

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Patrick Robert Wyrick

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

United States District Judge for the Western District of Oklahoma

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.

Oklahoma Supreme Court  
Oklahoma Judicial Center, Room N222  
2100 North Lincoln Boulevard  
Oklahoma City, Oklahoma 73105

I live and work in Oklahoma City, but I consider my place of permanent residency to be my hometown of Atoka, Oklahoma.

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

1981; Denison, 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.

2004 – 2007, University of Oklahoma College of Law; J.D., 2007

1999 – 2000, 2002 – 2004, University of Oklahoma; B.A., 2004

2001 – 2002, Oklahoma City University; no degree received

2001, Cowley County Community College; no degree received

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.

2017 – present  
Oklahoma Supreme Court  
Oklahoma Judicial Center, Suite 1  
2100 North Lincoln Boulevard  
Oklahoma City, Oklahoma 73105  
Justice

2011 – 2017  
Oklahoma Office of the Attorney General  
313 Northeast 21st Street  
Oklahoma City, Oklahoma 73105  
Solicitor General

2008 – 2011  
GableGotwals  
211 North Robinson Avenue, Suite 1500  
Oklahoma City, Oklahoma 73105  
Associate Attorney

2007 – 2008  
Honorable James H. Payne  
United States District Courts for the Eastern, Northern, and Western Districts of Oklahoma  
101 North 5th Street, Suite 210  
Muskogee, Oklahoma 74401  
and  
333 West 4th Street, Suite 411  
Tulsa, Oklahoma 74103  
Law Clerk

2006  
Gallagher & Kennedy  
2575 East Camelback Road  
Phoenix, Arizona, 85016  
Summer Associate

2005  
McKinney & Stringer, P.C.  
101 North Robinson Avenue  
Oklahoma City, Oklahoma 73102  
Summer Associate

(This firm is now disbanded. Its registered agent as listed on the Oklahoma Secretary of State's website is McKinney & Stringer, P.C., c/o David A. Cheek, Cheek & Falcone, PLLC, 6301 Waterford Boulevard, Suite 320, Oklahoma City, Oklahoma 73118.)

2005

United States Attorney's Office for the Western District of Oklahoma  
210 Park Avenue, Suite 400  
Oklahoma City, Oklahoma 73102  
Summer Law Clerk

Other Affiliations (uncompensated):

2017

University of Oklahoma College of Law  
300 West Timberdell Road  
Norman, Oklahoma 73019  
Guest Lecturer

1995 (approximate) – present

Wyrick Lumber Company  
701 West 13th Street  
Atoka, Oklahoma 74525  
Counsel (2007 – present)  
Shareholder (1995 (approximate) – 2016)

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 selective service upon turning 18.

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

University of Oklahoma College of Law's Spotlight on Alumni in Public Service (2017)

Inductee, Atoka High School Athletic Hall of Fame (2014)

Supreme Court Award, University of Oklahoma College of Law (2007)

J.D. conferred with distinction, University of Oklahoma College of Law (2007)

Order of the Barristers, University of Oklahoma College of Law (2007)

Best Advocate Award, 1L Moot Court Competition, University of Oklahoma College of Law (2005)

Dean's Honor Roll, University of Oklahoma College of Law (2004 – 2007)

National Association of Intercollegiate Athletics All-American Scholar Athlete (2001)

Scholarship Recipient, Major League Baseball Scholarship Fund (2001)

Baseball Scholarship Recipient, University of Oklahoma (1999)

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 (2008 (approximate) – 2011)

Federal Bar Association (2007 (approximate) – 2008)

Oklahoma County Bar Association (2008 (approximate) – 2010)

Oklahoma Federal Nominations Advisory Committee (2015)

Oklahoma Bar Association (2007 – present)

Committee for Uniform Jury Instructions for Juvenile Cases (2017 – present)

Ruth Bader Ginsburg American Inn of Court (2007 – 2010)

National Conference of Commissioners on Uniform State Laws (2014 – 2016)

Commissioner for the State of Oklahoma

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.

Oklahoma, 2007

There has been no lapse 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, 2012

United States Court of Appeals for the D.C. Circuit, 2012

United States Court of Appeals for the Tenth Circuit, 2009  
United States District Court for the Eastern District of Oklahoma, 2008  
United States District Court for the Northern District of Oklahoma, 2008  
United States District Court for the Western District of Oklahoma, 2008  
United States District Court for the District of Columbia, 2012

My admission in the United States District Court for the District of Columbia lapsed in 2015 due to non-use. 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.

The Federalist Society for Law and Public Policy (2011 (approximate) – present)  
President, Oklahoma City Lawyers Chapter (2016)

Leadership Oklahoma City (2010 – present)

Oklahoma City Metro Literacy Coalition  
Event Organizer (approximately 2010, Leadership Oklahoma City's LOYAL program)

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

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

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

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including

material published only on the Internet. Supply four (4) copies of all published material to the Committee.

*The Supreme Court Decision Every Startup Should Know About*, Medium (July 28, 2015). Copy supplied.

*Symposium: King v. Burwell – A Simple Case*, SCOTUSblog (Nov. 10, 2014). Copy supplied.

With Dale E. Cottingham, *"Schedules of Use" for Appropriated Streamwater - What Every Municipality Should Know*, 81 OKLA. BAR J. 1867 (2010). Copy supplied.

With Dale E. Cottingham, *Changes to Oklahoma Water Law Perhaps on the Horizon*, GableGotwals (2010).

*I have conducted a search of my records and public sources and contacted my former law firm, but I have been unable to obtain a copy of this article.*

- 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, I have not prepared or contributed to any such materials.

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

#### Testimony

On October 26, 2011, I testified before the Oklahoma Legislature's Joint Committee on Federal Health Care Law regarding the status of pending lawsuits over the constitutionality of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010) and regarding the impact of State Question No. 756 since its approval by voters in November 2010. I did not submit written testimony, nor do I have any notes, transcript, or recording of my testimony. A notice concerning the hearing and press coverage are attached.

Some time in 2015, I testified before an Oklahoma Senate Committee regarding *North Carolina Board of Dental Examiners v. Federal Trade Commission*, 135 S. Ct. 1101 (2015). I did not submit written testimony, nor do I have any notes, transcript, or recording of my testimony. I summarized the holding of the case and

discussed its potential effect on the State's oversight of boards and commissions.

Attorney General Opinions

*Sale of Beer from a Brewer Licensee to Consumers for Consumption Both On and Off the Licensed Premises*, 2016 OK AG 6, 46 Op. Okla. Att'y Gen., bk. 1, at 50. Copy supplied.

*Right to Carry a Handgun for Individuals Holding a License Issued by Another State*, 2016 OK AG 3, 46 Op. Okla. Att'y Gen., bk. 1, at 14. Copy supplied.

*Legislative Transfer of Funds from Oklahoma Higher Learning Access Trust Fund*, 2014 OK AG 7, 44 Op. Okla. Att'y Gen. 44. Copy supplied.

*Question Submitted by: The Honorable Patrick Anderson, State Senator, Dist. 19*, 2012 OK AG 23, 42 Op. Okla. Att'y Gen. 201. Copy supplied.

*Question Submitted by: Executive Director Terry Jenks, Oklahoma Pardon & Parole Bd.*, 2012 OK AG 17, 42 Op. Okla. Att'y Gen. 151. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

April 20, 2018: Judge, 1L Moot Court Competition, Oklahoma City University School of Law, Oklahoma City, Oklahoma. I judged oral arguments and provided brief remarks to competitors. I have no notes, transcript, or recording. The address of the Oklahoma City University School of Law is 800 North Harvey Avenue, Oklahoma City, Oklahoma 73102.

April 12, 2018: Judge, 1L Moot Court Competition, University of Oklahoma College of Law, Norman, Oklahoma. I judged oral arguments and provided brief remarks to competitors. I have no notes, transcript, or recording. The address of the University of Oklahoma College of Law is 300 West Timberdell Road, Norman, Oklahoma 73019. Press coverage Supplied.

March 28, 2018: Presenter, "The Rule of Law as a Law of Rules: Reflections from My First Year as an Appellate Judge," Oklahoma City Student Chapter of the Federalist Society for Law and Public Policy, Oklahoma City, Oklahoma. I spoke about the differences between rules and standards. I have no notes,

transcript, or recording. The address of the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C., 20006.

March 7, 2018: Presenter, February Meeting, William J. Holloway, Jr. American Inn of Court, Oklahoma City, Oklahoma. Notes supplied.

March 6, 2018: Judge, High School Mock Trial Program, Oklahoma Bar Association, Oklahoma City, Oklahoma. I judged trial skills and provided brief remarks on oral advocacy to students. I have no notes, transcript, or recording. The address of the Oklahoma Bar Association is 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Representative press coverage supplied.

October 24, 2017: Judge, Mock Oral Arguments, Supreme Court Theory and Practice Course, University of Oklahoma College of Law, Norman, Oklahoma. I judged oral arguments and provided brief remarks on oral advocacy to students. I have no notes, transcript, or recording. The address of the University of Oklahoma College of Law is 300 West Timberdell Road, Norman, Oklahoma 73019.

October 19, 2017: Judge, Calvert Moot Court Competition, University of Oklahoma College of Law, Norman, Oklahoma. I judged oral arguments and provided brief remarks to competitors. I have no notes, transcript, or recording. The address of the University of Oklahoma College of Law is 300 West Timberdell Road, Norman, Oklahoma 73019. Article supplied.

August 2, 2017: Officiant, Investiture of Oklahoma County Special Judge Mark McCormick, Oklahoma County District Court, Oklahoma City, Oklahoma. I provided opening remarks and administered the oath of office. I have no notes, transcript, or recording. The address of the Oklahoma County District Court is 321 Park Avenue, Oklahoma City, Oklahoma 73102. Press coverage supplied.

June 7, 2017: Moderator, "Land, Wind, and Water," The Sovereignty Symposium, Inc., Oklahoma City, Oklahoma. Notes supplied.

May 22, 2017: Speaker, Luncheon, Kiwanis Club of Oklahoma City, Oklahoma City, Oklahoma. I gave remarks at the luncheon regarding my time as Solicitor General. I have no notes, transcript, or recording. The address of the Kiwanis Club of Oklahoma City is Post Office Box 1425, Oklahoma City, Oklahoma 73102.

May 18, 2017: Speaker, Luncheon, Oklahoma City Chapter of BYU Management Society, Oklahoma City, Oklahoma. Notes supplied.

April 21, 2017: Speaker, Investiture Ceremony, Oklahoma Supreme Court, Oklahoma City, Oklahoma. Notes supplied.



February 24, 2017: Presenter, “Clean Water Act Litigation – Waters of the United States,” Ninth Annual Oklahoma Water Law Conference, Oklahoma City, Oklahoma. PowerPoint presentation supplied.

October 6, 2016: Speaker, “What’s Next for the Clean Power Plan?” Webinar, Center for Progressive Reform and the Stanford University Hoover Institution. I spoke about the recent arguments before the D.C. Circuit in the Clean Power Plan litigation. I have no notes or transcript. Press coverage supplied. Recording available at [progressivereform.org/articles/webinar-10-16/lib/playback.html](http://progressivereform.org/articles/webinar-10-16/lib/playback.html).

September 16, 2016: Panelist, “Standing for States and Environmental Harms,” Environmental Law in the Administrative State, George Mason University Law School, Arlington, Virginia. Notes supplied. Recording available at <https://vimeo.com/183526443>.

July 26, 2016: Panelist, “Supreme Court Round Up (2015 – 2016),” Oklahoma City Lawyer’s Chapter of the Federalist Society for Law and Public Policy, Oklahoma City, Oklahoma. I spoke about the recently ended Supreme Court term. I have no notes, transcript, or recording. The address of the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C., 20006.

July 25, 2016: Panelist, “Supreme Court Round Up (2015 – 2016),” Tulsa Lawyer’s Chapter of the Federalist Society for Law and Public Policy, Tulsa, Oklahoma. I spoke about the recently ended Supreme Court term. I have no notes, transcript, or recording. The address of the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C., 20006.

June 4, 2016: Panelist, San Francisco Lawyers Chapter of The Federalist Society for Law and Public Policy, Napa, California. I participated in a panel discussion regarding state regulatory reform. I have no notes, transcript, or recording. The address of the Federalist Society for Law and Public Policy is 1776 I Street N.W., Suite 300, Washington, D.C., 20006.

April 28, 2016: Moderator, “Supreme Court Review: The Legacy of Justice Antonin Scalia, Implications of the Court Vacancy and What to Expect,” Rule of Law Defense Fund Senior Staff Retreat, Salt Lake City, Utah. Notes supplied.

April 13, 2016: Moderator, “Article V Convention of the States: A Conversation with former United States Senator Dr. Tom Coburn and Andy Oldham, Deputy General Counsel to Texas Governor Greg Abbott,” Oklahoma City Lawyers Chapter of the Federalist Society for Law and Public Policy, Oklahoma City, Oklahoma. I moderated a discussion on Article V Constitutional Conventions. I have no notes, transcript, or recording. The address of the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C., 20006.

January 23, 2016: Presenter, Counsels' Summit, The Federalist Society for Law and Public Policy, Miami, Florida. I gave remarks on Article V of the Constitution. I have no notes, transcript, or recording. The address for the Federalist Society of Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

November 15, 2015: Presenter, "Getting Our Houses in Order—A Blueprint for Reining in State Regulators," Republican Attorneys General Association Annual Meeting, Phoenix, Arizona. I spoke about the need for occupational licensing reform and the increased oversight of certain regulatory bodies needed to avoid antitrust liability. I have no notes, transcript, or recording. The address for the Republican Attorneys General Association is 1747 Pennsylvania Avenue, N.W., Suite 800, Washington, D.C. 20006.

October 13, 2015: Presenter, "The Death Penalty in America," Pepperdine Student Chapter of the Federalist Society for Law and Public Policy, Malibu, California. I have no notes, transcript, or recording. The address for the Federalist Society of Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

September 8, 2015: Presenter, University of Oklahoma College of Law, Norman, Oklahoma. I spoke to the college's Appellate Advocacy Honors Workshop about appellate advocacy. I have no notes, transcript, or recording. The address of the University of Oklahoma College of Law is 300 West Timberdell Road, Norman, Oklahoma 73019.

August 14, 2015: Presenter, Counsels' Summit, The Federalist Society for Law and Public Policy, Park City, Utah. I led a group discussion on administrative deference. I have no notes, transcript, or recording. The address for The Federalist Society of Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

August 11, 2015: Presenter, "Issue in Eighth Amendment Litigation," National District Attorneys' Association Training Conference, Oklahoma City, Oklahoma. I have no notes, transcript, or recording. The address for the National District Attorneys' Association is 1400 Crystal Dr, No. 330, Arlington, VA 22202.

June 23, 2015: Presenter, University of Oklahoma College of Law, Norman, Oklahoma. I spoke to first year students about appellate advocacy. I have no notes, transcript, or recording. The address of the University of Oklahoma College of Law is 300 West Timberdell Road, Norman, Oklahoma 73019.

May 21, 2015: Panelist, Rule of Law Defense Fund Senior Staff Retreat, Atlanta, Georgia. I participated in a panel discussion on significant federal court litigation. I have no notes, transcript, or recording. The address for the Rule of Law Defense

Fund is 1747 Pennsylvania Avenue, N.W., Suite 800, Washington, D.C. 20006.

May 12, 2015: Presenter, “Behind the Scenes, Arguing at the Supreme Court in 2015,” Appellate Practice Group of the Oklahoma Bar Association, Oklahoma City, Oklahoma. I spoke regarding my then-recent arguments before the United States Supreme Court in *Glossip v. Gross*. I have no notes, transcript, or recording. The address for the Oklahoma Bar Association is 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

May 5, 2015: Panelist, “Movie Night with the Justices: The Conspirator,” Oklahoma Bar Association, Oklahoma City, Oklahoma. I participated in a panel discussion regarding ethics as presented in the movie *The Conspirator*. I have no notes, transcript, or recording. The address for the Oklahoma Bar Association is 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

January 15, 2015: Panelist, Counsels’ Summit, The Federalist Society for Law and Public Policy, Phoenix, Arizona. I led a group discussion on significant federal court litigation. I have no notes, transcript, or recording. The address for the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

November 13, 2014: Panelist, “Without Standing, Are We All Sitting Ducks?,” National Lawyers Convention, The Federalist Society for Law and Public Policy, Washington, DC. A recording of the panel discussion is available at <https://www.youtube.com/watch?v=3-1bya0cGok&t=4454s>.

October 8, 2014: Presenter, Oklahoma City Student Chapter of the Federalist Society for Law and Public Policy, Oklahoma City, Oklahoma. I spoke generally about the work of the Attorney General’s office. I have no notes, transcript, or recording. The address of the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C., 20006.

July 24, 2014: Panelist, “Supreme Court Round Up (2013 – 2014),” Tulsa Lawyer’s Chapter of the Federalist Society for Law and Public Policy, Tulsa, Oklahoma. I spoke about the recently ended Supreme Court term. I have no notes, transcript, or recording. The address of the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C., 20006.

September 18, 2013: Presenter, “Dodd-Frank Update,” Bankruptcy Practice Group for the Oklahoma City Chapter of the Federal Bar Association, Oklahoma City, Oklahoma. I gave remarks on the impact of the Dodd-Frank Act on bankruptcy law. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

August 9, 2013: Speaker, Counsels’ Summit, The Federalist Society for Law and

Public Policy, Park City, Utah. I gave remarks on significant federalism litigation. I have no notes, transcript, or recording. The address for the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

July 22, 2013: Presenter, "Supreme Court Term in Review," Tulsa Lawyers Chapter of the Federalist Society for Law and Public Policy, Tulsa, Oklahoma. I have no notes, transcript, or recording. The address for the Federalist Society for Law and Public Policy is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006. Press coverage supplied.

May 24, 2012 (approximate): Speaker, Town Hall Meeting, Oklahoma Office of the Attorney General, Antlers, Oklahoma. I spoke at a town hall meeting regarding the lawsuit of *Chickasaw Nation & Choctaw Nation of Okla. v. Fallin*, No. 5:11-cv-00927-W (W.D. Okla.). I have no notes, transcript, or recording. The address of the Oklahoma Office of the Attorney General is 313 N.W. 23rd Street, Oklahoma City, Oklahoma 73105.

May 17, 2012: Speaker, Town Hall Meeting, Oklahoma Office of the Attorney General, Atoka, Oklahoma. I spoke at a town hall meeting regarding the lawsuit of *Chickasaw Nation & Choctaw Nation of Okla. v. Fallin*, No. 5:11-cv-00927-W (W.D. Okla.). I have no notes, transcript, or recording. The address of the Oklahoma Office of the Attorney General is 313 N.W. 23rd Street, Oklahoma City, Oklahoma 73105. Press coverage supplied.

April 2, 2012 (approximate): Panelist, "Religious Freedom in America: Constitutional Traditions and New Horizons," University of Oklahoma Institute for the American Constitutional Heritage, Norman, Oklahoma. I spoke about state constitutional issues related to religion generally. I have no notes, transcript, or recording. The address of the University of Oklahoma Institute for American Constitutional Heritage is 650 Parrington Oval, Carnegie Building, Room 210, University of Oklahoma, Norman, Oklahoma 73019. Press coverage supplied.

September 14, 2011 (approximate): Panelist, Forum, University of Oklahoma Institute for the American Constitutional Heritage, Norman, Oklahoma. I spoke concerning Oklahoma's lawsuit against the Affordable Care Act and related issues. I have no notes, transcript, or recording. The address of the University of Oklahoma Institute for American Constitutional Heritage is 650 Parrington Oval, Carnegie Building, Room 210, University of Oklahoma, Norman, Oklahoma 73019. Press coverage supplied.

I recall giving the commencement address at Atoka High School in Atoka, Oklahoma in 2011. I do not recall and have no record of the exact date. Nor do I have any notes, transcript, or recording.

- e. List all interviews you have given to newspapers, magazines or other

publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

*Spotlighting Public Service: Alumni Serve Their Home State*, Sooner Lawyer, Fall 2017 – Winter 2018. Copy Supplied.

*Governor Fallin Appoints Wyrick*, Atoka County Times, Feb. 15, 2017. Copy supplied.

Press Release, Mary Fallin, Governor, State of Oklahoma, Gov. Fallin Names Patrick Wyrick to Fill Vacancy on Oklahoma Supreme Court (Feb. 9, 2017). Copy supplied. Reprinted in multiple outlets.

*Court Ruling Could be a Setback for Obamacare, but the Fight Isn't Over*, KFOR-TV, Oklahoma City, Oklahoma (July 22, 2014). A recording is available at <http://kfor.com/2014/07/22/appeals-courts-offer-two-different-rulings-on-affordable-care-act/>

*Residents Seek Role in Water Fight*, Oklahoman, May 20, 2012. Copy supplied.

*Officials Expect Longer Stay in Dispute Over Water Rights*, Oklahoman, May 19, 2012. Copy supplied.

*Judge Hopes for Thrifty Solution to Suit over Tribal Water Rights*, Oklahoman, Nov. 4, 2011. Copy supplied. Reprinted in multiple outlets.

Alert, Associated Press, June 21, 2011. Copy supplied.

*Oklahoma Supreme Court Referee Hears Challenge to Fuel Tax Funds Transfer*, Journal Record Legislative Report, June 21, 2011. Copy supplied.

*Cancer Doesn't Curb Wyrick's Enthusiasm for Her Marathon Run*, Oklahoman, Apr. 30, 2006. Copy supplied.

*'Sloop': OU Word for Inspiration Ex-basketball Player's Fight with Cancer Stirs Coach Coale, Teammates*, Dallas Morning News, Dec. 29, 2005. Copy supplied.

[No Title], Norman Transcript, Dec. 27, 2005. Copy supplied.

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

I currently serve as a Justice of the Oklahoma Supreme Court. I was appointed to the Court by Governor Mary Fallin on February 9, 2017, after nomination by a bipartisan judicial

nominating commission. The Oklahoma Supreme Court's appellate jurisdiction is co-extensive with the State and extends to all civil cases at law and in equity. The Court also has original jurisdiction that includes a general superintendent control over all inferior courts and all agencies, commissions, and boards created by state law.

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 Oklahoma Supreme Court, I have not presided over any cases. As a justice on the Oklahoma Supreme Court I have participated in the disposition of approximately 100 matters that have resulted in a published opinion and several hundred more that were resolved by order sheet or special order (e.g., denials of petitions for certiorari, decisions to grant or deny remedial writs, decisions regarding motions, etc.).

i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	0%
civil proceedings:	100%*
criminal proceedings:	0%

*\*The Oklahoma Supreme Court is a court of exclusively civil jurisdiction. Litigants—typically pro se—sometimes erroneously file criminal matters with the court, which the court disposes of with either dismissal for lack of jurisdiction or transfer to the Oklahoma Court of Criminal Appeals. I have not included those erroneously-filed cases in calculating this percentage.*

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

*State ex rel. Oklahoma Bar Ass'n v. Helton*, 2017 OK 31, 394 P.3d 227, 242 (Okla. 2017) (Wyrick, J., dissenting).

*Andrew v. Depani-Sparkes*, 2017 OK 42, 396 P.3d 210, 225 (Okla. 2017) (Wyrick, J., concurring in judgment).

*Multiple Injury Trust Fund v. Garrett*, 2017 OK 62, 408 P.3d 169, 176 (Okla. 2017) (Wyrick, J., dissenting).

*Naifeh v. State ex rel. Oklahoma Tax Comm'n*, 2017 OK 63, 400 P.3d 759 (Okla. 2017).

*Okla. Auto. Dealers Assoc. v. State ex rel. Oklahoma Tax Comm'n*, 2017 OK 64, 401 P.3d 1152 (Okla. 2017).

*Multiple Injury Trust Fund v. Mackey*, 2017 OK 75, 406 P.3d 564, 567 (Okla. 2017) (Wyrick, J., dissenting).

*Multiple Injury Trust Fund v. Wiggins*, 2017 OK 76, 404 P.3d 35, 37 (Okla. 2017) (Wyrick, J., concurring in judgment).

*Fry v. State ex rel. Dep't of Corr.*, 2017 OK 77, 404 P.3d 38, 41 (Okla. 2017) (Wyrick, J., dissenting).

*Boyle ex rel. Estate of Cain v. ASAP Energy, Inc.*, 2017 OK 82, 408 P.3d 183, 199 (Okla. 2017) (Wyrick, J., dissenting).

*Richardson v. State ex rel. Oklahoma Tax Comm'n*, 2017 OK 85, 406 P.3d 571, 573 (Okla. 2017) (Wyrick, J., concurring in judgment).

*State Farm Mut. Auto. Ins. Co. v. Payne*, 2017 OK 95, 408 P.3d 204 (Okla. 2017).

*Hunsucker v. Fallin*, 2017 OK 100, 408 P.3d 599, 616 (Okla. 2017) (Wyrick, J., concurring in part and dissenting in part).

*Cates v. Integris Health, Inc.*, 2018 OK 9, 412 P.3d 98 (Okla. 2018).

*JP Energy Mktg., LLC v. Commerce & Indus. Ins. Co.*, 2018 OK 11, --- P.3d --- (Okla. 2018) (Wyrick, J., concurring in part and dissenting in part).

*Am. Honda Motor Co. v. Thygesen*, 2018 OK 14, --- P.3d --- (Okla. 2018).

*Okla. Indep. Petroleum Ass'n v. Potts*, 2018 OK 24, --- P.3d --- (Okla. 2018) (Wyrick, J., concurring specially).

*McDonald v. Thompson*, 2018 OK 25, 414 P.3d 367 (Okla. 2018) (Wyrick, J., concurring specially).

*Okla. Oil & Gas Ass'n v. Thompson*, 2018 OK 26, 414 P.3d 345 (Okla. 2018) (Wyrick, J., concurring specially).

*Keener v. Miller*, No. 116,779 (Okla. Apr. 10, 2018) (Wyrick, J., dissenting).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy

of the opinion or judgment (if not reported).

1. *Andrew v. Depani-Sparkes*, 2017 OK 42, 396 P.3d 210, 225 (Okla. 2017) (Wyrick, J., concurring in judgment).

Parents of a child sued a group of medical providers after the child was injured during birth. Parents sued the hospital, nurses, and doctor. The medical providers filed motions for summary judgment and *Daubert* motions seeking to exclude testimony from certain of the parents' experts. The district court granted the hospital's motion for summary judgment, and certified that judgment for appeal. The Court of Civil Appeals affirmed the district court. The parents subsequently sought certiorari, which was granted. The Oklahoma Supreme Court held that summary judgment should not have been granted, and that the district court erred in the manner in which it ruled on the *Daubert* motions. I concurred in the judgment and wrote separately to explain that, while I agreed that factual issues precluded summary judgment, the court erred in its analysis of the appealability of the order, and erred in faulting the district court's handling of the *Daubert* motions.

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2. *Multiple Injury Trust Fund v. Garrett*, 2017 OK 62, 408 P.3d 169, 176 (Okla. 2017) (Wyrick, J., dissenting).

Garrett sought permanent total disability benefits from the Multiple Injury Trust Fund, a fund that pays workers' compensation benefits to claimants whose combined injuries render them disabled. The Workers' Compensation Court of Existing Claims awarded benefits, but the Court of Civil Appeals reversed. The Court of Civil Appeals held that because no court had ever adjudicated Garrett as permanently disabled prior to his most recent injury—as was required by statute in order to collect against the Fund—Garrett was not a physically impaired person at the time of his subsequent on-the-job injury, and thus was ineligible to claim benefits from the Multiple Injury Trust Fund. The Oklahoma Supreme Court reversed, finding that a court-approved settlement between Garrett and his prior employer constituted the requisite “prior adjudication” of disability, despite the fact that the settlement left in dispute the issue of whether Garrett was actually permanently disabled. I dissented and would have affirmed the Court of Civil Appeals due to the lack of an actual adjudication of disability.

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3. *Naifeh v. State ex rel. Okla. Tax Comm'n*, 2017 OK 63, 400 P.3d 759 (Okla. 2017).

Various manufacturers, wholesalers, and consumers of cigarettes challenged a state Senate bill imposing a “smoking cessation fee” on cigarettes, alleging that it was a revenue bill enacted without the constitutionally mandated super-majority support and other procedural prerequisites. The parties agreed that the passage of the bill did not comply with the Constitution's requirements, so the

case turned on whether the bill was the kind of “revenue bill” to which those requirements applied. In an opinion I authored, the court unanimously concluded that the bill was indeed a revenue bill, and was thus enacted in violation of the Oklahoma Constitution.

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4. *Okla. Auto. Dealers Ass'n v. State ex rel. Okla. Tax Comm'n*, 2017 OK 64, 401 P.3d 1152 (Okla. 2017).

An association of automobile dealers, an automobile dealer, and a prospective consumer challenged House Bill 2433, which eliminated part of a longstanding sales-tax exemption on automobile sales, alleging that it was a revenue bill enacted without the constitutionally mandated super-majority support and other procedural prerequisites. The parties agreed that the passage of HB 2433 did not comply with the Constitution's requirements, so the case turned on whether HB 2433 was the kind of "revenue bill" to which those requirements applied. In a divided decision, the court, in an opinion I authored, concluded that HB 2433 "does not levy a tax in the strict sense" as our prior cases required, because it removes a tax exemption from an already levied tax rather than levying any new tax. As such, it was not a "revenue bill" subject to the Constitution's requirements relating to the passage of such bills.

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5. *Fry v. State ex rel. Dep't of Corr.*, 2017 OK 77, 404 P.3d 38, 41 (Okla. 2017) (Wyrick, J., dissenting).

Fry was a convicted sex offender, guilty of the aggravated sex offense of rape by instrumentation, an offense that under Oklahoma law obligated him to register as a sex offender for the remainder of his life. A district court reduced his registration requirement to 15 years, and then another district court allowed Fry to deregister altogether. The Department of Corrections appealed the deregistration order, arguing that Fry's status as an "aggravated sex offender"

required lifetime registration under the plain language of the controlling statute. The Oklahoma Supreme Court retained the appeal and affirmed the district court. I dissented because I concluded that the controlling statutes required all aggravated sex offenders to register for life and gave the courts no discretion to modify that registration requirement for this class of offender.

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6. *Boyle ex rel. Estate of Cain v. ASAP Energy, Inc.*, 2017 OK 82, 408 P.3d 183, 199 (Okla. 2017) (Wyrick, J., dissenting).

After a day of drinking, a man ran a stop sign late that night on the way home from a party, killing and injuring passengers in another car. The personal representative of the person killed and the surviving passenger sued the drunk driver and several entities that had sold the driver alcohol, including a convenience store that had sold him beer that evening. The district court granted summary judgment for the convenience store, finding that state law did not recognize a dram-shop cause of action against a convenience store that sells alcohol for off-premises consumption only. The Court of Civil Appeals affirmed, but the Supreme Court granted certiorari and reversed, recognizing for the first time a dram-shop cause of action against such a seller. I dissented and would not have extended dram-shop liability to sellers who only serve alcohol for consumption off premises.

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7. *State Farm Mut. Auto. Ins. Co. v. Payne*, 2017 OK 95, 408 P.3d 204 (Okla. 2017).

State Farm sued as subrogee of its insured for damages arising out of an automobile accident between the insured and Payne. The insured originally brought this action, but voluntarily dismissed it after the statute of limitations had run. The question presented by the case was whether a subrogee like State Farm may take advantage of Oklahoma's "savings statute," which gives "the plaintiff" up to one year from the date of a non-merits-based termination in which to refile an otherwise time-barred claim. In an opinion I authored, the court concluded that because a subrogee is "substantially the same, suing in the same right" as its insured for purposes of a subrogation claim, it should be entitled to the same treatment as its insured for purposes of the savings statute.

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8. *Hunsucker v. Fallin*, 2017 OK 100, 408 P.3d 599, 616 (Okla. 2017) (Wyrick, J., dissenting).

The Oklahoma Legislature passed a measure reforming various aspects of the State's impaired driving laws. Several DUI attorneys filed an original action claiming that the measure violated their procedural due process rights and the Oklahoma Constitution's "single subject" requirement. The court held that the DUI attorneys had standing to sue, and that the measure violated substantive due process and the single-subject requirement. I dissented because I concluded that the DUI attorneys lacked standing and that the measure was not unconstitutional.

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9. *Cates v. Integrus Health, Inc.*, 2018 OK 9, 412 P.3d 98 (Okla. 2018).

Cates was involved in a motor vehicle accident and was subsequently treated at a facility owned by Integrus Health, Inc. Cates alleged that, despite an agreement Integrus had with her health insurance PPO requiring Integrus to submit her medical bills to insurance for payment, Integrus failed to submit the bills to her insurer and instead filed a medical lien against her. Cates sued Integrus in state court. Integrus removed the action to federal court and moved to dismiss her claims due to complete preemption. The federal court found the claims were not completely preempted, denied the motion to dismiss, and remanded the case back to state court. Integrus then moved to dismiss the claims due to express preemption under section 514(a) of ERISA (codified at 29 U.S.C. § 1144(a)). The trial court granted the motion to dismiss, and Cates appealed. The court retained the appeal and initially reversed the trial court's ruling, finding that, under the law of the case, it had already been determined that the claims were not preempted. Integrus sought rehearing on the basis that their arguments concerned express preemption, which had not already been addressed in federal court, rather than complete preemption. In an opinion I authored, the court granted rehearing and again reversed the trial court's ruling, finding that the claims did not "relate to" an ERISA plan, were not expressly preempted, and could proceed in state court.

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10. *Okla. Indep. Petroleum Ass'n v. Potts*, 2018 OK 24, --- P.3d --- (Okla. 2018) (Wyrick, J., concurring specially).

Several Oklahoma citizens (Proponents) filed Initiative Petition No. 416 with the Secretary of State in order to begin collecting enough signatures from other citizen electors to put the initiative on a state ballot at the next general election. Initiative Petition No. 416 proposed an additional 5% tax on the gross production of oil and gas for newer wells that had previously received a tax break from the Legislature, all of which would be applied toward a \$4,000 pay raise for teachers and other certified personnel. The Oklahoma Independent Petroleum Association and others (Protestants) filed pre-enactment challenges against the initiative petition, claiming it created a retroactive tax in violation of due process of law, that it violated the One-General-Subject rule set forth in the Oklahoma Constitution, and that the statement of the gist included on each signature page was misleading and otherwise legally insufficient. The Oklahoma Supreme Court upheld the validity of the initiative petition and its statement of the gist. I concurred specially and wrote separately to explain that the Oklahoma Constitution did not empower the court to review the constitutionality of an initiative petition prior to its enactment and that the Court should not impose standards for an initiative petition's statement of the gist when neither the Constitution nor any statute imposed such standards.

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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. *Andrew v. Depani-Sparkes*, 2017 OK 42, 396 P.3d 210, 225 (Okla. 2017) (Wyrick, J., concurring in judgment).

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2. *Multiple Injury Trust Fund v. Garrett*, 2017 OK 62, 408 P.3d 169, 176 (Okla. 2017) (Wyrick, J., dissenting).

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3. *Naifeh v. State ex rel. Okla. Tax Comm'n*, 2017 OK 63, 400 P.3d 759 (Okla. 2017).

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4. *Okla. Auto. Dealers Ass'n v. State ex rel. Okla. Tax Comm'n*, 2017 OK 64, 401 P.3d 1152 (Okla. 2017).

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5. *Fry v. State ex rel. Dep't of Corr.*, 2017 OK 77, 404 P.3d 38, 41 (Okla. 2017) (Wyrick, J., dissenting).

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6. *Boyle ex rel. Estate of Cain v. ASAP Energy, Inc.*, 2017 OK 82, 408 P.3d 183, 199 (Okla. 2017) (Wyrick, J., dissenting).

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7. *State Farm Mut. Auto. Ins. Co. v. Payne*, 2017 OK 95, 408 P.3d 204 (Okla. 2017).

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8. *Hunsucker v. Fallin*, 2017 OK 100, 408 P.3d 599, 616 (Okla. 2017) (Wyrick, J., dissenting).

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9. *Cates v. Integrus Health, Inc.*, 2018 OK 9, 412 P.3d 98 (Okla. 2018).

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10. *Okla. Indep. Petroleum Ass'n v. Potts*, 2018 OK 24, --- P.3d --- (Okla. 2018)  
(Wyrick, J., concurring specially).

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

Certiorari was requested and granted in the following case in which I participated:

*Galier v. Murco Wall Products, Inc.*, No. 114,175 (Okla. June 19, 2017), *cert. granted, judgment vacated, and case remanded*, 138 S. Ct. 982 (2018).

Certiorari was requested and denied in the following case in which I participated:

*Apache Corp. v. Mothershed*, No. 115,367 (Okla. Sept. 25, 2017), *cert. denied*, 138 S. Ct. 675 (2018).

Certiorari has been requested in the following case in which I participated, and is still pending:

*Clements v. Sw. Bell Tel. Co.*, 2017 OK 107, --- P.3d ---, *cert. sought*, No. 17-1331.

- 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.

I am aware of no such decisions.

- 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 Oklahoma Supreme Court does not issue unpublished opinions. Many matters, such as petitions for certiorari or requests for extraordinary writs to lower courts, are resolved by order sheet or by special orders voted on by the court but signed by the Chief Justice. A Justice can, however, write separately in such a matter, in

which case the Justice's separate writing would be unpublished. To my recollection, I have authored only two such separate writings, very short dissents from special orders in the cases of *State ex rel. Oklahoma Bar Association v. Stillwell*, No. SCBD-6565 (Okla. Dec. 18, 2017), and *Keener v. Miller*, No. 116,779 (Okla. Apr. 10, 2018). Those writings are filed with the Clerk of the Oklahoma Supreme Court.

- 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.

*Naifeh v. State ex rel. Okla. Tax Comm'n*, 2017 OK 63, 400 P.3d 759 (Okla. 2017).

*Okla. Auto. Dealers Ass'n v. State ex rel. Okla. Tax Comm'n*, 2017 OK 64, 401 P.3d 1152 (Okla. 2017).

*Fry v. State ex rel. Dep't of Corr.*, 2017 OK 77, 404 P.3d 38, 41 (Okla. 2017) (Wyrick, J., dissenting).

*Richardson v. State ex rel. Okla. Tax Comm'n*, 2017 OK 85, 406 P.3d 571, 573 (Okla. 2017) (Wyrick, J., concurring in judgment).

*Hunsucker v. Fallin*, 2017 OK 100, 408 P.3d 599, 616 (Okla. 2017) (Wyrick, J., dissenting).

*Okla. Indep. Petroleum Ass'n v. Potts*, 2018 OK 24, --- P.3d --- (Okla. 2018) (Wyrick, J., concurring specially).

- 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 never 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.**

It has been my practice to recuse from cases in which I was personally involved as an attorney, or in which I otherwise had a potential conflict. Because I came to the Oklahoma Supreme Court from the Oklahoma Attorney General's Office, where I litigated many matters before the court, I have been particularly cognizant of the possibility of matters coming before the court that were active while I was still litigating. To identify such matters, my chambers looks at each case that comes before me to determine whether I have or the Attorney General's Office has been involved at any stage, so that I can then evaluate whether recusal is necessary. I do not keep records of my recusals. To my recollection, and based on searches of publicly available databases conducted by myself and others on my behalf, I have recused myself or a request for recusal was made in the following cases:

*Beason v. I.E. Miller Servs., Inc.*, No. 114,301 (Okla. March 8, 2017): I recused myself from the case after the parties requested my recusal due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Murray v. Murray*, No. 115,161 (Okla. March 22, 2017): I declined to recuse myself from the case after a pro se party filed a motion seeking my recusal on unclear grounds. After considering the motion, I concluded that no reasonable person would think that I would be unable to be impartial or unbiased in the case.

*Ctr. for Media & Democracy v. Hunter*, No. 115,796 (Okla. March 22, 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Paul v. Hunter*, 2017 OK 25, 393 P.3d 202 (Okla. 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Sequoyah Fuels Corp. v. Payton*, No. 115,781 (Okla. Apr. 3, 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Citizen Potawatomi Nation v. Okla. Tax Comm'n*, No. 115,851 (Okla. Apr. 18, 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Burton v. State ex rel. Office of Mgmt. & Enter. Servs.*, No. 116,009 (Okla. May 5, 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Farmacy, LLC v. Kirkpatrick*, 2017 OK 37, 394 P.3d 1256 (Okla. 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Beach v. Okla. Dep't of Pub. Safety*, 2017 OK 40, 398 P.3d 1 (Okla. 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Young v. Station 27, Inc.*, 2017 OK 68, 404 P.3d 829 (Okla. 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Gibby v. Hobby Lobby Stores Inc.*, 2017 OK 78, 404 P.3d 44 (Okla. 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*John v. Saint Francis Hosp., Inc.*, 2017 OK 81, 405 P.3d 681 (Okla. 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*In re Petition of Univ. Hosps. Auth.*, 2017 OK 108, 410 P.3d 1014 (Okla. 2017): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Okla. Farm Bureau Legal Found. v. Okla. Water Res. Bd.*, No. 114,379 (Okla. Jan. 19, 2018): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Strickland v. Stephens Prod. Co.*, 2018 OK 6, 411 P.3d 369 (Okla. 2018): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*Hill v. Am. Med. Response & Indem. Ins. Co. of N. Am.*, No. 115,558 (Okla. Jan. 31, 2018): I recused myself from the case sua sponte due to the Office of the Attorney General's involvement in the case while I was serving as Solicitor General.

*In re Appl. of Okla. Gas & Elec. Co. for Comm'n Approval of the Co.'s Plan to Install Dry Scrubbers at the Sooner Generating Facility: Sierra Club, Inc. v. Corp. Comm'n*, Nos. 115,029 and 115,030 (Okla. Apr. 4, 2018): I recused myself from the case sua sponte due to my involvement in a related case while I was serving as

Solicitor General, *Oklahoma v. EPA*, 723 F.3d 1201 (10th Cir. 2013), *cert. denied*, 134 S. Ct. 2662 (2014).

In addition to the above, I am shown as “not present and not participating” in *Spencer v. Wyrick*, 2017 OK 19, 392 P.3d 290 (Okla. 2017), a case challenging my eligibility to serve on the Oklahoma Supreme Court.

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

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

I have never held or sought elected office.

I served as Solicitor General of Oklahoma from 2011 to 2017. I was appointed by the Attorney General of Oklahoma, E. Scott Pruitt.

- 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.**

In 2004, I served in a volunteer capacity as Organizational Director for Tom Coburn’s initial campaign for the United States Senate. In that role, I was responsible for organizing the grassroots of the campaign.

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

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

I served as law clerk for the Honorable James H. Payne, United States District Court Judge for the Eastern, Northern, and Western Districts of Oklahoma from September 2007 to September 2008.

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

I have never practiced law alone.

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

2008 – 2011

GableGotwals

211 North Robinson Avenue, Suite 1500

Oklahoma City, Oklahoma 73102

Associate Attorney

2011 – 2017

Oklahoma Office of the Attorney General

313 Northeast 21st Street

Oklahoma City, Oklahoma 73105

Solicitor General

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

I have not served as a mediator or arbitrator.

b. Describe:

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

After I completed my clerkship, I began practicing law as a litigator at the law firm of GableGotwals. I practiced there from 2008 to 2011. My practice included a wide variety of commercial and complex class litigation, including contract disputes, employment disputes, oil-and-gas matters, foreclosures, bankruptcies, environmental litigation, and water-rights disputes. During my time in private practice, I participated in every phase of civil litigation, including initial complaints, discovery, depositions, motions, trial, and appeal. I represented both plaintiffs and defendants, individuals and business entities.

In 2011, I was appointed Solicitor General of Oklahoma, a position I held from 2011 to 2017. As the chief appellate lawyer for the State of Oklahoma, I supervised appellate and significant trial court litigation on behalf of the Oklahoma Office of the Attorney General. I directly handled those trial court matters and appeals determined to be most significant to Oklahoma and to the development of federal and state jurisprudence. I regularly appeared in federal and state courts on matters implicating the state's most critical interests, litigating cases in the Oklahoma Supreme Court, federal

district and appellate courts, and Supreme Court of the United States, among others. In addition, I authored amicus curiae briefs for submission to the Supreme Court of the United States and other courts across the nation. I also served as a legal advisor to the executive branch on complex constitutional and other legal matters.

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

While in private practice at GableGotwals, the firm's clients were corporations and other business entities, individuals, and municipalities. My areas of concentration included civil trial litigation, appellate litigation, and administrative law. My practice primarily involved litigation, but also included counseling clients.

As Solicitor General, my client was the State of Oklahoma, including its various agencies and officials. I did not have a specific area of concentration, but the bulk of my cases involved state and federal constitutional, statutory, and administrative law issues.

- 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 at GableGotwals, approximately 90% of my practice was in litigation. I appeared in court, handling many smaller matters myself, while working as second chair to the firm's partners in other more complex matters.

As Solicitor General of Oklahoma, 90% of my practice was in litigation. I appeared in court frequently, as the lead attorney on many of the State of Oklahoma's significant matters.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 30%
- 2. state courts of record: 65%
- 3. other courts: 0%
- 4. administrative agencies: 5%

- ii. Indicate the percentage of your practice in:

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

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

I litigated many cases to judgment in state and federal courts, but due to the nature of my practice, the overwhelming majority of those cases involved only questions of law and were thus resolved on motions for summary judgment. While in private practice, I tried one case to verdict, in a week-long bench trial of a dispute arising out of the environmental remediation of an oil-and-gas facility in northwest Oklahoma. I tried the case as co-counsel together with a partner at my law firm. I have also litigated non-jury proceedings involving evidentiary hearings, such as requests for injunctive relief.

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 litigated two merits cases to judgment, the first as second chair, the second as counsel of record:

*Tarrant Reg'l Water Dist. v. Hermann*, 569 U.S. 614 (2013) (No. 11-889) (supp. br. in opp'n filed Dec. 11, 2012, 2012 WL 6184845; merits br. filed Mar. 21, 2013, 2013 WL 1618026)

*Glossip v. Gross*, 135 S. Ct. 2726 (2015) (No. 14-7955) (merits br. filed Apr. 8, 2015, 2015 WL 1619433)

I also litigated the following original action:

*Nebraska & Oklahoma v. Colorado*, 136 S. Ct. 1034 (2016) (No. 22O144) (mot. to file compl. filed Dec. 18, 2014, 2014 WL 7474136; supp. br. filed Jan. 5, 2016, 2016 WL 74964)

I have been counsel of record for *amici curiae* in five additional merits cases:

*Dep't of Health & Human Servs. v. Florida*, No. 11-398 (amicus filed Feb. 9, 2012, 2012 WL 454629), consolidated with *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. 519 (2012)

*Michigan v. Bay Mills Indian Cmty.*, 134 S. Ct. 2024 (2014) (No. 12-515) (amicus filed Sept. 6, 2013, 2013 WL 4829342)

*Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014) (No. 13-354) (amicus filed Jan. 28, 2014, 2014 WL 356643)

*King v. Burwell*, 135 S. Ct. 2480 (2015) (No. 14-114) (cert. amicus filed Sept. 3, 2014, 2014 WL 4370697; merits amicus filed Dec. 29, 2014, 2014 WL 7463546)

*Dollar General Corp. v. Miss. Band of Choctaw Indians*, 136 S. Ct. 2159 (2016) (No. 13-1496) (amicus filed Sept. 4, 2015, 2015 WL 5261540)

I have also filed briefs as counsel of record for parties or *amicus curiae* in ten cases at the certiorari stage in the Supreme Court:

*Cline v. Okla. Coal. for Reproductive Justice*, No. 12-1094 (cert. pet. filed Mar. 4, 2013, 2013 WL 873252; cert. reply filed June 3, 2013, 2013 WL 2428978)

*Grocery Mfrs. Ass'n. v. EPA*, No. 12-1055 (amicus filed Mar. 29, 2013, 2013 WL 1329310)

*Judd v. Libertarian Party of Va.*, No. 13-231 (amicus filed Sept. 19, 2013, 2013 WL 5316714)

*Oklahoma v. EPA*, No. 13-921 (cert. pet. filed Jan. 29, 2014, 2014 WL 411561; cert. reply filed May 5, 2014, 2014 WL 1821500)

*Humble v. Planned Parenthood Ariz., Inc.*, No. 14-284 (amicus filed Oct. 10, 2014, 2014 WL 5281106)

*Oklahoma v. Hobia*, No. 14-1177 (cert. pet. filed Mar. 23, 2015, 2015 WL 1346456; cert. reply filed July 24, 2015, 2015 WL 4550355)

*Doyle v. Taxpayers for Pub. Educ.*, Nos. 15-556, 15-557, 15-558 (amicus filed Nov. 30, 2015, 2015 WL 7774507)

*Cressman v. Thompson*, No 15-709 (br. in opp'n filed Feb. 4, 2016, 2016 WL 463418)

*Mardis v. Oklahoma*, No. 15-9256 (br. in opp'n filed Sept. 12, 2016)

*Cripps v. Oklahoma*, No. 16-423 (br. in opp'n filed Dec. 22, 2016, 2016 WL 7451279)

I have been supporting counsel (not counsel of record) in an additional seven matters before the Supreme Court, for both parties and *amici*, and at both the certiorari and merits stages:

*Standard Fire Ins. Co. v. Knowles*, 568 U.S. 588 (2013) (No. 11-1450) (amicus filed Oct. 29, 2012, 2012 WL 5388767)

*Michigan v. EPA*, 135 S. Ct. 2699 (2015) (No. 14-46) (cert. pet. filed July 14, 2014, 2014 WL 6871271; cert. reply filed Oct. 29, 2014, 2014 WL 5489474; merits br. filed Jan. 20, 2015, 2015 WL 309090; merits reply filed Mar. 17, 2015, 2015 WL 1247183)

*Fed. Energy Regulatory Comm'n v. Elec. Power Supply Ass'n*, 136 S. Ct. 760 (2016) (Nos. 14-840, 14-841) (merits amicus filed Sept. 8, 2015, 2015 WL 5302543)

*Oklahoma v. Wolf*, No. 12-1035 (cert. pet. filed Feb. 20, 2013, 2013 WL 683382; cert. reply filed May 17, 2013, 2013 WL 2244320)

*Pruitt v. Nova Health Sys.*, No. 12-1170 (cert. pet. filed Mar. 22, 2013, 2013 WL 1225690)

*Oklahoma ex rel. Pruitt v. Burwell*, No. 14-586 (cert. pet. before judgment filed Nov. 18, 2014, 2014 WL 6563247)

*Michigan v. EPA*, No. 15-1152 (cert. pet. filed Mar. 14, 2016, 2016 WL 1043192; cert. reply filed May 23, 2016, 2016 U.S. S. Ct. Briefs LEXIS 2087)

I have supplied Westlaw citations for all briefs on which I appeared in the merits cases listed above, along with a transcript of my oral argument in the *Glossip* case. I have also supplied electronic database citations from Westlaw for the briefs on which I appeared in the certiorari-stage cases listed above, with the exception of the Brief in Opposition to certiorari filed in *Mardis v. Oklahoma*, No. 15-9256, which was not available on Westlaw. I have provided a copy.

The Office of the Attorney General for the State of Oklahoma filed or joined briefs in the following cases in which I did not appear as counsel:

*Davenport v. Am. Atheists, Inc.*, No. 10-1297 (cert. amicus filed May 23, 2011, 2011 WL 2066580)

*Douglas v. Indep. Living Ctr. of S. Cal., Inc.*, 565 U.S. 606 (2012) (Nos. 09-958, 09-1158, 10-283) (merits amicus filed May 26, 2011, 2011 WL 2159623)

*Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171 (2012) (No. 10-553) (merits amicus filed June 20, 2011, 2011 WL 2470849)

*Maples v. Thomas*, 565 U.S. 266 (2012) (No. 10-63) (merits amicus filed July 7, 2011, 2011 WL 2689000)

*Florence v. Bd. of Chosen Freeholders of the Cty. of Burlington*, 566 U.S. 318 (2012) (No. 10-945) (merits amicus filed Aug. 26, 2011, 2011 WL 3808411)



*Arizona v. United States*, 567 U.S. 387 (2012) (No. 11-182) (cert. amicus filed Sept. 12, 2011, 2011 WL 4073071; merits amicus filed Feb. 13, 2012, 2012 WL 523350)

*Martel v. Clair*, 565 U.S. 648 (2012) (No. 10-1265) (merits amicus filed Sept. 16, 2011, 2011 WL 4400330)

*Perry v. New Hampshire*, 565 U.S. 228 (2012) (No. 10-8974) (merits amicus filed Sept. 23, 2011, 2011 WL 4479077)

*Reichle v. Howards*, 566 U.S. 658 (2012) (No. 11-262) (cert. amicus filed Sept. 29, 2011, 2011 WL 4594302)

*Nat'l Meat Ass'n v. Harris*, 565 U.S. 452 (2012) (No. 10-224) (merits amicus filed Oct. 11, 2011, 2011 WL 4872037)

*Decker v. Nw. Env'tl. Defense Ctr.*, 568 U.S. 597 (2013) (Nos. 11-338, 11-347) (cert. amicus filed Oct. 14, 2011, 2011 WL 4941018; merits amicus filed Sept. 4, 2012, 2012 WL 3875150)

*Williams v. Illinois*, 567 U.S. 50 (2012) (No. 10-8505) (merits amicus filed Oct. 26, 2011, 2011 WL 5125055)

*Forsyth County, North Carolina v. Joyner*, No. 11-546 (cert. amicus filed Nov. 18, 2011, 2011 WL 5856217)

*Filarsky v. Delia*, 566 U.S. 377 (2012) (No. 10-1018) (merits amicus filed Nov. 21, 2011, 2011 WL 5908945)

*Coleman v. Md. Court of Appeals*, 566 U.S. 30 (2012) (No. 10-1016) (merits amicus filed Dec. 5, 2011, 2011 WL 6094903)

*United States v. Alvarez*, 567 U.S. 709 (2012) (No. 11-210) (merits amicus filed Dec. 8, 2011, 2011 WL 6179420)

*Blueford v. Arkansas*, 566 U.S. 599 (2012) (No. 10-1320) (merits amicus filed Jan. 10, 2012, 2012 WL 105561)

*King v. Kan. Judicial Watch*, No. 11-829 (cert. amicus filed Jan. 30, 2012, 2012 WL 313319)

*Miller v. Alabama*, 567 U.S. 460 (2012) (Nos. 10-9646, 10-9647) (merits amicus filed Feb. 21, 2012, 2012 WL 605831)

*City of Hugo, Oklahoma v. Buchanan*, No. 11-852 (br. in opp'n filed Feb. 9, 2012, 2012 WL 457668)

*Ryan v. Gonzales*, 568 U.S. 57 (2013) (Nos. 10-930, 11-218) (cert. amicus filed Feb. 21, 2011, 2011 WL 663191; merits amicus filed June 1, 2012, 2012 WL 2056313)

*Micci v. Aleman*, No. 11-1062 (cert. amicus filed Feb. 24, 2012, 2012 WL 1096032)

*Mount Soledad Mem'l Ass'n v. Trunk*, No. 11-998 (cert. amicus filed Mar. 14, 2012, 2012 WL 911383)

*Johnson v. Williams*, 568 U.S. 289 (2013) (No. 11-465) (merits amicus filed April 4, 2012, 2012 WL 4042778)

*Florida v. Harris*, 568 U.S. 237 (2013) (No. 11-817) (merits amicus filed June 29, 2012, 2012 WL 2586928)

*Bipartisan Legal Advisory Grp. of the U.S. House of Representatives v. Gill*, No. 12-13 (cert. amicus filed Aug. 2, 2012, 2012 WL 3158879)

*Brewer v. Diaz*, No. 12-23 (cert. amicus filed Aug. 6, 2012, 2012 WL 3229406)

*McQuiggin v. Perkins*, 569 U.S. 383 (2013) (No. 12-126) (cert. amicus filed Aug. 27, 2012, 2012 WL 3756880; merits amicus filed Dec. 20, 2012, 2012 WL 6755125)

*Hollingsworth v. Perry*, 570 U.S. 693 (2013) (No. 12-144) (merits amicus filed Aug. 31, 2012, 2012 WL 3864338)

*Chaidez v. United States*, 568 U.S. 342 (2013) (No. 11-820) (merits amicus filed Sept. 21, 2012, 2012 WL 4338846)

*Bailey v. United States*, 568 U.S. 186 (2013) (No. 11-770) (merits amicus filed Sept. 27, 2012, 2012 WL 4503270)

*Missouri v. McNeely*, 569 U.S. 141 (2013) (No. 11-1425) (merits amicus filed Nov. 16, 2012, 2012 WL 5872815)

*Brown v. Henley*, No. 12-532 (cert. amicus filed Nov. 21, 2012, 2012 WL 5928327)

*Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013) (No. 12-71) (merits amicus filed Dec. 14, 2012, 2012 WL 6694060)

*Maryland v. King*, 569 U.S. 435 (2013) (No. 12-207) (merits amicus filed Jan. 2, 2013, 2013 WL 98697)

*Schuette v. Coal. to Defend Affirmative Action, Integration & Immigrant Rights & Fight for Equality by Any Means Necessary*, 134 S. Ct. 1623 (2014) (No. 12-682) (cert. amicus filed Jan. 3, 2013, 2013 WL 75279; merits amicus filed July 1, 2013, 2013 WL 3362087)

*Town of Greece, New York v. Galloway*, 134 S. Ct. 1811 (2014) (No. 12-696) (cert. amicus filed Jan. 7, 2013, 2013 WL 137197; merits amicus filed Aug. 2, 2013, 2013 WL 4072518)

*Elmbrook Sch. Dist. v. Doe*, No. 12-755 (cert. amicus filed Jan. 22, 2013, 2013 WL 314467)

*United States v. Windsor ex rel. Estate of Spyer*, 570 U.S. 744 (2013) (No. 12-307) (merits amicus filed Jan. 29, 2013, 2013 WL 390993)

*Kachalsky v. Cacace*, No. 12-845 (cert. amicus filed Feb. 11, 2013, 2013 WL 543314)

*Alabama v. United States*, No. 12-884 (cert. amicus filed Feb. 19, 2013, 2013 WL 683386)

*Salinas v. Texas*, 570 U.S. 178 (2013) (No. 12-246) (merits amicus filed Mar. 29, 2013, 2013 WL 1326958)

*Texas v. EPA*, No. 12-1269 (cert. pet. filed Apr. 19, 2013; cert. reply filed Sept. 13, 2013, 2013 WL 5203630; merits br. filed Dec. 9, 2013, 2013 WL 6492283; merits reply filed Feb. 14, 2014, 2014 WL 632085), *consolidated with Util. Air Regulatory Grp. v. EPA*, 134 S. Ct. 2427 (2014)

*Kansas v. Cheever*, 571 U.S. 87 (2013) (No. 12-609) (merits amicus filed May 20, 2013, 2013 WL 2251700)

*EPA v. EME Homer City Generation, L.P.*, 134 S. Ct. 1584 (2014) (Nos. 12-1182, 12-1183) (br. in opp'n filed May 29, 2013, 2013 WL 2366255; merits br. filed Oct. 31, 2013, 2013 WL 5883309)

*Burt v. Titlow*, 571 U.S. 12 (2013) (No. 12-414) (merits amicus filed June 17, 2013, 2013 WL 3588323)

*Luminant Generation Co. v. EPA*, No. 12-1484 (cert. amicus filed July 24, 2013, 2013 WL 3856375)

*Mississippi ex rel. Hood v. AU Optronics Corp.*, 571 U.S. 161 (2014) (No. 12-1036) (merits amicus filed July 29, 2013, 2013 WL 3935881)

*McCullen v. Coakley*, 134 S. Ct. 2518 (2014) (No. 12-1168) (merits amicus filed Sept. 16, 2013, 2013 WL 5274830)

*Horne v. Isaacson*, No. 13-402 (cert. amicus filed Oct. 29, 2013, 2013 WL 5837683)

*Paroline v. Unknown*, 134 S. Ct. 1710 (2014) (No. 12-8561) (merits amicus filed Nov. 20, 2013, 2013 WL 6354825)

*NLRB v. Noel Canning*, 134 S. Ct. 2550 (2014) (No. 12-1281) (merits amicus filed Nov. 25, 2013, 2013 WL 6213259)

*Abramski v. United States*, 134 S. Ct. 2259 (2014) (No. 12-1493) (merits amicus filed Dec. 3, 2013, 2013 WL 6354823)

*Alaska v. Jewell*, No. 13-562 (cert. amicus filed Dec. 6, 2013, 2013 WL 6493517)

*Mingo Logan Coal Co. v. EPA*, No. 13-599 (cert. amicus filed Dec. 16, 2013, 2013 WL 6678603)

*Navarette v. California*, 134 S. Ct. 1683 (2014) (No. 12-9490) (merits amicus filed Dec. 23, 2013, 2013 WL 6843525)

*Plumhoff v. Rickard*, 134 S. Ct. 2012 (2014) (No. 12-1117) (merits amicus filed Jan. 6, 2014, 2014 WL 69402)

*Hall v. Florida*, 134 S. Ct. 1986 (2014) (No. 12-10882) (merits amicus filed Feb. 3, 2014, 2014 WL 466845)

*Scott v. Am. Fed'n of State, Cty. & Mun. Emps. Council 79*, No. 13-841 (cert. amicus filed Feb. 14, 2014, 2014 WL 645432)

*Smith v. Oklahoma*, No. 13-8706 (br. in opp'n filed Mar. 20, 2014)

*Mount Soledad Mem'l Ass'n v. Trunk*, No. 13-1061 (cert. amicus filed Apr. 7, 2014, 2014 WL 1381344)

*Holt v. Hobbs*, 135 S. Ct. 853 (2015) (No. 13-6827) (merits amicus filed July 30, 2014, 2014 WL 3767420)

*Armstrong v. Exceptional Child Ctr., Inc.*, 135 S. Ct. 1378 (2015) (No. 14-15) (cert. amicus filed Aug. 6, 2014, 2014 WL 3867716; merits amicus filed Nov. 24, 2014, 2014 WL 6679371)

*Smith v. Bishop*, No. 14-136 (cert. amicus filed Sept. 4, 2014, 2014 WL 4404776)

*Herbert v. Kitchen*, No. 14-124 (cert. amicus filed Sept. 4, 2014, 2014 WL 4404772)

*Ohio v. Clark*, 135 S. Ct. 2173 (2015) (No. 13-1352) (merits amicus filed Nov. 24, 2014, 2014 WL 6845687)

*Jackson v. City & County of San Francisco*, No. 14-704 (cert. amicus filed Jan. 7, 2015, 2015 WL 138123)

*Aurora Energy Servs., LLC v. Alaska Cmty. Action on Toxics*, No. 14-1060 (cert. amicus filed Apr. 2, 2015, 2015 WL 1501921)

*Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) (No. 14-556) (merits amicus filed Apr. 2, 2015, 2015 WL 1608213)

*Nevada v. Superior Court of Cal., S.F. Cty.*, No. 14-1073 (cert. amicus filed Apr. 6, 2015, 2015 WL 1619414)

*Franchise Tax Bd. of Cal. v. Hyatt*, 136 S. Ct. 1277 (2016) (No. 14-1175) (cert. amicus filed Apr. 24, 2015, 2015 WL 1939076; merits amicus filed Sept. 10, 2015, 2015 WL 5345832)

*E. Tex. Baptist Univ. v. Burwell*, No. 15-35 (cert. amicus filed Aug. 10, 2015, 2015 WL 4736851), consolidated with *Zubik v. Burwell*, 136 S. Ct. 1557 (2016)

*Little Sisters of the Poor Home for the Aged v. Burwell*, No. 15-105 (cert. amicus filed Aug. 24, 2015, 2015 WL 5029191), consolidated with *Zubik v. Burwell*, 136 S. Ct. 1557 (2016)

*Friedman v. City of Highland Park, Illinois*, No. 15-133 (cert. amicus filed Aug. 28, 2015, 2015 WL 5139322)

*Friedrichs v. Cal. Teachers Ass'n*, 136 S. Ct. 1083 (2016) (No. 14-915) (merits amicus filed Sept. 11, 2015, 2015 WL 5440190)

*Bruce v. Samuels*, 136 U.S. 627 (2016) (No. 14-844) (merits amicus filed Sept. 29, 2015, 2015 WL 5817967)

*Ross v. Blake*, 136 S. Ct. 1850 (2016) (No. 15-339) (cert. amicus filed Oct. 19, 2015, 2015 WL 6467829; merits amicus filed Feb. 5, 2016, 2016 WL 520080)

*Trinity Lutheran Church of Columbia, Inc. v. Pauley*, 137 S. Ct. 2012 (2017) (No. 15-577) (cert. amicus filed Dec. 7, 2015, 2015 WL 8478882; merits amicus filed Apr. 21, 2016, 2016 WL 1639720)

*Am. Farm Bureau Fed'n v. EPA*, No. 15-599 (cert. amicus filed Dec. 9, 2015, 2015 WL 8758154)

*Utah v. Strieff*, 136 S. Ct. 2056 (2016) (No. 14-1373) (merits amicus filed Dec. 11, 2015, 2015 WL 8755007)

*Home Care Ass'n of Am. v. Weil*, No. 15-683 (cert. amicus filed Dec. 23, 2015, 2015 WL 9488475)

*United States v. Texas*, 136 S. Ct. 2271 (2016) (No. 15-674) (br. in opp'n filed Dec. 29, 2015, 2015 WL 9592291; merits br. filed Mar. 28, 2016, 2016 WL 1213267)

*McWane, Inc. v. FTC*, No. 15-706 (cert. amicus filed Dec. 30, 2015, 2015 WL 9612217)

*Zubik v. Burwell*, 136 S. Ct. 1557 (2016) (No. 14-1418) (merits amicus filed Jan. 11, 2016, 2016 WL 183792)

*Sheriff v. Gillie*, 136 S. Ct. 1594 (2016) (No. 15-338) (merits amicus filed Feb. 1, 2016, 2016 WL 424706)

*Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016) (No. 15-274) (merits amicus filed Feb. 3, 2016, 2016 WL 491473)

*Stormans, Inc. v. Wiesman*, No. 15-862 (cert. amicus filed Feb. 5, 2016, 2016 WL 520089)

*U.S. Army Corps of Eng'rs v. Hawkes Co.*, 136 S. Ct. 1807 (2016) (No. 15-290) (merits amicus filed Mar. 2, 2016, 2016 WL 860553)

*Bldg. Indus. Ass'n of the Bay Area v. Dep't of Commerce*, No. 15-1350 (cert. amicus filed June 2, 2016, 2016 WL 3136680)

*Moore v. Texas*, 137 S. Ct. 1039 (2017) (No. 15-797) (merits amicus filed Sept. 13, 2016, 2016 WL 4937780)

*NLRB v. SW Gen., Inc.*, 137 S. Ct. 929 (2017) (No. 15-1251) (merits amicus filed Sept. 26, 2016, 2016 WL 5462524)

*Doe v. Backpage.com, LLC*, No. 16-276 (cert. amicus filed Sept. 30, 2016, 2016 U.S. S. Ct. Briefs LEXIS 3601)

*Nat'l Ass'n of Mfrs. v. Dep't of Def.*, 138 S. Ct. 617 (2018) (No. 16-299) (resp'ts' cert. br. filed Oct. 7, 2016, 2016 WL 5930228)

*Blackman v. Gascho*, No. 16-364 (cert. amicus filed Oct. 19, 2016, 2016 WL 6213015)

*Abbott v. Veasey*, No. 16-393 (cert. amicus filed Oct. 27, 2016, 2016 WL 6441225)

*Arkansas v. Delaware*, No. 22O146 (mot. to file bill of compl. filed June 9, 2016, 2016 U.S. S. Ct. Briefs LEXIS 4977)

*Bennie v. Munn*, No. 16-452 (cert. amicus filed Nov. 7, 2016, 2016 WL 6679337)

*Sterling v. United States*, No. 16-814 (cert. amicus filed Jan. 27, 2017, 2017 WL 411309)

I have supplied electronic database citations from Westlaw or LexisNexis for all briefs on which the Oklahoma Attorney General appeared, with the exceptions of the Petition for Certiorari filed in *Texas v. EPA*, No. 12-1269, and the Brief in Opposition to Certiorari filed in *Smith v. Oklahoma*, No. 13-8706. I have supplied copies of those briefs.

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. *Tarrant Reg'l Water Dist. v. Herrmann*, 569 U.S. 614 (2013).

A Texas water district claimed that the Red River Compact gave them the right to build a pipeline into Oklahoma and take water from the Kiamichi River. I represented the various Oklahoma state officials who were sued. My participation in the case began in 2011, after the initial certiorari stage briefing in the case had been submitted to the Supreme Court. The date of my representation was approximately 2011 to 2013. The Court ultimately granted certiorari, and I litigated the case together with Lisa Blatt, who served as counsel of record and argued the case. The Court ultimately rendered a unanimous decision in Oklahoma's favor.

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Opposing counsel:

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2. *Glossip v. Gross*, 135 S. Ct. 2726 (2015).

Several inmates on Oklahoma's death row challenged the State's three-drug execution protocol as cruel and unusual punishment prohibited by the Eighth Amendment. I became involved in the case in January 2015 after the United States Supreme Court granted certiorari in the case. The date of my representation was approximately January 2015 to July 2015. I served as counsel of record, and argued the case. The Court ruled in Oklahoma's favor, by a 5-4 vote, finding that the execution protocol was constitutional.

Co-Counsel:

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Opposing Counsel:

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3. *Chickasaw Nation & Choctaw Nation of Okla. v. Fallin*, No. 5:11-cv-00927-W (W.D. Okla. filed Aug. 18, 2011).

Two of Oklahoma's largest Indian tribes filed suit seeking to block the granting of a permit that would allow the City of Oklahoma City to take water from a lake in southeastern Oklahoma and pipe it to the City for use by its residents. I was deeply familiar with the lakes and rivers at issue, due to my roots in the area, and was involved in the case from its filing in late 2011. The date of my representation was approximately August 2011 to January 2017. The case was before Judge Lee West, senior district judge for the Western District of Oklahoma, but the parties agreed to attempt to mediate the case, and I spent the next five years as lead counsel and negotiator for the Attorney General's Office. The parties ultimately reached agreement in what is regarded as one of our Nation's most significant Indian water rights settlements, due to the nature of the claims, and due to the speed in which it was completed and enacted into legislation by Congress.

Co-Counsel:

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Glenn Coffee  
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Counsel for Oklahoma City:

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Counsel for the Indian Tribes:

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Whitten Burrage  
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4. *Coates v. Fallin*, 2013 OK 108, 316 P.3d 924 (Okla. 2013).

After the Oklahoma Legislature enacted legislation converting Oklahoma's court-based system of workers' compensation into an administrative-based system, two legislators and an association of firefighters filed an original action in the Oklahoma Supreme Court challenging the measure's constitutionality. As Solicitor General, I served as lead counsel to the various State defendants beginning in September 2013 and continuing until December 2013, and argued the case to the court sitting en banc. The court upheld the measure, finding that it did not violate the Oklahoma Constitution.

Co-Counsel:

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(405) 601-1616  
*Formerly with the Oklahoma Attorney General*

Opposing counsel:

John McMurry  
*Deceased*

5. *Fent v. Fallin*, 2014 OK 105, 345 P.3d 1113 (Okla. 2014).

After the Legislature enacted a measure reducing the state's income tax, a taxpayer filed an original action challenging the measure as an unconstitutionally enacted "revenue bill." As Solicitor General, I served as lead counsel to the various State defendants beginning in May 2014 and continuing to December 2014, and argued the case to the court sitting en banc. The court held that the measure was not a revenue bill because it reduced tax revenues, thus upholding the constitutionality of the bill.

Co-Counsel:

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6. *Pack v. State*, 2014 OK 66, 330 P.3d 1216 (Okla. 2014).

The Oklahoma Legislature passed a law reversing its prior decision to implement Common Core education standards for the State's K-12 schools. Various members of the State Board of Education, among others, filed an original action in the Oklahoma Supreme Court alleging that the measure violated the Oklahoma Constitution by infringing on the Board's power to make education policy. As Solicitor General, I represented the State of Oklahoma and the various State respondents in 2014. After argument en banc was heard, the Oklahoma Supreme Court rejected the challenge to the law, finding that the Legislature had the power to make education policy for the State.

Opposing Counsel:

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GableGotwals  
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(405) 235-5500

7. *Oklahoma v. EPA*, No. 15-1364 (D.C. Cir. filed Oct. 23, 2015).

Oklahoma and a coalition of approximately two dozen other states filed suit challenging the legality of certain Clean Air Act regulations promulgated pursuant to section 111d of the Act. I served as counsel for the State of Oklahoma, from approximately October 2015 until January 2017. The case was argued to the court en banc. The court never issued an opinion in the case due to the new administration's decision to revisit the rule.

Co-counsel:

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Opposing counsel:

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8. *Oklahoma ex rel. Pruitt v. Burwell*, No. 6:11-cv-00030 (E.D. Okla. Sept. 30, 2014).

Oklahoma sued federal officials, alleging that certain subsidies being paid pursuant to the Affordable Care Act were not authorized by law in states that did not set up their own federally-approved healthcare exchanges. As Solicitor General, I served as lead counsel for the State from approximately 2011 to 2015, and secured a victory in trial court, in proceedings before Judge Ron White, district judge for the Eastern District of Oklahoma. Meanwhile, other cases raising the same claims had been filed after our case in Virginia and Washington, D.C., and those cases were resolved more quickly than our case and were presented to the Supreme Court before our case had been decided by the Tenth Circuit. In a decision called *King v. Burwell*, the Supreme Court ultimately sided with the federal government, finding that the subsidies were authorized.

Opposing counsel:

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9. *Oklahoma v. Lew*, No. 13-5248 (D.C. Cir.), *consolidated with and reported at State Nat'l Bank of Big Spring v. Lew*, 795 F.3d 48 (D.C. Cir. 2015).

Oklahoma and a coalition of ten other states sued federal officials, alleging that certain parts of the Dodd-Frank Wall Street Reform Act were unconstitutional. I served as lead counsel for the states from approximately 2012 to 2015, and argued the case to Judge Ellen Huvelle in the United States District Court for the District of Columbia, and to a panel of the United States Court of Appeals for the D.C. Circuit that included Judges

Brett Kavanaugh, Cornelia Pillard, and Judith Rogers. The D.C. Circuit ultimately concluded that the States lacked standing to challenge the Act because any financial harms they might realize were still speculative.

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Opposing counsel:

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10. *Asbestos Handlers, Inc. v. ERS (Envtl. Recovery Servs.) Inc.*, No. CJ-2009-0033 (Okla. Dist. Ct., Beaver Cty. Dec. 21, 2010).

While in private practice, I represented Asbestos Handlers, an asbestos remediation company that had been hired to remediate a natural gas processing facility in the Oklahoma panhandle. The date of my representation was approximately 2009 to 2010. After the contractor that hired it got into financial trouble and failed to pay its subcontractors, Asbestos Handlers was forced to sue the contractor and site owner for payment. After a week-long trial in state district court in Beaver County before Judge Greg Zigler, my co-counsel and I secured a complete victory for Asbestos Handlers.

Co-counsel:

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Opposing 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.)

While I have primarily been a litigator, I also counseled clients on a variety of legal matters while in private practice, including foreclosure, bankruptcy, electronic information retention, contracts, business transactions, and employment matters, among other things.

As Oklahoma Solicitor General, I counseled various state agencies and officials when they sought counsel from the Office of the Attorney General. For example, I served on the Attorney General's Opinion Conference, which was responsible for review and issuance of official Attorney General opinions, which are opinions that can be requested by certain government officials. This quasi-judicial function is one of the key duties of the Attorney General. The Office of the Attorney General was also responsible for providing oversight to state boards and commissions in individual discipline and licensing decisions, and I oversaw that function.

I have also devoted significant time to mentoring law students, with a particular focus on oral advocacy, through work with various moot court teams and competitions. I have also devoted significant time to scholarship in areas of the law of particular interest to me, like constitutional theory, administrative law, and the role of the judiciary.

I have not performed lobbying activities

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.

During the Fall 2017 semester, I served as an uncompensated guest lecturer at the University of Oklahoma College of Law, co-teaching "Supreme Court Theory and Practice." The course was designed to help students understand the workings of the United States Supreme Court. Syllabus provided.

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.

If confirmed, I hope to continue lecturing at the University of Oklahoma College of Law when circumstances permit. I have no commitments or agreements to do so, however, and no other plans for outside activities.

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 the attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. I intend to recuse from any current or future case that challenges a government law or policy that I have previously defended. I also intend to recuse from any current or future cases in which I was involved in a previous iteration of the case involving a criminal defendant. This means, for example, that I will recuse from a future federal habeas petition filed by a state or federal prisoner who was prosecuted in a state court case in which I was, or appeared to be, involved. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

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

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

While in private practice, I represented an Oklahoma service member who had been convicted of the unauthorized killing of an Iraqi detainee. I estimate that I spent approximately 60 hours working on that matter. During that time, I also provided pro bono legal advice to various friends and acquaintances who were unable to afford representation on an ad hoc basis.

Once I entered government service, my position as Solicitor General prevented me from representing outside clients, so I instead made efforts to fulfill my obligation through engagement with law students and members of the legal profession. I made it a point to hire interns from the local schools and mentor them. I've volunteered many hours judging moot courts for the University of Oklahoma College of Law's various moot court teams and coaching those teams in practice sessions. I've judged mock trials for the Oklahoma Bar Association's high school mock trial program and have coached several teams of high school students in preparation for their competitions. I've guest lectured at the University of Oklahoma College of Law on a volunteer basis and worked with the dean of the school to mentor students. And I have taught numerous CLE classes on a volunteer basis.

Lastly, although not law-related, I am also a volunteer pitching coach for my alma mater, Atoka High School.

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.

Shortly after my appointment to the Oklahoma Supreme Court in February 2017, I



was contacted by the White House Counsel's Office about interviewing for a potential appointment to the district court. On March 10, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. Since that time, I have been in communication with the White House Counsel's Office. On November 1, 2017, I was interviewed by a committee established by Senators Lankford and Inhofe. On November 20, 2017, I interviewed with Senator Lankford in Tulsa, Oklahoma. On December 4, 2017, I interviewed telephonically with members of Senator Inhofe's staff. Shortly after, Senator Lankford called to inform me that he and Senator Inhofe were recommending me to the White House for nomination. The next day I received a call from the White House Counsel's Office informing me that the White House intended to proceed with my nomination pending clearances. On April 10, 2018, the President submitted my nomination to the Senate.

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

No.