UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Philip Lawrence Aubart

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

United States District Judge for the Middle District of North Carolina

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

Office: 150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601

Residence: Apex, North Carolina

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

1986; Robbinsdale, Minnesota

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.

2010 – 2013, Duke University School of Law; J.D., 2013

2006 – 2010, Dartmouth College, B.A. (*magna cum laude*), 2010

2006, Cochise College, no degree received

2004 – 2006, Defense Language Institute, A.A., 2012

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.

2010 – 2015; 2023 – Present
United States Army Reserve
Various Locations
Brigade Judge Advocate (Knightdale, North Carolina, 2026 – Present)
Deputy Team Chief – Judge Advocate Major (Alexandria, Virginia, 2023 – 2026)
Second Lieutenant (Durham, North Carolina, 2010 – 2015)

2022 – Present
United States Attorney's Office for the Eastern District of North Carolina.
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
First Assistant United States Attorney (2025 – Present)
Criminal Assistant United States Attorney (2022 – 2025)

2015 – 2023
United States Army
Judge Advocate
Various Locations
Trial Attorney – Contract Litigation & Intellectual Property Division, United States Army Legal Services Agency (Fort Belvoir, Virginia, 2020 – 2023)
Defense Attorney (Wiesbaden, Germany, 2018 – 2020)
Legal Assistance Attorney, Prosecutor (Fort Stewart, Georgia, 2015 – 2018)
Chief of Military Justice – US Forces Afghanistan (Bagram, Afghanistan, 2017 – 2018)
Judge Advocate General's School (Charlottesville, Virginia, 2015)
Direct Commission Course (Fort Benning, Georgia, 2015)

2013 – 2014
Honorable Terrence W. Boyle
United States District Court for the Eastern District of North Carolina
306 East Main Street
Elizabeth City, North Carolina 27909
Law Clerk

2013
Duke University School of Law
210 Science Drive
Durham, North Carolina 27708
Public Affairs Student Intern

2012
United States Army
Joint Base Elmendorf-Richardson
Summer Law Student Intern

2011
United States Attorney's Office for the District of Minnesota

300 South 4th Street, Suite 600
Minneapolis, Minnesota 55415
Summer Law Student Intern
Unpaid

2010
Dartmouth College Outdoor Programs
Robinson Hall 112
6 North Main Street
Hanover, New Hampshire 03755
Summer Crew Team Leader

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.

United States Army (DoDID: 1270693217)

2023 – Present, United States Army Reserve, Major
2015 – 2023, United States Army, First Lieutenant, Captain, Major (Honorable Discharge)
2010 – 2015, United States Army Reserve, Second Lieutenant
2007 – 2010, United States Army Cadet Command, Cadet
2004 – 2007, United States Army Reserve, Private First Class, Specialist (Honorable Discharge)

I registered for selective service.

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

Prosecutor of the Year – International Association of Financial Crimes Investigators Carolinas Chapter (2025)

Blackstone Fellow (2013)

Justin Miller Leadership Award – Duke Law (2013)

Outstanding Student Contribution to the Duke Law Community – Duke Bar Association (2012)

Merit Scholarship – Duke Law School (2010 – 2013)

Richard Generelly Leadership Award – Sigma Alpha Epsilon Foundation (2011)

Degree from Dartmouth College conferred *magna cum laude* (2010)

Scribner Scholarship (2010)

ROTC Scholarship (2007 – 2010)

Military Awards (listed in order of precedence)

Joint Meritorious Unit Award

Meritorious Service Medal

Joint Service Commendation Medal – Combat

Army Commendation Medal with two Oak Leaf Clusters

Army Achievement Medal

Army Reserve Components Achievement Medal

National Defense Service Medal

Afghanistan Campaign Medal with Combat Star

Global War on Terror Medal – Service

Army Service Ribbon

Overseas Service Ribbon

NATO Medal

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.

Federal Bar Association – Member (2026 – Present)

Minnesota State Bar Association – Member (2014 – 2025)

Executive Editor, Harvard Journal of Law and Public Policy (2012 – 2013)

Lead Editor, Alaska Law Review (2012 – 2013)

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.

Minnesota, 2014. There have been no lapses in membership.

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

Supreme Court of Minnesota, 2014

Eastern District of North Carolina, 2022

Fourth Circuit Court of Appeals, 2022

I practiced in Army Courts Martial from 2016 – 2020, but there is no formal admission for these courts.

I practiced in the Armed Services Board of Contract Appeals and before the Government Accountability Office's Bid Protest branch, but neither of these agencies has a formal admission process.

There have been no lapses in membership.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

The American Legion (2019 – Present)

Veterans of Foreign Wars (2018 – Present)

Blackstone Legal Fellowship (2013 – Present)
City Chapter Captain (2026)

Federalist Society (2010 – Present)
Triangle Lawyers Steering Committee (2023 – Present)
DC Young Lawyers Steering Committee (2020 – 2022)
Duke Law School Chapter President (2011 – 2013)

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 sex, race, religion, or national origin through formal membership requirements or the practical implementation of membership policies. However, Blackstone only accepts Christian law students for membership. Blackstone is a faith-based organization. I made no effort to change its practice as it is appropriate for religious adherents to join to their fellow believers in civic organizations dedicated to their jointly held religion, religious beliefs, and religious practices. *See, e.g.*, Comment on Rule 3.6, American Bar Association Model Code of Judicial Conduct. Further, I do not believe this discrimination is invidious.

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 copies of all published material to the Committee.

I have done my best to identify and supply copies of all published materials. I have indicated where I have not located a published copy. If an item is not listed, I do not remember it being published and was not able to locate a copy.

Bleeding Green Alumnus, Dartmouth, Oct. 13, 2009. Copy supplied.

Blame It on the Alcohol, Dartmouth, Sept. 29, 2009. Copy supplied.

Short Answer, Dartmouth, Sept. 27, 2009. Copy supplied.

A Farewell to President Wright, Dartmouth, June 1, 2009. Copy supplied.

Taking Responsibility, Dartmouth, May 19, 2009. Copy supplied.

Losing Experiences, Dartmouth, May 6, 2009. Copy supplied.

Dear Dr. Kim, Dartmouth, Apr. 3, 2009. Copy supplied.

Rankings Ruckus, Dartmouth, Aug. 15, 2008. Copy supplied.

A Master Misinterpretation, Dartmouth, Aug. 5, 2008. Copy supplied.

Black Holes in Dallas, Dartmouth, July 22, 2008. Copy supplied.

Reputation Turnover, Dartmouth, July 8, 2008. Copy supplied.

What Now?, Dartmouth, June 24, 2008. Copy supplied.

Short Answer, Dartmouth, June 24, 2008. Copy supplied.

$540 a Pop, Dartmouth, May 20, 2008. Copy supplied.

One Simple Question, Dartmouth, May 12, 2008. Copy supplied.

Short Answer, Dartmouth, Apr. 28, 2008. Copy supplied.

The End of the Liberal Student, Dartmouth, Apr. 24, 2008. Copy supplied.

If It Ain't Broke, Dartmouth, Apr. 9, 2008. Copy supplied.

Lone Pine Propaganda, Dartmouth, Mar. 26, 2008. Copy supplied.

Yes We McCan!, Dartmouth, Mar. 5, 2008. Copy supplied.

A Greener System, Dartmouth, Feb. 22, 2008. Copy supplied.

Now Help ROTC, Dartmouth, Feb. 5, 2008. Copy supplied.

Show Me the Money, Dartmouth, Jan. 22, 2008. Copy supplied.

The Threat of a Message, Dartmouth, Jan. 8, 2008. Copy supplied.

The Quiet American Campus, Dartmouth, Nov. 12, 2007. Copy supplied.

Let Turkey Have Its Turn, Dartmouth, Nov. 5, 2007. Copy supplied.

A Message to President Wright, Dartmouth, Oct. 23, 2007. Copy supplied.

Convenience over Experience, Dartmouth, Oct. 8, 2007. Copy supplied.

While at Dartmouth, I wrote periodically for a now defunct college-focused blog named Dartblog. The internet site was not maintained after the death of its main contributor in 2018, and much of the contents of that site appear to have been lost. I did my best to locate published versions of pieces I wrote via the Internet Archive. I successfully located two:

From Phil Aubart, Dartblog (Oct. 16, 2018). Copy supplied.

Turned Away: Oversubscription at Dartmouth, Dartblog (Jan. 7, 2010). Copy supplied.

The previous two articles were the only two I was able to find online in any form. Below

is a list of additional pieces I drafted, with general timeframes of when I believe they would have been published. I do not have exact dates as I could not locate the published versions. I am not certain they are identical to the published version or even if they were actually published, but I believe they were published and are likely in the published form.

Darkness Before the Dawn, Dartblog (approx. Jan. – March 2010). Copy supplied.

Oversubscription Redux, Dartblog (approx. Jan. – March 2010). Copy supplied.

Recent Grads as Trustees, Dartblog (approx. Jan. – March 2010). Copy supplied.

What is Dartmouth Experience?, Dartblog (approx. Jan. – March 2010). Copy supplied.

Who Exactly Supports the Union?, Dartblog (approx. Jan. – March 2010). Copy supplied.

To Be or Not to Be Gay, Dartblog (approx. Sept. – Dec. 2009). Copy supplied.

Dartblog, Dartblog (approx. Apr. – June 2008). Copy supplied.

During the 2008 election cycle I was asked to contribute to a national, election focused blog called Youth Vote '08. The blog was run by uwire.com. The site where articles were published – youthvote.com is no longer active and was not maintained. I searched the Internet Archive in an effort to locate my prior writings. Below are the articles I was able to find via that search:

McCain Should Pledge a One-Term Limit, Youth Vote '08 (Sept. 5, 2008). Copy supplied.

Should McCain's Internet Illiteracy Matter to Young Voters?, Youth Vote '08 (Sept. 2, 2008). Copy supplied.

Rally Proves Paul May Be a Formidable Candidate – If He Runs in 2012, Youth Vote '08 (Sept. 2, 2008). Copy supplied.

Live Musings from Ron Paul's Rally for the Republic, Youth Vote '08 (Sept. 2, 2008). Copy supplied.

How Likely McCain Running Mates Would Affect the Youth Vote, Youth Vote '08 (Aug. 28, 2008). Copy supplied.

Youth Voices Take on Federal Funding for Faith-Based Initiatives, Youth Vote '08 (Aug. 27, 2008). Copy supplied.

Redux: Does Obama's Veep Selection Matter for Young Voters?, Youth Vote '08 (Aug. 25, 2008). Copy supplied.

Youth Voice: Why Does Promise of 'Change' Entice Young Voters?, Youth Vote '08 (March 4, 2008). Copy supplied.

I have been unable to locate a copy of following post, but found the title on the Internet Archive:

Does Obama's Veep Selection Matter for Young Voters?, Youth Vote '08 (Aug. 25, 2008).

b. Supply 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.

I have no responsive materials.

c. Supply 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.

Department of Justice Colleagues Letter of Support for Nomination of David Bragdon to the Middle District of North Carolina, September 8, 2025. Copy supplied.

d. Supply 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.

January 28, 2026: Guest speaker, Campbell Law School. I provided a guest lecture that drew on my experience as an Army and federal prosecutor to a joint session of the prosecution course and defense course. I have no notes, transcript, or recording. The address of Campbell Law School is 225 Hillsborough Street, Raleigh, North Carolina 27603.

April 12, 2022, Speaker, Citadel College Chapter of Pi Sigma Alpha (National Political Science Honor Society), Charleston, South Carolina. I spoke about the Federalist Society and my career in the Army JAG Corps. I have no notes, transcript, or recording. The address of Pi Sigma Alpha is 1527 New Hampshire Ave, N.W., Washington, District of Columbia 20036

While participating in the Federalist Society in law school, I gave brief remarks on various occasions in connection with introducing speakers and otherwise facilitating or participating in student events. I do not have a record of or recall the specific occasions and contents of these introductory remarks. The address of Duke Law School is 210 Science Drive, Durham, North Carolina 27708.

In college, I hosted a college-affiliated radio program on 99Rock/WFRD. My show was titled "Homebrew;" and I would regularly interview local rock bands as part of the show. I am not aware of any recordings having been created. The radio station shut down in 2021. The address of the station was 3rd Floor Robinson Hall 6 North Main Street, Hanover, New Hampshire 03755.

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 copies of the clips or transcripts of these interviews where they are available to you.

Class Note 2010, Dartmouth Alumni Mag., May – June 2025. Copy supplied.

Class Note 2010, Dartmouth Alumni Mag., Jan. – Feb. 2022. Copy supplied.

Class Note 2010, Dartmouth Alumni Mag., Sept. – Oct. 2020. Copy supplied.

Class Note 2010, Dartmouth Alumni Mag., July – Aug. 2018. Copy supplied.

Class Note 2010, Dartmouth Alumni Mag., Nov. – Dec. 2017. Copy supplied.

News, Signet, Fall 2015. Copy supplied.

Class Note 2010, Dartmouth Alumni Mag., Sept. – Oct. 2015. Copy supplied.

Class Note 2010, Dartmouth Alumni Mag., May – June 2013. Copy supplied.

Duke Law's Federalist Society Chapter Honored as "Chapter of the Year", Duke Law Website, March 8, 2013

News Briefs, Duke Law Mag., Winter 2012. Copy supplied.

Phil Aubart '13 – Opening Discussion, Duke Law Mag., Nov. 15, 2012. Copy supplied.

Katya Prosvirkina, *Expert Refutes Notion of Middle-Class Stagnation*, Duke Chron., Nov. 11, 2011. Copy supplied.

Casey Aylward, *Unofficial ROTC Program Growing*, Dartmouth, Oct. 7, 2010. Copy supplied.

Walter Simons, *Goodbye, Class of '10*, At This Point Blog, June 8, 2010. Copy supplied.

Madeline Sims, *College One of Few Ivies with ROTC*, Dartmouth, Nov. 18, 2009. Copy supplied.

Ann Baum, *Former Candidates to Work with SA*, Dartmouth, May 5, 2009. Copy supplied.

Ann Baum, *SA Candidates Begin Week of Campaigning*, Dartmouth, April 13, 2009. Copy supplied.

Jeff Donn, *Army-Affiliated Charity Hoards Millions*, Wash. Post, Mar. 8, 2009. Reprinted in multiple outlets. Copy supplied.

Fan Zhang, *Student Veterans Build Solidarity in Their New Group*, Dartmouth, May 20, 2008. Copy supplied.

Military Service Connects Dartmouth Undergraduates from Many Countries, State News Service, May 19, 2008. Copy supplied.

Esther Ha, *ROTC: Band of Brothers or 4-Letter Word?*, Dartmouth, Feb. 22, 2008. Copy supplied.

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

I have not held judicial office.

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

i. Of these cases, approximately what percent were:

jury trials: ___%
bench trials: ___%

ii. Of these cases, approximately what percent were:

civil proceedings: ___%
criminal proceedings: ___%

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

c. For each of the 10 most significant cases over which you presided, provide: (1) a

capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

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

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

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

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

I have not held public office.

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

I have never held a position or played a role in a political 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;

From 2013 to 2014, I served as a law clerk to the Honorable Terrence W. Boyle, United States District Court for the Eastern District of North Carolina.

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

I have not practiced alone.

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

2015 – 2023
United States Army
Judge Advocate
Various Locations
Trial Attorney – Contract Litigation & Intellectual Property Division, United

States Army Legal Services Agency (Fort Belvoir, Virginia – 2020 – 2023)
Defense Attorney (Wiesbaden, Germany – 2018 – 2020)
Legal Assistance Attorney, Prosecutor (Fort Stewart, Georgia – 2015 – 2018)
Chief of Military Justice – US Forces Afghanistan (Bagram, Afghanistan – 2017 – 2018)
Judge Advocate General's School (Charlottesville, Virginia – 2015)
Direct Commission Course (Fort Benning, Georgia – 2015)

2022 – Present
United States Attorney's Office for the Eastern District of North Carolina.
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
First Assistant US Attorney (2025 – Present)
Criminal Assistant US Attorney (2022 – 2025)

2023 – Present
United States Army Reserve
Judge Advocate
Various Locations
Deputy Team Chief (Alexandria, Virginia – 2023 – 2026)
Brigade Judge Advocate (Knightdale, North Carolina – 2026 – Present)

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

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

The general character of my law practice has been largely focused on criminal justice apart from a one-year period of training and client-focused and estate matters (2015), and a two-year period of civil contract litigation before the Government Accountability Office and the Armed Services Board of Contract Appeals (2020 – 2022). As a criminal law practitioner, I have been an Army prosecutor (2016 – 2018), a defense attorney in the Army (2018 – 2020), and a federal prosecutor (AUSA) (2022 – present). Recently, I became First Assistant U.S. Attorney (August 2025 – present) and have dealt with an increased number of federal civil matters from a management perspective. As an Army Reserve Major, I have represented individual clients in estate matters and provide legal advice to commanders on administrative law matters (2023 – present).

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

In 2015, my typical client was an enlisted member of the Army or a retiree who needed assistance with drafting a will, responding to adverse administrative actions, navigating landlord-tenant issues, or navigating civilian contract matters.

As an Army prosecutor from 2016 – 2018, my client was the Army.

From 2018 – 2020, as an Army defense attorney, I represented a wide range of Soldiers, both enlisted and commissioned, who were being criminally or administratively investigated, criminally charged with a wide variety of crimes under the Uniformed Code of Military Justice, or who were facing non-judicial punishment or adverse administrative actions.

From 2020 – 2022, as an Army contract litigator, I represented various contracting elements of the Army against private government contractors in civil contract disputes or bid protests.

From 2022 to present as an AUSA, my client is the United States, its agencies, and federal officials in their official capacity.

From 2023 to present as an Army reservist, I again represent individual Soldiers and retirees in drafting wills and advising on powers of attorney. I also represent commands in providing administrative law reviews. As a Brigade Judge Advocate I advise the Brigade Commander and her subordinate commanders.

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.

Approximately 80% of my practice has been litigation. Throughout my career, I have frequently appeared in court for all but one year as a legal assistance attorney and two years conducting contract litigation for the Army. As a legal assistance attorney, I did not appear in court. As a contract litigator, my practice was heavily focused on writing, and I did not appear in court at all. Although I served as agency counsel on several matters in the Court of Federal Claims, the attorney of record was always an attorney with the Department of Justice.

i. Indicate the percentage of your practice in:

1.	federal courts:	80% (including Military Courts)
2.	state courts of record:	0%
3.	other courts:	0%
4.	administrative agencies:	20%

ii. Indicate the percentage of your practice in:

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

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

I have tried 16 cases to verdict; eight Courts Martial and eight federal criminal trials in federal district court. Of the Courts Martial, I was lead counsel on four and second chair on four. Of the district court trials, I was lead counsel on five and second chair on three.

i. What percentage of these trials were:

1.	jury:	62.5%
2.	non-jury:	37.5%

I also represented the Army before the Government Accountability Office in Bid Protests from 2020 – 2022. I was lead counsel and litigated these to a GAO decision in over 20 matters, 6 of which resulted in published GAO decisions.

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

I have never practiced before the Supreme Court of the United States.

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

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United State v. Quintero*. No citation available. Presiding Judge: Col. Fredrikson, Mil. J. Date of representation: 2019.

I represented Sergeant Quintero in this contested court-martial before a military panel (a jury). Sgt. Quintero was accused of child abuse and child neglect. The child abuse charge was dismissed the week before trial, and she was fully acquitted of the child neglect charge. I successfully argued a motion to sever the case from her spouse who was charged with the same crimes. The Government initially charged Sgt. Quintero trying to convince her to cooperate against her husband, who was the primary suspect. After the case was severed, the Army dismissed the child abuse charge but persisted on a charge that she had not brought her son in for care quickly enough, arguing that a two-to-three-day delay in bringing him to the doctor's office constituted neglect. Ultimately, Sgt. Quintero was acquitted at trial and was able to be reunited with her son. I made the closing argument.

Co-counsel

Major Thomas Howe
U.S. Army Trial Defense Service
1225 First Street
Alexandria, Virginia 2314
(806) 443-0726

Opposing counsel

Major Tyler Scharf
United States Army
18059 Red Mulberry Road
Dumfries, Virginia 22026
(732) 232-7257

2. *United States v. Hoffman.* No citation available. Presiding Judge: Col. Fredrikson, Mil. J. Dates of representation: 2019 – 2020.

I represented Staff Sergeant Hoffman in this contested court-martial bench trial. S. Sgt. Hoffman was charged with assault by strangulation, adultery, and possession of child pornography under the UCMJ. I developed the trial strategy that ultimately led to S. Sgt. Hoffman being acquitted of the child pornography and strangulation charges. S. Sgt. Hoffman plead guilty to adultery and simple battery. I made the closing argument. I also successfully helped convince the convening authority to disallow imposed forfeitures through a post-trial matters submission.

Co-counsel

Major Thomas Howe
U.S. Army Trial Defense Service
1225 First Street
Alexandria, Virginia 2314
(806) 443-0726

Opposing counsel

Major Tyler Scharf
United States Army
18059 Red Mulberry Road
Dumfries, Virginia 22026
(732) 232-7257

3. *United States v. Cantrell.* No citation available. Presiding Judge: Col. Fredrikson, Mil. J. Dates of representation: 2020.

I represented Sergeant Cantrell in this contested Court-Martial tried as a bench trial. Sgt. Cantrell was charged with sexual assault, fraternization, and adultery. I was assigned as a senior defense counsel to help a junior defense counsel with his first trial. I devised a trial strategy that had Sgt. Cantrell plead guilty to the lesser offenses (fraternization and adultery) but contest the sexual assault charges. I handled the cross examination of the complaining witness and the Sexual Assault Nurse Examiner and led the team during trial. I also made the closing argument. Ultimately, Sgt. Cantrell was acquitted of the sexual assault, and his punishment was much less severe on the charges to which he pleaded guilty than if he had been convicted of the sex assault.

Co-counsel

Major Daniel Franco-Santiago
United States Army Trial Defense Service
421 Barr Drive
Clarksville, Tennessee 37043
(434) 270-3767

Opposing counsel

Major Garrett Morgan
United States Army
8404 Wagon Wheel Road
Alexandria, Virginia 22309
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4. *United State v. Whitted*, 5:20-CR-353 (E.D.N.C.) (Dever, J.). Dates of representation: 2023.

This was a contested jury trial that resulted in a conviction and 45-year sentence for an Armed Career Criminal who fired upon, and severely injured, the owner of a Fayetteville pawn shop during an attempted robbery. Whitted was charged with two counts of possession of ammunition by a convicted felon and was acquitted of one and convicted of the other. I joined the trial team a couple of months before trial. This was my first trial in United States District Court. I presented the opening and handled several witnesses, including a reluctant doctor. I

made the sentencing argument after he was convicted.

Co-counsel

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Opposing counsel

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5. *United States v. Fonville*, 21-4523 (4th Cir.) (Wilkinson, King, & Quattlebaum, JJ.).
Dates of representation: 2022 – 2023.

This was an appeal from a contested jury trial. Fonville was convicted by a jury of various firearm and drug charges after a multi-day trial in the Eastern District of North Carolina and was sentenced to 420 months in prison. Fonville appealed the denial of his motion to suppress, the introduction of 404(b) evidence against him, and several sentencing issues. I wrote the briefs to the Fourth Circuit Court of Appeals. The Fourth Circuit affirmed the conviction and sentence in a *per curiam* opinion.

Co-counsel:

Hon. David A. Bragdon
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United States District Judge for the Middle District of North Carolina
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Opposing counsel

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Lowther Walker
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Centennial Tower, Suite 3650
Atlanta, Georgia 30303
(877) 208-7146

6. *United States v. Inman*, 7:22-CR-7 (E.D.N.C.) (Flanagan, J.). Dates of representation: 2023

This was a contested jury trial that I inherited after the charging AUSA departed the office. Inman possessed firearms as a felon in Robeson County, North Carolina. Inman had been released from state prison shortly before getting caught with firearms. He was convicted and sentenced to 100 months in prison. This sentence was vacated by the Fourth Circuit and is pending resentencing. I was the lead counsel for this case and oversaw the trial strategy.

Co-counsel

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Opposing counsel

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Elizabeth City, North Carolina 27909
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7. *United States v. Spruill*, 4:23-CR-41 (E.D.N.C.) (Myers, J.). Dates of representation: 2023 – 2024.

This was a contested jury trial that resulted in a conviction and 15-year sentence for Spruill. Spruill was convicted of possession of ammunition after he opened fire on a Hertford County Sheriff's Deputy. I was the lead counsel for this case and oversaw the filing of the complaint, the investigation, the indictment, plea negotiations, and the trial strategy. This case was an important demonstration of our commitment to prosecuting those who would fire upon our law enforcement officers. I made closing argument and handled a significant number of witnesses. I also made the sentencing argument after he was convicted.

Co-counsel

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Opposing counsel

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8. *United States v. Brown*, 5:23-CR-251 (E.D.N.C.) (Myers, J.). Dates of representation: 2023 – 2025.

This case was a complex presentation of a unified story of four bank robberies that occurred within a month of each other from Fayetteville to Fuquay-Varina, North Carolina. A jury convicted Brown of the robberies and three counts of brandishing a firearm during three of the robberies. He was sentenced to 33 years imprisonment. I was the lead counsel for this case and drove the investigation, indictment, plea negotiations, and the trial strategy. I handled several pre-trial motions. I made the closing argument and handled a significant number of witnesses, including the cross-examination of Brown. I also made the sentencing argument after he was convicted. Finally, Brown also had a codefendant against whom I negotiated a plea agreement that resulted in 18 years' confinement.

Co-counsel

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9. *United States v. Gregory*, 2:23-CR-14 (E.D.N.C.) (Flanagan, J.). Dates of representation: 2023 – 2025.

This was a contested jury trial with a bifurcated Section 851 findings proceeding that resulted in a conviction and 25-year sentence for Gregory for possession with the intent to distribute crack cocaine, possession of a firearm in furtherance of a drug trafficking crime, and of being a felon in possession of a firearm. I was the lead counsel for this case and oversaw the indictment, plea negotiations, and the trial strategy. I handled several witnesses, argued a motion to suppress, and made closing argument. Finally, I made the sentencing argument after he was convicted.

Co-counsel

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Opposing counsel

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Banzet, Thompson, Styers & May, PLLC
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10. *United States v. Vernon*, 2:25-CR-4 (E.D.N.C.) (Myers, J.). Dates of representation: 2025 – 2026.

This was a contested jury trial with a bifurcated Armed Career Criminal findings proceeding that resulted in a conviction and 15-year sentence for Vernon for being a felon in possession of a firearm. I was the lead counsel for this case and oversaw the indictment, plea negotiations, and the trial strategy. I also litigated a motion to suppress. At trial I handled the Armed Career Criminal portion of the trial while my junior co-counsel handled the guilt phase. Finally, I made the sentencing argument after he was convicted.

Co-counsel

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Opposing counsel

Leza Driscoll
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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.)

Most of my legal career has involved litigating cases or preparing cases in anticipation of litigation. A notable example of a case that did not proceed to trial involved Sergeant First Class Brown. Sgt. 1st Cl. Brown was a mobilized single mother accused of housing allowance fraud due to her desire to care for her child in Germany where she was mobilized. An aggressive finance officer misunderstood a key provision of the Joint Travel Regulations. The court-martial against her was dismissed the week before trial after I demonstrated to prosecutors where they were wrong during a pre-trial motions hearing.

At the beginning of my career and now as a reservist, I have helped Soldiers, veterans, and their families with simple, but important legal matters such as preparing wills and powers of attorney, often in preparation for mobilizations and deployments.

I have not engaged in any 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 copies to the committee.

I have not taught any courses.

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

I anticipate retirement benefits as a consequence of my military service.

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

I intend to remain in the United States Army Reserves.

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).

If my nomination is formally submitted to the Senate, I will file my mandated financial disclosure report and supply a copy to this committee.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

I own a small amount of stock in several companies. I intend to divest these shares and any other conflict-creating financial interests to prevent any appearance of or real conflicts. Regardless, I would recuse myself from any matter in which I had a financial interest, or any other interest that could be substantially affected by the outcome of the proceeding. 28 U.S.C. § 455(b)(4).

There is a small chance that some matter I worked on or oversaw in the Eastern District of North Carolina should appear in the Middle District of North Carolina. I intend to receive a report of all matters active at the time of my departure from the United States Attorney's Office and recuse myself from matters that are then transferred to the Middle District via Rule 20 or some other means. 28 U.S.C. § 455(b)(3).

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 potential conflicts of interest under the standards set forth in 28 U.S.C. § 455 and Canon 3C of the Code of Conduct for United States Judges, and all other laws, rules, and practices governing such circumstances. I would further consult any judicial decision or Judicial Conference opinions applying the rules to particular cases or 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.

My career has been dedicated to the public service whether that be providing legal services for Soldiers, Veterans and their families, representing those accused of crimes who would not otherwise be able to afford their own lawyer, or by fighting for justice and the safety

and protection of all of those law-abiding citizens adjacent to the Army, or in the Eastern District of North Carolina.

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.

I am not aware of a selection commission in my jurisdiction.

On March 26, 2026, I received a telephone call from Senator Budd's office wherein they inquired if I was interested in the open seat in the Middle District. On April 27, I spoke with a staff member for Senator Tillis. On May 6, I participated in a virtual interview with staff from Senator Tillis's office. On August 3, I had a second virtual interview with members of Senator Tillis's office. On August 20, I had a final call with Senator Budd's office.

On September 1, 2026, I interviewed with the White House Counsel's Office. Since then, I have periodically communicated with individuals in the White House Counsel's Office and the Office of Legal Policy.

On October 1, 2026, the President called me to tell me that he was going to announce his intention to nominate me to the Middle District.

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.

AFFIDAVIT

I, Philip Lawrence Aubuchon, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Oct 8, 2026
(DATE)

(NAME)

Samantha V. Bowyer
(NOTARY)

SAMANTHA V. BOWYER
My Commission Expires
NOTARY PUBLIC
November 19, 2029
FRANKLIN COUNTY, NC