio available at <https://soundcloud.com/texas-tribune-festival/ttf14-justice-inside-the-texas>.

September 15, 2014: Interview of David Lat, Houston Urban Debate League, Houston, Texas. Copy supplied.

September 4, 2014: Speaker, Texas Supreme Court Update, State Bar of Texas Advanced Civil Appellate Conference, Austin, Texas. Copy supplied.

April 17, 2014: "An Evening with the Texas Supreme Court," Appellate Section of the State Bar of Texas and the Austin Bar Association, Austin, Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=73>.

April 9, 2014: Moot Court Judge, Hardt Cup Competition, Duke University School of Law. I have no notes, transcript, or recording. The address of Duke University School of Law is 210 Science Drive, Durham, North Carolina 27708.

April 5, 2014: Award Recipient Remarks, Jurist of the Year Award, Texas Review of Law & Politics, Austin, Texas. Copy supplied.

April 2, 2014: Speaker, "Recent Changes at the Texas Supreme Court," Austin Lawyers Chapter, Federalist Society, Austin, Texas. Copy supplied.

February 27, 2014: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session, Hillsboro, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

February 21, 2014, Speaker, "SCOTX Review: The Court's Recent Church-State Cases," Christian Legal Society, Austin Chapter, Austin, Texas. Copy supplied.

November 7, 2013: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Texas A&M University, College Station, Texas. Video available at <http://www.texasbarcle.com/CLE/SCPlayer.asp?sCaseNo=67>.

October 25, 2013: Speaker, "Constitutional Judging," Goldwater Institute, Phoenix, Arizona. Copy supplied.

September 18, 2013: Speaker, Supreme Court of Texas Update, Texas Association of Defense Counsel Meeting, Boston, Massachusetts. Copy supplied.

June 28, 2013: Speaker, Advanced Administrative Law CLE, Austin, Texas. Copy supplied.

April 12, 2013: Speaker, "Practice Before the Texas Supreme Court," Texas Bar CLE, Austin, Texas. I have no notes, transcript, or recording. The address of Texas Bar is 1414 Colorado Street, Austin, Texas 78753.

March 2, 2013: Moderator, "Civil Rights Laws", Federalist Society Annual Student Symposium, Austin, Texas. Video available at <https://www.youtube.com/watch?v=y13g1yn8esE&t=44s>.

March 12, 2013: Speaker, "What Kind of Mandamuses Get Our Attention?" Texas Bar CLE, Austin, Texas. Copy supplied.

November 15, 2012: Moderator: "Business Cases in the Roberts Court: Perception and Reality," The Federalist Society National Lawyers Convention, Washington, DC. Video available at <https://www.youtube.com/watch?v=-GIMrlsqvMw>.

October 26, 2012: Speaker, Supreme Court of Texas Update. Copy supplied.

September 24, 2012: Public Service Announcement, Austin Community College Center for Public Policy and Political Studies, Austin, Texas. I spoke to urge students to register to vote. I have no notes, transcript, or recording. The address of Austin Community College is 5930 Middle Fiskville Road, Austin, Texas 78752.

August 2, 2012: Visit with Patriot Academy Students, Austin Texas. I conducted a tour of the Supreme Court of Texas, spoke extemporaneously regarding the court, and took questions from students. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

May 6, 2012: Invocation, Tea Party Express Rally, Texas Capitol, Austin, Texas. Copy supplied.

March 21, 2012: Campaign Appearance, Central Texas Republican Women Candidate Forum, Temple, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Central Texas Republican Women is Post Office Box 24, Belton, Texas 76513.

March 20, 2012: Invocation, First Republican Women's Club of Dallas, Diamond Jubilee Luncheon, Dallas, Texas. I have no notes, transcript, or recording. The address of the Texas Federation of Republican Women is 13740 North Highway 183, Suite J4, Austin, Texas 78750.

March 14, 2012: Speaker, Midland County Republican Women Luncheon, Midland, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Midland County Republican Women is Post Office Box 4024, Midland, Texas 79704.

March 8, 2012: Speaker, Judicial Forum, Lake Houston Shores Republican Women's Club. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The event was held at the Walden on Lake Houston Country Club, 18100 Walden Forest Drive, Humble, Texas 77346

March 3, 2012: Campaign Appearance, South Texas Independence Day Conference, Corpus Christi, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The event was held at the Corpus Christi

Town Club, 800 North Shoreline Boulevard, Corpus Christi, Texas 78401.

February 29, 2012: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Texas A&M International University, Laredo, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

February 16, 2012: Speaker, Guadalupe County Lincoln Dinner, Schertz, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Guadalupe County Republican Party is Post Office Box 551, Cibolo, Texas 78108.

February 15, 2012: Campaign Appearance, Midland, Texas. I have no notes, transcript, or recording. I do not recall where the event took place. Press report supplied.

February 9, 2012: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at the University of Texas at Austin, Austin, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

February 6, 2012: Speaker, Arlington Voice, Tarrant County Republican Party Candidate Fair & Straw Poll, Austin, Texas. Video available at <https://www.youtube.com/watch?v=ImznoCBCrnE>.

February 2, 2012: Speaker, Golden Corridor Republican Women, Plano, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Golden Corridor Republican Women is 3100 Independence Parkway, Suite 3111, #248, Plano, Texas 75075.

February 1, 2012: Candidate Forum, Comal County Republican Party. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Comal County Republican Party is 265 Landa Street, New Braunfels, Texas, 78130.

February 25, 2012: Invocation, Denton County Lincoln Reagan Dinner. I have no notes, transcript, or recording. The address of the Denton County Republican Party is 2921 Country Club Road, Suite 102, Denton, Texas 76120.

January 28, 2012: Candidate Forum, Texas Republican Assembly, Fort Worth, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the National Federation of Republican Assemblies is 9600 Freeport Drive, Denton, Texas 76207-6707.

January 24, 2012: Invocation and Pledges of Allegiance, Travis County Republican Party Gala, Austin, Texas. Video available at <https://www.youtube.com/watch?v=HzxKHUoUW2g&t=9s>.

January 19, 2012: Campaign Appearance, Denton County Republican Party, Denton, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Denton County Republican Party is 2921 Country Club Road, Suite 102, Denton, Texas 76120. Press report supplied.

January 19, 2012: Speaker, Supreme Court of Texas Practice Tips and Preferences, Dallas Bar Association Appellate Section, Dallas, Texas. Copy supplied.

January 18, 2012: Campaign Appearance, Fort Worth, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The event was held at the City Club of Fort Worth is 301 Commerce Street, Fort Worth, Texas 76102.

January 17, 2012: Campaign Appearance, Houston City Club Elected Officials Reception, Houston, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Houston City Club was 1 City Club Drive, Houston, Texas, 77046. The Houston Club closed June 12, 2017.

January 16, 2012: Campaign Appearance, Central Texas Republican Assembly Meeting. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the National Federation of Republican Assemblies is 9600 Freeport Drive, Denton, Texas 76207.

December 3, 2011: Campaign Appearance, Kaufman County Tea Party. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Kaufman County Tea Party is Post Office Box 305, Terrell, Texas 75160.

November 20, 2011: Campaign Appearance, Houston, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The event was held at Vinson & Elkins LLP, 1001 Fannin Street, Suite 2500, Houston, Texas 77002.

November 20, 2011: Speaker, Texas Federation of Republican Women Conference, Fort Worth, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Texas Federation of Republican Women is 13740 North Highway 183, Suite J4, Austin, Texas 78750.

November 10, 2011: Campaign Appearance, Texas Civil Justice League, Austin, Texas. I spoke in support of my reelection campaign. I have no notes, transcript,

or recording. The address of the Texas Civil Justice League is 400 West Fifteenth Street, Suite 1400, Austin, Texas 78701.

November 3, 2011: Campaign Appearance, Austin Republican Women Event, Austin, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The event was held at Austin Country Club, 4408 Long Champ Drive, Austin, Texas 78746.

October 28, 2011: Campaign Appearance, Bexar County Republican Women Candidate Forum, San Antonio Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Bexar County Republican Women is 18666 Stone Oak Parkway, Suite 103, San Antonio, Texas 78258.

September 23, 2011: Discussion Participant, "Brown Bag Lunch: Ethics at Trial and on Appeal," Tarrant County Bar Association, Fort Worth, Texas. I have no notes, transcript, or recording. The address of the Tarrant County Bar Association is 1315 Calhoun Street, Fort Worth, Texas 76102.

September 15, 2011: Campaign Appearance, Coastal Bend Keep America Free Rally, Corpus Christi, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The event was held aboard the U.S.S. Lexington, 2914 Shoreline Boulevard, Corpus Christi, Texas 78402.

September 14, 2011: Speaker, Federalist Society, University of Texas Law School Student Chapter, Austin, Texas. I swore in new Chapter officers and wished the chapter a successful year. I have no notes, transcript, or recording. The address of the University of Texas is 727 East Dean Keeton Street, Austin, Texas 78705.

September 12, 2011: Campaign Appearance, Northwest Austin Republican Women, Austin, Texas. I spoke in support of my reelection campaign. I have no notes, transcript, or recording. The address of the Northwest Austin Republican Women is 10504 Painted Valley Cove, Austin, Texas 78759.

September 11, 2011: Speaker, Baylor University's 9/11 Commemoration Service, Waco, Texas. Copy supplied.

August 25, 2011: Speaker, Houston Realty Breakfast Coalition, Houston, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address of the Houston Realty Breakfast Coalition is 4708 Eigel Street, Houston, Texas 77007.

June 8, 2011: Speaker, Texas Boys State, Austin, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address of Texas Boys State is American Legion – Department of Texas, Post Office Box 140527, Austin, Texas 78714.

June 3, 2011: Panelist, “Texas Supreme Court Panel,” University of Texas CLE Conference on State and Federal Appeals, Austin, Texas. Copy supplied.

April 15, 2011: Speaker, “Practice before the Texas Supreme Court,” Texas Bar CLE, Austin, Texas. I have no notes, transcript, or recording. The address of Texas Bar is 1414 Colorado Street, Austin, Texas 78753.

April 12, 2011: Speaker, TeenPact Leadership Schools, Austin, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address of TeenPact Leadership Schools is 610 Moorefield Park Drive, Suite 700, Richmond, Virginia 23236.

March 21, 2011: Moot Court Judge, M.D. Anderson Foundation Moot Court Competition, Baylor Law School. I have no notes, transcript, or recording. The address of Baylor Law School is 1114 South University Parks Drive, One Bear Place, Waco, Texas 76798

March 3, 2011: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Texas A&M Pan-American University, Edinburg, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

March 2011: Speaker, “Persuasive Techniques: The Life of an Appeal – How to Persuade Every Step of the Way,” Texas Bar CLE, Austin, Texas. Copy supplied.

January 25, 2011: Panelist, Columbia Law School Panel on Clerkships, Federalist Society, Columbia Law Student Chapter, New York City, New York. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York City, New York 10027.

January 20, 2011: Tribute to Greg Coleman, Austin Bar Association Appellate Section, Austin, Texas. Copy supplied.

November 10, 2010: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session, Amarillo, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

September 18, 2010: Speaker, *Texas Review of Law & Politics* Orientation, Austin, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address of the *Texas Review of Law & Politics* is 727 East Dean Keeton Street,

Austin, Texas 78705-3299.

August 4, 2010: Speaker, Advanced Personal Injury Law Course, San Antonio, Texas. I have no notes, transcript, or recording. The address of the Texas Bar is 1414 Colorado Street, Austin, Texas 78753.

June 12, 2010: Speaker, Republican Party of Texas Convention, Dallas, Texas. I spoke in support of my future reelection campaign. I have no notes, transcript, or recording. The address of the Republican Party of Texas is 211 East Seventh Street, Suite 915, Austin, Texas 78701.

April 8, 2010: Speaker, Midland Christian Academy, Event for Sixth Graders, Austin, Texas. I spoke regarding the Supreme Court of Texas, civics education, and judicial-selection reform. I have no notes, transcript, or recording. The address for Midland Christian Academy is 2001 Culver Drive, Midland, Texas 79705.

March 4, 2010: Speaker, "Lessons from the Longest-Serving Set of Nine Justices in Texas History," Texas State Bar Civil Appellate Section, Austin, Texas. Copy supplied.

February 18, 2010: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at the University of Texas at Austin, Austin, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

February 15, 2010: Speaker, "The Tenth Amendment: A Brief Legal and Historical Primer," Texas Public Policy Foundation, Plano, Texas. Copy supplied.

January 20, 2010: Speaker, Retirement of Texas Supreme Court Justice Scott Brister, State Bar of Texas, Austin, Texas. Copy supplied.

January 15, 2010: Invocation. I am uncertain as to the event or venue. Copy supplied.

November 5, 2009: Speaker, "The Texas Lawyer's Creed," 20th Anniversary Celebration – Texas Center for Legal Ethics and Professionalism, Austin, Texas. Copy supplied.

August 28, 2009: Speaker, Administrative Law CLE, University of Texas School of Law, Austin, Texas. I have no notes, transcript, or recording. The address of the University of Texas School of Law is 727 East Dean Keeton Street, Austin, Texas 78705.

July 25, 2009: Keynote Speaker, Institute for Justice Student Leadership Conference, Washington, DC. Copy supplied.

April 8, 2009: Speaker, "An Evening with the Texas Supreme Court," CLE Program, Houston, Texas. Copy supplied.

March 10, 2009: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at South Texas College of Law, Houston, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

March 6, 2009: Panelist, University of Texas School of Law Clerkship Workshop, Austin, Texas. I have no notes, transcript, or recording. The address of the University of Texas School of Law is 727 East Dean Keeton Street, Austin, Texas 78705-3224.

February 24, 2009: Speaker, Public Relations Panel at St. Edward's University, Austin, Texas. I spoke regarding communications as applied to my roles as a jurist and judicial candidate, and while serving in the Bush Administration. Copy supplied.

October 16, 2008: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Southern Methodist University, Dallas, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

September 19, 2008: Speaker, 20th Annual Advanced Administrative Law CLE, Austin, Texas. I have no notes, transcript, or recording. The address of the Texas Bar is 1414 Colorado Street, Austin, Texas 78753.

July 29, 2008: Speaker, "Texas Supreme Court Update," Harris County Civil District Judges, Austin, Texas. Copy supplied.

July 18, 2008: Speaker, "Texas Supreme Court Update," Texas Association of Defense Counsel Summer Seminar, Orlando, Florida. Copy supplied.

June 2008: Panelist, Federalist Society Western Leadership Meeting, Yountville, California. I spoke regarding the importance of state judiciaries. I have no notes, transcript, or recording. The address for the Federalist Society is 1776 I Street, NW, Suite 300, Washington, DC 20006.

April 22, 2008: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Texas Tech University, Lubbock, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript,

or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

March 28, 2008: Speaker, "An Evening with the Texas Supreme Court," Appellate Sections of the State Bar of Texas and the Austin Bar Association, Austin, Texas. Copy supplied.

December 6, 2007: Speaker, Event Honoring the Late Texas Supreme Court Justice Charles Barrow, Baylor University Law School, Waco, Texas. Copy supplied.

December 6, 2007: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Baylor University, Waco, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

November 29, 2007: Speaker, "A Peek Backstage at the Texas Supreme Court," Christian Legal Society, University of Texas Law Chapter, Austin, Texas. Copy supplied.

September 8, 2007: Speaker, "A Peek Backstage at the Texas Supreme Court," *Texas Review of Law & Politics* Orientation, Austin, Texas. Copy supplied.

July 17, 2007: Speaker, "Texas Supreme Court Update," Texas Association of Defense Counsel Summer Seminar, Vail, Colorado. Copy supplied.

April 23, 2007: Speaker, Texas Center for Legal Ethics and Professionalism, Austin, Texas. Copy supplied.

April 12, 2007: Supreme Court of Texas Oral Argument and Public Question-and-Answer Session at Austin College, Sherman, Texas. I and other members of the Court answered questions concerning the Court. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is 201 West Fourteenth Street, Austin, Texas 78701.

March 29, 2007: Speaker, "Texas Supreme Court Update," Houston Lawyers Chapter, Federalist Society, Houston, Texas. Copy supplied.

November 6, 2006: Speaker, Election Eve Rally with President George W. Bush, Dallas, Texas. Copy supplied.

October 29, 2006: Campaign Appearance, Richmond, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The address of Fort Bend Republican Party is Post Office Box 461, Sugar Land, Texas 77487.

October 28, 2006: Campaign Appearance, Houston, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The address of the Harris County Republican Party is 7232 Wynnwood Lane, Houston, Texas 77008.

October 24, 2006: Campaign Appearance, Southlake, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 1507 Chimney Works Drive, Southlake, Texas 76092.

October 24, 2006: Campaign Appearance, Dallas, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at the Crescent Club, 200 Crescent Court, Dallas, Texas 75201.

October 10, 2006: Speaker, Kerrville Judges Forum, Kerrville, Texas. Copy supplied.

September 26, 2006: Speaker, SafePlace Charity Event, Austin, Texas. Copy supplied.

September 21, 2006: Campaign Appearance, East Texas. I do not recall the exact location of the event, but I spoke in support of my election campaign. A copy of my remarks is supplied.

September 20, 2006: Campaign Appearance, Waco, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. I cannot recall where the event was held.

September 19, 2006: Campaign Appearance, Beaumont, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 1875 Thomas Road Beaumont, Texas 77706.

August 2006: Speaker, "Texas Supreme Court Update," Texas Bar Advanced Personal Injury Law Course, San Antonio, Texas. Copy supplied.

July 14, 2006: Speaker, "Texas Supreme Court Update," Texas Association of Defense Counsel Summer Seminar, Colorado Springs, Colorado. Copy supplied.

June 3, 2006: Speaker, Republican Party of Texas Convention, San Antonio, Texas. Copy supplied.

June 2, 2006: Speaker, Texas Republican County Chairman's Association, San Antonio, Texas. Copy supplied.

May 22, 2006: Eulogist, Funeral Services for Captain Shane Mahaffee, Gurnee, Illinois. Copy and press supplied.

March 30, 2006: Campaign Appearance, Houston Realty Business Coalition Elected Officials Reception, Houston, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The address of the Houston Realty Business Coalition is 4708 Eigel Street, Houston, Texas 77007.

March 3, 2006: Award Recipient Remarks, Austin Under 40 Awards, Young Women's Alliance and Young Men's Business League, Austin, Texas. I have no notes, transcript, or recording. The address for the Austin Under 40 Awards is Post Office Box 161270, Austin, Texas 78716.

March 2, 2006: Introduction of Attorney General Greg Abbott, Galveston County Republican Party 2006 Lincoln Day Dinner, League City, Texas. Copy supplied.

March 1, 2006: Campaign Appearance, Waco, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at Ridgewood Country Club, 7301 Fish Pond Road, Waco, Texas 76710.

February 27, 2006: Campaign Appearance, Midland, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at the Petroleum Club of Midland, 501 West Wall Street, Midland, Texas 79701.

February 24, 2006: Invocation, Tarrant County Lincoln Day Dinner, Fort Worth, Texas. Copy supplied.

February 21, 2006: Campaign Appearance, Austin, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 1704 Windsor Road, Austin, Texas 78703.

February 21, 2006: Campaign Appearance, Alamo City Republican Women, San Antonio, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 119 East King's Highway, San Antonio, Texas 78212.

February 15, 2006: Campaign Appearance, Texas Civil Justice League Candidate Forum, Austin, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The address of the Texas Civil Justice League is 400 West Fifteenth Street, Suite 1400, Austin, Texas 78701.

February 13, 2006: Campaign Appearance, Corpus Christi, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at the Corpus Christi Town Club, 800 North Shoreline Boulevard, Corpus Christi, Texas, 78401.

February 11, 2006: Invocation, Fort Bend County Lincoln Day Dinner, Richmond, Texas. I have no notes, transcript, or recording. The address of the

Fort Bend Republican Party is Post Office Box 461, Sugar Land, Texas 77487.

February 9, 2006: Speaker, "Texas Supreme Court Update," Advanced Civil Trial Law Conference, South Texas College of Law, Houston, Texas. Copy submitted.

February 9, 2006: Campaign Appearance, Houston, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 1623 River Oaks Boulevard, Houston, Texas 77019.

February 8, 2006: Campaign Appearance, Austin, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 1710 Windsor Road, Austin, Texas 78703.

February 7, 2006: Campaign Appearance, Dallas, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 4606 Park Lane, Dallas, Texas 75220.

February 7, 2006: Campaign Appearance, Collin County Candidate Forum, Plano, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at Collin County Community College, 2800 East Spring Creek Parkway, Plano, Texas 75074.

February 6, 2006: Campaign Appearance, Amarillo, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at the Amarillo Club, 600 South Tyler, Amarillo, Texas 79101.

January 31, 2006: Campaign Appearance, Texas Farm Bureau Conference, San Antonio, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 9821 Collonade Boulevard, San Antonio, Texas 78230.

January 27, 2006: Campaign Appearance, Kerrville, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 529 Water Street, Kerrville, Texas 78028.

January 26, 2006: Campaign Appearance, San Antonio, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at the Plaza Club, 100 West Houston Street, 21st Floor, San Antonio, Texas 78205.

January 19, 2006: Speaker, Southlake Executive Forum, Southlake, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The address for the Southlake Executive Forum is Post Office Box 93091, Southlake, Texas 76092.

January 17, 2006: Speaker, C Club Elected Officials Reception, Houston, Texas.

I spoke in support of my election campaign. I have no notes, transcript, or recording. The address for the C Club is 1661 Tanglewood Boulevard, Houston, Texas 77056.

2005: Award Recipient Remarks, Faith and Integrity in Legal Services Award, J. Reuben Clark Law Society, Austin, Texas. Copy supplied.

December 12, 2005: Campaign Appearance, Austin, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at the Austin Club, 110 East Ninth Street, Austin, Texas 78701.

December 8, 2005: Campaign Appearance, San Antonio, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The event was held at 481 East Olmos Drive, San Antonio, Texas 78212.

December 7, 2005: Campaign Appearance, Dallas, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. I cannot recall where the event was held.

December 6, 2005: Campaign Appearance, Houston, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. I cannot recall where the event was held.

December 4, 2005: Speaker, StraightWay Christmas Banquet, Sugar Land, Texas. I congratulated StraightWay graduates on their success and saluted the work of social service ministries. I have no notes, transcript, or recording. The address of StraightWay is Post Office Box 134, Hungerford, Texas 77448.

November 21, 2005: Speaker, Supreme Court of Texas Investiture, Austin, Texas. Copy and press report supplied.

November 12, 2005: Speaker, Texas Federation of Republican Women Conference, Corpus Christi, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The address of the Texas Federation of Republican Women is 13740 North Highway 183, Suite J4, Austin, Texas 78750.

October 24, 2005: Speaker, Bastrop County Republican Party, Bastrop, Texas. I spoke in support of my election campaign. I have no notes, transcript, or recording. The address of the Bastrop County Republican Party is Post Office Box 375, Bastrop, Texas 78602.

August 24, 2005: Speaker, Announcement by Governor Rick Perry of the Appointment of Don Willett to the Supreme Court of Texas. I have no notes, transcript, or recording. I have supplied press reports. The address of the Governor's Office is 1100 San Jacinto Boulevard, Suite 151B, Austin, Texas 78701.

August 2, 2005: Speaker, Collegiate Sports Wagering, Conference of Western Attorneys General, Maui, Hawaii. I spoke regarding collegiate sports wagering and the NCAA's efforts to combat it. I have no notes, transcript, or recording. The address of the Conference of Western Attorneys General is 1300 I Street, Sacramento, California, 95814.

April 29, 2004: Speaker, Texas Constitutional Law Seminar, Attorney General of Texas Conference Planning Unit, Austin, Texas. I have no notes, transcript, or recording. The address of the Texas Attorney General's Office is 300 West Fifteenth Street, Austin, Texas 78701.

Summer 2000: Speaker, Forum on Social Service Providers and the Voluntary Sector, Conservative Party, London, England. I have no notes, transcript, or recording. The address of the Conservative Party is 4 Matthew Parker Street, London, SW1H 9N, England.

September 17, 1999: Speaker, Labor and Employment Seminar, Austin Bar Association, Austin, Texas. I have no notes, transcript, or recording. The address of the Austin Bar Association is 816 Congress Avenue, Suite 700, Austin, Texas 78701.

- 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.

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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.

Justices on the Supreme Court of Texas are elected in statewide partisan elections to six-year terms. Vacancies on the court are filled through appointment by the Governor and confirmation by the Texas Senate. I was appointed to the Supreme Court of Texas on August 24, 2005 by Governor Rick Perry to fill a vacancy on the Court. I successfully ran for election to the Court in 2006 and reelection in 2012. My current term expires on December 31, 2018.

The Supreme Court of Texas has statewide final appellate jurisdiction in civil and juvenile cases. For the most part, the Court's review is discretionary whereby the Court entertains a petition for review from final judgments of Texas courts of appeal.

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

Because I have not been a trial judge or Chief Justice of the Supreme Court of Texas, I have not presided over any cases. As a justice on the Supreme Court of Texas I have participated in the disposition of approximately 1,100 cases where the Court has granted a petition for review. Moreover, as of October 10, 2017, the Supreme Court of Texas has granted petitions for review, but has not heard arguments, in approximately 50 cases.

Of these, approximately what percent were:

- | | | |
|-----|-----------------------|------|
| i. | jury trials: | 0% |
| | bench trials: | 100% |
| ii. | civil proceedings: | 100% |
| | criminal proceedings: | 0% |

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

Citations for all opinions I have written, including concurrences and dissents, are provided at Appendix 13.b.

- 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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A coalition of cigarette manufacturers, retailers, and distributors brought suit challenging a Texas statute imposing a tax on tobacco companies that did not enter into the settlement agreements that resulted from the nationwide tobacco litigation of the 1990s. The coalition specifically claimed the tax, directed at a particular class of companies, violated the Equal and Uniform Clause of the Texas Constitution and the Equal Protection and Due Process Clauses of the United States Constitution. The trial court held the tax unconstitutional on all three grounds, but the court of appeals affirmed on only the Equal and Uniform Clause ground. The Supreme Court of Texas unanimously held the tax was constitutional under the Equal and Uniform Clause of the Texas Constitution because the classification of non-settling tobacco companies and settling tobacco companies was rational, and the tax scheme was reasonably related to the goals of recovering healthcare costs and reducing underage smoking. The settling companies, for example, bore a financial burden for health-related costs caused in part by the actions of the non-settling companies. The settling companies also operated under restrictions the non-settling companies escaped by avoiding settlements with the State of Texas. Thus, the Court explained, the classifications created by the tax scheme were not unconstitutionally arbitrary or unreasonable.

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2. *Morath v. Tex. Taxpayer & Student Fairness Coal.*, 490 S.W.3d 826 (Tex. 2016).

A plaintiff group comprised of Texas school districts, charter schools, and various individuals brought suit to challenge the constitutionality of the Texas school finance system. The plaintiffs alleged the system violated state adequacy and suitability requirements, imposed an unconstitutional *ad valorem* tax, and violated the financial and qualitative efficiency requirements of the Texas Constitution. Applying decades of precedent on the issue, the Supreme Court of Texas upheld the constitutionality of the state's legislatively created school finance system. First, the Court reversed the trial court's adequacy and suitability findings, holding that the petitioners did not present sufficient evidence to demonstrate that the finance system was, as a constitutional matter, inadequate for failing to achieve a general diffusion of knowledge or unsuitable in its design for achieving such diffusion. Next, the Court held that petitioners failed to proffer evidence demonstrating either that the system was so financially inefficient as to be unconstitutional or that it imposed a statewide *ad valorem* tax. Finally, the Court upheld the trial court's rejection of the qualitative efficiency claims.

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3. *J & D Towing, LLC v. Am. Alternative Ins. Corp.*, 478 S.W.3d 649 (Tex. 2016).

J & D Towing sued American Alternative Insurance Corporation for loss-of-use damages when a motorist struck the company's sole tow truck, rendering it a total loss. The insurance company argued that, under Texas law, loss-of-use damages were recoverable for partially destroyed property but not for property that had been totally destroyed. The trial court rendered judgment in favor of J & D and awarded loss-of-use damages. The appeals court, however, reversed and rendered judgment for the insurance company, holding Texas law did not permit the recovery of such damages. The Supreme Court of Texas surveyed precedent throughout the country before adopting the rule that loss-of-use damages are indeed recoverable in total-destruction cases. The unanimous Court adopted this rule in accordance with the modern trend, explaining that the ultimate goal of tort damages is to make the plaintiff whole.

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4. *Patel v. Tex. Dep't of Licensing and Regulation*, 469 S.W.3d 69, 92 (Tex. 2015) (Willett, J., concurring).

Individuals practicing commercial eyebrow threading and the salon owners employing them brought a declaratory judgment action asserting that, as applied to them, Texas's licensing regime for eyebrow threaders violated the Texas Constitution's due course of law provision. They claimed that most of the 750 hours of training Texas required were unrelated to public health and safety. The trial court and court of appeals ruled for the State. The Supreme Court of Texas reversed and remanded for further proceedings, holding that the threaders had met the high burden under the Texas Constitution of demonstrating that Texas's licensing requirements, as applied to them, were "not just unreasonable or harsh," but "so burdensome as to be oppressive." The Court concluded the licensing regime was "so unreasonably burdensome that it becomes oppressive in relation to the underlying governmental interest." I wrote a concurring opinion to discuss the Court's "rational basis with bite"-type test. "Nobody seriously disputes a state's omnibus power to safeguard its citizens' health and safety via economic regulation," I wrote. Such police power is broad and valid, and under the Texas Constitution, the burden rests on those asserting unconstitutionality to show that the means chosen lack a rational relationship to a legitimate government interest.

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5. *Serv. Emp. Int'l Union Local 5 v. Prof'l Janitorial Serv. of Houston, Inc.*, 481 S.W.3d 210, 210 (Tex. 2014) (Willett, J., dissenting to the denial of the petition for review).

In this libel case about allegedly defamatory statements published on a website, the court of appeals held that because a website's "primary business" was not reporting the news, it did not qualify as "electronic media" under Texas law. The electronic media classification is significant because it provides a right to immediately appeal orders that burden free-speech or free-press rights. Absent a direct statutory definition, however, Texas courts of appeals had split on how to determine whether a website counts as electronic media. Some courts had used a multi-factor test, while the court of appeals in this case focused on whether news reporting was the website's "primary business." Petitioners and several amici curiae argued that because the statute aimed to protect those "engaged in disseminating news to a mass audience via electronic means," the electronic media designation should not turn on a website's primary or profit-driven purpose. Noting that digital news outlets are increasingly integral to how citizens consume news, I dissented from the Court's denial of the petition for review. I urged the Court to bring uniformity to an important, fast-changing area of law by clarifying who qualifies as a member of the electronic media: "We should not countenance vague and varying approaches that invite inconsistency and thus unpredictability—not when free-speech and free-press rights are implicated."

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6. *El-Ali v. State*, 428 S.W.3d 824, 825 (Tex. 2014) (Willett, J., dissenting to the denial of the pet. for review).

El-Ali still held title to his Chevy Silverado when its buyer – who was making payments on the truck – was arrested for driving it while intoxicated, as well as for evading arrest and possessing cocaine. Following the arrest, the State seized the Silverado and filed a civil-forfeiture action. Under Texas law, the State may seize private property if it demonstrates by a preponderance of the evidence that the property is contraband. A property owner may then recover the property only if he proves he “did not know or should not reasonably have known of the [allegedly criminal] act or omission.” El-Ali argued that a property-owner’s heavy burden to prove innocence in a civil forfeiture case violates due process under the Texas Constitution, but the Texas Supreme Court denied his petition for review. I dissented from the Court’s denial of the petition for review and urged the Court, which had last considered a forfeiture case in 1957, to determine whether modern forfeiture practice comports with the Texas Constitution.

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7. *Strickland v. Medlen*, 397 S.W.3d 184 (Tex. 2013).

The owners of a mistakenly euthanized dog brought suit against the employee of an animal shelter for causing the dog's death, seeking to recover "sentimental or intrinsic value" damages. The trial court dismissed the suit on the grounds that Texas bars the recovery of such damages. The court of appeals, however, reversed, holding for the first time that a dog owner may recover intangible loss-of-companionship damages in the form of intrinsic or sentiment-based damages. The Supreme Court of Texas unanimously reversed and held that, in the absence of legislation to the contrary, recovery in pet-death cases is limited to economic loss and does not include loss of relationship. The decision rested on a long line of Texas precedent that classifies pets as property, and notes input from various animal welfare experts that expanding tort liability in such cases would impose unintended harmful consequences and actually have negative effects on animal health in Texas communities.

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8. *In re Reece*, 341 S.W.3d 360, 377 (Tex. 2011) (Willett, J., dissenting).

Participating as a witness in a civil proceeding, Reece lied under oath during a deposition, was held in criminal contempt, and sentenced to confinement. Reece petitioned for a writ of habeas corpus, which he pursued up to the Texas Court of Criminal Appeals (Texas's court of last resort for criminal matters). The Court of Criminal Appeals declined to act on Reece's petition, reasoning that, while it had jurisdiction to grant relief, the Supreme Court of Texas was the proper tribunal because the underlying matter (in which Reece committed perjury) was civil. Reece then filed a mandamus petition with the Supreme Court of Texas, arguing the trial court's order of contempt deprived Reece of due process. The Supreme Court of Texas noted mandamus relief requires showing (1) the trial court abused its discretion, and (2) the relator has no adequate remedy by appeal. The Court held that the trial court abused its discretion because perjury committed in a deposition is punishable by contempt only if the perjury obstructs the Court in the performance of its duties, and Reece's perjury did not do so. The Court also held Reece had no adequate remedy on appeal under the circumstances. I dissented, arguing that because the Court plainly lacked jurisdiction to hear Reece's habeas petition stemming from the contempt order, the Court should not hear the same habeas petition restyled as a mandamus petition. I further reasoned that Texas precedent dictated that (1) habeas, not mandamus, is the proper vehicle for challenging a contempt order, and (2) mandamus is especially improper for challenging a criminal contempt order involving confinement. I concluded that the criminal high court, which had earlier acknowledged it "does have the authority to act in this case," should decide matters of criminal confinement.

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9. *Robinson v. Crown Cork & Seal Co., Inc.*, 335 S.W.3d 126, 150 (Tex. 2010) (Willett, J., concurring)

Barbara Robinson filed suit against Crown Cork & Seal Co. under a theory of successor liability, alleging that her husband had contracted mesothelioma from workplace exposure to asbestos products. Crown did not initially contest its successor liability, and a trial court granted Robinson's motion for partial summary judgment on that issue. But around the same time, the Texas Legislature enacted Chapter 149 of the Texas Civil Practice and Remedies Code, limiting certain corporations' successor liability for asbestos claims. In light of this legislation, Crown moved to have the court's order establishing successor liability vacated and moved for summary judgment on that issue. The trial court granted the motion. On appeal, Robinson contended that Chapter 149 was a retroactive law prohibited by the Texas Constitution. But the court of appeals affirmed the trial court's summary judgment grant, explaining that the law was a valid exercise of the Legislature's police power to safeguard the public safety and welfare. The Supreme Court of Texas reversed, concluding that Chapter 149 could not overcome the Texas Constitution's ban on retroactive laws. I agreed with the majority and wrote in concurrence to emphasize that the case raised important issues of how the Texas Constitution allocates governing power, including the ban on retroactive laws enshrined in our state Bill of Rights.

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10. *Bennett v. Reynolds*, 315 S.W.3d 867 (Tex. 2010).

Reynolds sued Bennett and Bennett's company for wrongly selling thirteen head of Reynolds's cattle, and a civil jury found against Bennett on a conversion count. The jury assessed roughly \$5,000 in actual damages and an additional \$1.25 million in exemplary damages. Bennett and his company appealed, arguing that the exemplary damages were not justified and that, even if they were, the ratio of exemplary damages to actual damages was so great as to constitute a deprivation of due process under the Fourteenth Amendment to the United States Constitution. The Supreme Court of Texas unanimously agreed with the court of appeals that the exemplary damages were justified but, applying United States Supreme Court precedent, held that the amount of exemplary damages was unconstitutional. The Court reached this result by applying a three-part test articulated by the United States Supreme Court for determining whether the disparity between actual damages and punitive damages is grossly excessive and therefore tantamount to a deprivation of due process. Applying Texas civil practice rules, the Court also held the corporation, as such, could be assessed exemplary damages.

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- 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.

1. *Hegar v. Tex. Small Tobacco Coal.*, 496 S.W.3d 778 (Tex. 2016).

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2. *Morath v. Tex. Taxpayer & Student Fairness Coal.*, 490 S.W.3d 826 (Tex. 2016).

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3. *J & D Towing, LLC v. Am. Alternative Ins. Corp.*, 478 S.W.3d 649 (Tex. 2016).

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4. *Patel v. Tex. Dep't of Licensing and Regulation*, 469 S.W.3d 69, 92 (Tex. 2015) (Willett, J., concurring).

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5. *Serv. Emp. Int'l Union Local 5 v. Prof'l Janitorial Serv. of Houston, Inc.*, 481 S.W.3d 210, 210 (Tex. 2014) (Willett, J., dissenting to the denial of the pet. for review).

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7. *Strickland v. Medlen*, 397 S.W.3d 184 (Tex. 2013).

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8. *In re Reece*, 341 S.W.3d 360, 377 (Tex. 2011) (Willett, J., dissenting).

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9. *Robinson v. Crown Cork & Seal Co., Inc.*, 335 S.W.3d 126, 150 (Tex. 2010) (Willett, J., concurring).

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10. *Bennett v. Reynolds*, 315 S.W.3d 867 (Tex. 2010).

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- e. Provide a list of all cases in which certiorari was requested or granted.

See Appendix 13.e.

- 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.

No opinions I have authored or joined have been reversed by the U.S. Supreme Court.

- 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.

The Supreme Court of Texas publishes all of its decisions.

- 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.

Majority Opinions

Hegar v. Tex. Small Tobacco Coal., 496 S.W.3d 778 (Tex. 2016)

Morath v. Tex. Taxpayer and Student Fairness Coal., 490 S.W.3d 826 (Tex. 2016)

Tex. Rice Land Partners, Ltd. v. Denbury Green Pipeline-Tex., LLC, 363 S.W.3d 192 (Tex. 2012).

Bennett v. Reynolds, 315 S.W.3d 867 (Tex. 2010)

Concurring Opinions

Patel v. Tex. Dep't of Licensing and Regulation, 469 S.W.3d 69, 92 (Tex. 2015) (Willett, J., concurring)

Robinson v. Crown Cork & Seal Co., Inc., 335 S.W.3d 126, 150 (Tex. 2010) (Willett, J., concurring)

In re Bezan, 251 S.W.3d 39, 45 (Tex. 2008) (Willett, J., concurring)

Dissenting Opinions

Cadena Commercial USA Corp. v. Tex. Alcoholic Beverage Comm'n, 518 S.W.3d 318 (Tex. 2017) (Willett, J., dissenting)

Dissents from Denials of a Petition for Review

Serv. Emp. Int'l Union Local 5 v. Prof'l Janitorial Serv. of Houston, Inc., 481 S.W.3d 210, 210 (Tex. 2014) (Willett, J., dissenting to the denial of the pet. for review)

El-Ali v. State, 428 S.W.3d 824, 825 (Tex. 2014) (Willett, J., dissenting to the denial of the pet. for review)

- 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.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal. (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you

recused yourself *sua sponte*;

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

When I first joined the Supreme Court of Texas, I did not participate in a number of cases that were ready for disposition because I did not want to delay issuance.

In considering whether to recuse myself, I review each matter to ensure I do not have an actual or apparent conflict of interest. A list of cases where I recused myself *sua sponte* is supplied at Appendix 14.

Where a party requests the recusal of a justice of the Supreme Court of Texas, my Court's practice is to send the recusal motion to the pertinent justice first. Only if the justice declines to recuse does the full court discuss the motion and vote (with the justice subject to the motion out of the room).

My recusal has been sought by motion in two cases. In *Grigson v. Farmers Grp., Inc.* (15-0775) the petitioner requested that I and a colleague recuse ourselves because related proceedings had involved the Attorney General's Office during our service there roughly a decade earlier. Both my colleague and I agreed to recuse.

In *Barr v. City of Sinton* (06-0074), the respondent moved that I recuse myself because: (1) the case involved religious liberty issues, and I had spent part of my pre-judge legal career on such issues; (2) the case involved a statute I was tasked with shepherding ten years earlier as a lawyer for then-Governor Bush, my client; and, (3) I was friends with petitioner's counsel. I applied customary recusal and disqualification guidelines, looking to the letter and spirit of all relevant authorities, and also researched my court's historical practice, as well as recusal policy and practice at the United States Supreme Court. I declined to recuse myself. The remaining justices denied the motion.

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.

1996 – 2000

Director of Research & Special Projects

Office of Texas Governor George W. Bush
Appointed by Governor George W. Bush

2000 – 2001
Domestic Policy & Special Projects Advisor
George W. Bush Presidential Campaign & Transition Team
Appointed by Governor George W. Bush

2001 – 2002
Special Assistant to the President
The White House
Appointed by President George W. Bush

2002 – 2003
Deputy Assistant Attorney General
Office of Legal Policy, United States Department of Justice
Appointed by President George W. Bush

2003 – 2005
Deputy Attorney General for Legal Counsel
Office of the Attorney General
Appointed by Attorney General Greg Abbott

- 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.

Domestic Policy & Special Projects Advisor, Bush-Cheney 2000 Presidential Campaign. My chief responsibility was fielding and responding to policy questionnaires submitted to the campaign.

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

- a. Describe in reverse chronological order 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 1993, I served as a law clerk to the Honorable Jerre S. Williams, U.S. Court of Appeals for the Fifth Circuit.
 - ii. whether you practiced alone, and if so, the addresses and dates;

I have not 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.

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2001 – 2002
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1650 Pennsylvania Avenue, NW
Washington, DC 20502
Special Assistant to the President

2002 – 2003
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Deputy Assistant Attorney General
Office of Legal Policy

2003 – 2005
Office of the Attorney General of Texas
209 West Fourteenth Street
Austin, Texas 78701
Deputy Attorney General for Legal Counsel

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

I have never served as a paid mediator or arbitrator. In 1995, I participated on a *pro bono* basis as a volunteer mediator as part of Travis County Settlement Week. I have no records of the cases for which I served as a mediator.

b. Describe:

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

From 1993 to 1996, I worked in the Austin office of Haynes and Boone, LLP, providing litigation and preventive counsel across the full range of labor and employment matters, representing employers in both the public and private sectors.

From 1996 to 2000, I was a legal and policy advisor to Governor George W. Bush, advising him and senior staff on a wide range of major legal and policy matters confronting Texas.

In 2000, I joined Governor Bush's presidential campaign, and later his transition team. I offered advice on various policy issues and headed the campaign's effort to present its policy views to hundreds of interest groups, advocacy organizations, and professional associations. After the election, I helped design and launch a new White House initiative to advance the President's agenda to strengthen the nation's philanthropic sector.

In 2001, I was appointed Special Assistant to the President in the White House. I served on the Domestic Policy Council and, as Director of Law and Policy in the White House Office of Faith-Based and Community Initiatives, assisted President Bush's effort to strengthen neighborhood charitable activities across the nation.

In 2002, I was appointed Deputy Assistant Attorney General in the Office of Legal Policy at the U.S. Department of Justice. In that position, I assisted with selection and vetting of nominees to the federal courts. I also helped supervise various civil and criminal justice policy initiatives, including what became the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (the "PROTECT Act"). The PROTECT Act "comprehensively strengthens law enforcement's ability to prevent, investigate, prosecute, and punish violent crimes committed against children." Finally, I assisted administration efforts to expedite the naturalization process for noncitizen military service members.

In 2003 newly-elected Attorney General of Texas Greg Abbott appointed me Deputy Attorney General for Legal Counsel. As chief legal counsel to the Attorney General, I oversaw several cross-cutting divisions at the intersection of law, policy, and politics and advised the Attorney General on the full array of major legal issues confronting Texas.

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

While at Haynes and Boone, I represented employers in both the public and private sectors across the full range of labor and employment matters.

While in public service I provided legal advice and counsel to Governor and later President George W. Bush and Texas Attorney General Greg Abbott. I also served as a Deputy Assistant Attorney General at the U.S. Department of Justice.

- 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.

While in private practice, approximately 75 percent of my practice was litigation-related and 25 percent involved client counseling.

- i. Indicate the percentage of your practice in:

1.	federal courts:	65%
2.	state courts of record:	25%
3.	other courts:	0%
4.	administrative agencies:	10%

- ii. Indicate the percentage of your practice in:

1.	civil proceedings:	100%
2.	criminal proceedings:	0%

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

As a young associate at Haynes and Boone, I assisted senior lawyers in more than 125 cases before state and federal courts and before administrative agencies. As associate counsel, I acquired dispositive rulings in approximately twenty cases. All of these final dispositions were via summary judgment or on appeal, including before the Fifth Circuit.

As a Deputy Texas Attorney General, I oversaw the agency's core legal, non-litigation divisions, but I assisted on approximately 12 discrete litigation and appellate projects as directed by the Attorney General.

- i. What percentage of these trials were:

- | | |
|--------------|-------|
| 1. jury: | 0 % |
| 2. non-jury: | 100 % |

- 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 assisted in drafting and/or argument preparation related to the following filings:

Respondent's Brief, *Van Orden v. Perry*, 545 U.S. 677 (2005) (No. 03-1500).
Copy supplied.

Response to Petition for Writ of Certiorari, *Van Orden v. Perry*, 545 U.S. 677 (2005) (No. 03-1500). Copy supplied.

Brief for the State of Texas, *et al.* as *Amicus Curiae* Supporting Petitioner, *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1 (2004) (No. 02-1624). Copy supplied.

Appellees' Motion to Dismiss or, in the Alternative, to Affirm, *Barrientos v. Texas*, 541 U.S. 984 (2004) (No. 03-756). Copy supplied.

Brief in Opposition to Petition for Writ of Certiorari, *Moore v. Eli Lilly and Co.*, 510 U.S. 976 (1993) (No. 93-278). Copy supplied.

I have not argued before the Court.

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. *Atkins v. Tandy Corp.*, 20 F.3d 469 (5th Cir. 1994).

The Fifth Circuit affirmed the dismissal by the Northern District of Texas of race

and gender discrimination claims brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* I represented the appellees, Tandy Corporation and Gerri Klauck, and assisted in the drafting and preparation of the appellees' brief.

Dates of representation: 1993 – 1994

Fifth Circuit Panel: Hon. E. Grady Jolly; Hon. Jacques Wiener; and Hon. Emilio Garza

Plaintiff-Appellant appeared *pro se*.

Co-Counsel

Sheila B. Gladstone
[Then at Haynes and Boone, LLP]
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2. *Irvin v. City of Forest Hill*, 93-cv-00185-EBM (N.D. Tex.).

Plaintiff, the Chief of Police for Forest Hill, Texas, brought a race-discrimination suit under the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5, and 42 U.S.C. § 1981 after being discharged in January 1992. I represented the defendant and assisted in the preparation of pleadings and trial materials. The parties settled on the eve of trial.

Dates of representation: approximately 1993 – 1994

Presiding Judge: Hon. Eldon B. Mahon

Co-Counsel

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Robert W. Prevost, III
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Counsel for the Plaintiff

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3. *Horaist v. Atmos Energy Corp.*, 77 F.3d 473 (5th Cir. 1995)

The plaintiff brought suit against his employer, Trans Louisiana Gas Company, in the Western District of Louisiana for wrongful termination, age discrimination, and breach of contract. The district court granted summary judgment in favor of Trans Louisiana. The Plaintiff appealed only the contract claim. The Fifth Circuit affirmed the district court's judgment. I represented the appellees, Trans Louisiana Gas Company and Atmos Energy Corporation, and assisted in the drafting and preparation of the appellees' brief.

Date of representation: 1995

Fifth Circuit Panel: Hon. Henry A. Politz; Hon. W. Eugene Davis; and Hon. Emilio Garza

Co-Counsel

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Counsel for the Plaintiff

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4. *Mattix v. Hightower*, No. CIV.A.3-96-CV-0015-R (N.D. Tex.).

Plaintiff, a Burleson, Texas police officer and Burleson Police Union president, alleged that the city demoted and then terminated him after a city-wide referendum in which the plaintiff actively campaigned in support of collective bargaining. I represented the defendants (Burleson and city officials) and assisted in the preparation of pleadings. After I left private practice, the district court granted partial summary judgment to the defendants, and the parties settled all remaining claims.

Dates of representation: approximately 1995 – 1996

Presiding Judge: Hon. Lucius D. Bunton

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5. *Kirkwood v. City of Corsicana*, 871 S.W.2d 544 (Tex. App. 1994)

The plaintiff, a municipal police officer, brought suit challenging his indefinite suspension. The trial court affirmed the suspension. The Texas Court of Appeals reversed the decision of the trial court and reinstated the police officer. I represented the appellees including the City of Corsicana Police Department on appeal and assisted in the drafting and preparation of the appellees' brief.

Dates of Representation: 1993 – 1994

Texas Court of Appeals: Hon. Bob Thomas; Hon. Bobby L. Cummings; Hon. William R. Vance

Co-Counsel

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Counsel for the Plaintiff

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(254) 753-1991

6. *Mullen ex rel Matthew O. and Joseph I. v. Tex. Dept. of Protective and Regulatory Svcs.*, No. 95-04417 (Tex. Dist. Ct. 1995).

I was *pro bono* local counsel in a case challenging, on state and federal constitutional grounds, the improper use of race in adoption placements. The case settled prior to trial. Shortly after we commenced litigation, the Texas Legislature strengthened state law concerning adoption placement.

Dates of representation: 1995 – 1996

Presiding Judge: Hon. F. Scott McCown

Co-Counsel

The Honorable Clint Bolick
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Supreme Court of Arizona
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Donna G. Matias
[Then at Institute for Justice]
The Entreprtner's Advocate
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Counsel for the Defendant

Antoinette B. Hunter
Gray and Becker, P.C.
1603 Barn Swallow
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7. *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1 (2004).

This case involved a challenge in the Supreme Court to the constitutionality of school district's policy requiring teacher-led recitation of the Pledge of Allegiance. The District Court granted school district's motion to dismiss. The Court of Appeals for the Ninth Circuit reversed and remanded. The Supreme Court held that plaintiff lacked prudential standing to bring the action and did not reach the merits of the constitutional question. I assisted in the preparation of an *amicus* brief on behalf of all 50 state attorneys general, which argued that voluntary teacher-led recitation of the Pledge of Allegiance in public schools does not violate the Establishment Clause. I also attended a moot session in preparation for oral argument.

Dates of representation: 2003 – 2004

Co-Counsel (representing the State of Texas)

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Pro se Respondent

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8. *Barrientos v. Texas*, 290 F. Supp. 2d 740 (S.D. Tex. 2003), *aff'd*, 541 U.S. 984 (2004)

Eleven Texas state senators brought a Voting Rights Act challenge to the Texas Legislature's decision to consider congressional redistricting legislation, and the Senate's intent to depart from ordinary parliamentary custom in bringing such

legislation to the floor. A three-judge district court panel dismissed the challenge. The senators appealed directly to the Supreme Court. The Supreme Court affirmed the district court. I assisted in the preparation of the State of Texas' motion in the Supreme Court to dismiss, or in the alternative, to affirm.

Dates of representation: 2003 – 2004

Co-Counsel

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9. *Van Orden v. Perry*, 545 U.S. 677 (2005).

The plaintiff brought a First Amendment challenge to the Ten Commandments monument displayed on the Texas Capitol grounds. The District Court for the Western District of Texas rejected the challenge and the Fifth Circuit affirmed. The Supreme Court held that the monument did not violate the Establishment Clause. I assisted with briefing on behalf of the State of Texas and helped prepare Attorney General (now Governor) Greg Abbott for oral argument.

Dates of representation: 2003 – 2005

Co-Counsel

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10. *Session v. Perry*, 298 F. Supp. 2d 451 (E.D. Tex.), *vacated sub nom. Travis Cty., Texas v. Perry*, 543 U.S. 941(2004); *Henderson v. Perry*, 399 F. Supp. 2d 756 (E.D. Tex. 2004), *aff'd in part, vacated in part, rev'd in part sub nom., League of United Latin Am. Citizens v. Perry*, 548 U.S. 399 (2006).

This litigation involved a series of constitutional and Voting Rights Act challenges to Texas' congressional redistricting legislation. The Supreme Court held that the redistricting plan did not violate the Constitution, but that one congressional district did violate the Voting Rights Act. I assisted with trial preparation and presentation, but I departed the Texas Attorney General's Office before the direct appeal was heard by the Supreme Court.

District Court Panel: Hon. Patrick E. Higginbotham; Hon. Lee H. Rosenthal; and Hon. T. John Ward

Co-Counsel

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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.)

I have contributed to several significant non-litigation matters, on both the state and federal levels, while serving in the Governor's Office, the White House, the Justice Department, and the Texas Attorney General's Office:

Texas Governor's Office: I helped advance Governor Bush's priorities across a wide range of legal and policy issues. One significant example is the Texas Religious Freedom Restoration Act, a 1999 religious liberty bill backed by ideologically disparate groups and passed by overwhelming bipartisan majorities in both chambers.

White House: I served on the Domestic Policy Council and, as Director of Law and Policy in the White House Office of Faith-based and Community Initiatives, advised President Bush and the White House principally on religious liberty matters, including the President's effort to strengthen the nation's philanthropic sector and to promote the indispensable work of neighborhood helpers and healers.

Justice Department: My chief responsibility was assisting with President Bush's judicial selection and confirmation efforts. I also helped supervise various civil and criminal justice policy initiatives, including what became the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (the "PROTECT Act"). The PROTECT Act "comprehensively strengthens law enforcement's ability to prevent, investigate, prosecute, and punish violent crimes committed against children." Finally, I assisted administration efforts to expedite the naturalization process for noncitizen military service members.

Texas Attorney General's Office: I served as chief legal counsel to the state's chief legal officer, advising the Attorney General on the full array of major legal issues confronting Texas. My oversight responsibilities included, among other things: (1) the general counsel division, which dispenses legal advice to hundreds of state agencies, boards, and commissions; (2) the open records division, which issues thousands of rulings annually regarding public information requests; and (3) the opinion committee, which produces scholarly legal interpretations of Texas and federal law.

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.

None.

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.

No.

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 Statement of Net Worth.

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.

There are no broad areas of potential conflict, whether personal, financial, or subject matter. I would recuse in all matters in which I have a financial interest including, but not limited to, matters involving corporations or other business entities in which I or a member of my immediate family has an equitable interest. I would address any potential conflicts in the manner described in response to Question 24.b.

- 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. Moreover, I would also recuse myself from cases involving questions that have previously been certified to the Supreme Court of Texas during my tenure.

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 work load, 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.

As a judge, I cannot practice law, including pro bono matters. I can, and do, strongly support my Court's aggressive, multi-front efforts to increase access to justice for low- and middle-income Texans. While in private practice, I was privileged to qualify for membership in the Pro Bono College of the State Bar, which "recognizes attorneys who

have far exceeded the State Bar's aspirational pro bono goal in their efforts to address the vast unmet legal needs of the poor." The most significant pro bono matter I helped handle was the interracial adoption case discussed above in response to question 17.

26. Selection Process:

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

On February 3, 2017, I received a call from Noah Phillips, Chief Counsel to U.S. Senator John Cornyn, asking if I would like to be considered for a vacancy on the Fifth Circuit. On February 17, I interviewed with the Texas Federal Judicial Evaluation Committee. On March 1, I interviewed with Senator Cornyn in Washington, D.C. On March 2, I interviewed with Senator Cruz in Washington, D.C. Later in March, I spoke with the White House Counsel's Office, and then again in April I spoke with the White House Counsel's Office. Since then, I have had periodic communications with that office, the Office of Legal Policy at the Department of Justice, and the offices of Senators Cornyn and Cruz. On September 22, I received a call from the Vice President informing me that the President intended to nominate me. On October 3, 2017, the President submitted my nomination to the Senate. I have communicated regularly with the Office of Legal Policy in the preparation of my answers to this questionnaire and the completion of other related materials.

- 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.