

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Joshua Michael Divine

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

United States District Judge for the Eastern District of Missouri and for the Western District of Missouri

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 of the Missouri Attorney General
207 West High Street
Jefferson City, Missouri 65101

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

1990; Yokota Air Base, Tokyo, Japan

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.

2013 – 2016, Yale Law School; J.D., 2016

2008 – 2012, University of Northern Colorado; B.S. in mathematics (*summa cum laude*), 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.

Compensated Affiliations

2017 – 2019; 2023 – present
Office of the Missouri Attorney General

207 West High Street
Jefferson City, Missouri 65101
Solicitor General (2023 – present)
Director of Special Litigation (2023 – present)
Deputy Solicitor General (2017 – 2019)

2019 – 2022
United States Senator Josh Hawley
115 Russell Senate Office Building
Washington, District of Columbia, 20510
Chief Counsel (2021 – 2022)
Deputy Counsel (2019 – 2020)

2020 – 2021
Honorable Clarence Thomas
Supreme Court of the United States
1 First Street, Northeast
Washington, District of Columbia 20543
Law clerk

2016 – 2017
Honorable William J. Pryor, Jr.
United States Court of Appeals for the Eleventh Circuit
1729 5th Avenue North
Birmingham, Alabama 35203
Law clerk

2014 – 2016
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Research assistant

Summer 2015
Jones Day
51 Louisiana Avenue, Northwest
Washington, District of Columbia 20001
Summer associate

2012 – 2013
Hammond Law Group
2955 Professional Place, Suite 300
Colorado Springs, Colorado 80904
Paralegal

Summer 2012 – Winter 2012
The Princeton Review
110 E 42nd Street, Suite 700
New York, New York 10017
LSAT preparation instructor

Summer 2012
Lawn and Garden Care
2321 Hagerman Street
Colorado Springs, Colorado 80904
Day laborer

Uncompensated Affiliations

Spring 2015
United States Attorney's Office for the District of Connecticut
157 Church Street
New Haven, Connecticut 06510
Law clerk

Summer 2014
Bancroft, PLLC
[now Kirkland and Ellis]
277 South Washington Street, Suite 310
Alexandria, Virginia 22314
Summer associate

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

I did not serve in the military. I registered for the selective service upon turning 18.

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

Aquinas Fellowship (2022 – 2023) (withdrew halfway through because of the need to relocate to Missouri to become Solicitor General)

Antonin Scalia Fellowship (2019 – 2020)

National Association of Attorneys General, Best Brief (2018)

Georgetown Originalism Summer Seminar Fellowship (2017)

John Marshall Fellowship (2016)

Knight Law & Media Scholar, Yale Law School (2015 – 2016)

Blackstone Fellowship (2014)

Yale Law Journal, Editor (2014 – 2016)

Degree from University of Northern Colorado conferred *summa cum laude* (2012)

University of Northern Colorado, Presidential Scholarship (2008 – 2012)

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.

Federalist Society for Law and Public Policy Studies (2013 – present)

Jefferson City, Missouri, Steering Committee (January 2025 – present)

10. **Bar and Court Admission:**

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

Colorado, 2016

Missouri, 2017

There have been no lapses in membership, although I am registered as “inactive” in Colorado.

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, 2021

United States Court of Appeals for the District of Columbia Circuit, 2018

United States Court of Appeals for the First Circuit, 2024

United States Court of Appeals for the Fourth Circuit, 2023

United States Court of Appeals for the Fifth Circuit, 2023

United States Court of Appeals for the Sixth Circuit, 2024

United States Court of Appeals for the Eighth Circuit, 2017

United States Court of Appeals for the Tenth Circuit, 2018

United States Court of Appeals for the Eleventh Circuit, 2024

United States District Court for the District of Columbia, 2024

United States District Court for the District of North Dakota, 2023

United States District Court for the Eastern District of Missouri, 2017
United States District Court for the Northern District of Texas, 2023
United States District Court for the Southern District of Texas, 2023
United States District Court for the Western District of Missouri, 2017
Supreme Court of Colorado, 2016
Supreme Court of Missouri, 2017

There have been no lapses in membership other than lapses that followed automatically because of my 2019 departure from the Missouri Attorney General's Office. Several courts to which I am admitted provide for special admission for members of attorneys general offices. When I left the Missouri Attorney General's Office in 2019, I no longer qualified to file under that special status. Upon returning to the Attorney General's Office in 2023, my status was restored.

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.

Federalist Society for Law and Public Policy Studies (2013 – present)
Jefferson City, Missouri, Steering Committee (January 2025 – present)

United States Chess Federation (2005 – 2017)

USA Triathlon (2011, 2013, 2016)

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 copies of all published material to the Committee.

Between 2008 and 2012, I wrote articles for newspapers. Consistent with the industry practice at the time, I did not write the article headlines. Editors wrote those headlines. The only period during which I wrote headlines was during the 2009 academic year, when I served as editor.

Justice Thomas's Critics on Affirmative Action Prove His Point, National Review Online (2023-7-19). Copy supplied.

Statutory Federalism and Criminal Law, 106 VA. L. REV. 127 (2020). Copy supplied.

Booker Disparity and Data-Driven Sentencing, 69 HASTINGS L.J. 771 (2018). Copy supplied.

Keep the Supreme Court Bench Even-Numbered, THE FEDERALIST, July 7, 2016. Copy supplied.

Statutory Anachronism as a Constitutional Doctrine, 12 UNIV. ST. THOMAS L.J. 146 (2015). Copy supplied.

Yale Law Journal, Editor (Print, Volume 124, 2014 – 2015; Online, Volume 125, 2015 – 2016). All pieces published by the Yale Law Journal during the time I was an editor are available at <https://www.yalelawjournal.org/issue> (print) or <https://www.yalelawjournal.org/forum> (online forum).

Two-Pronged Outlet (fiction), Commonline Journal (2013). The short story was published in an online-only publication and appears to no longer be available.

The Revival (fiction), self-published (2012). Copy supplied.

Letters, The Gazette, Aug. 29, 2012. Copy supplied.

Surviving modernity requires an end to personal attacks, shaming, THE MIRROR, April 24, 2012. Copy supplied.

Marijuana legalization fully ripe for unneeded slippery slope, THE MIRROR, April 16, 2012. Copy supplied.

Trayvon Martin case needs to be handled with investigation, not emotions, THE MIRROR, April 9, 2012. Copy supplied.

Lack of communication skills disqualifies many Student Senate candidates, THE MIRROR, April 2, 2012. Copy supplied.

Will the real transparent presidential candidate please stand up, THE MIRROR, March 26, 2012. Copy supplied.

Voter identification laws not discriminatory, unduly burdensome, THE MIRROR, March 19, 2012. Copy supplied.

Suicide among young contagious, MPAA R rating for Bully appropriate, THE MIRROR, March 5, 2012. Copy supplied.

Inevitable approach to switching to renewable energy requires balance, THE MIRROR, Feb. 27, 2012. Copy supplied.

Health and Human Services mandate violates health insurance purpose, THE MIRROR, Feb. 20, 2012. Copy supplied.

Student Senate decision shows progress, but there's still a long way to go, THE MIRROR, Feb. 13, 2012. Copy supplied.

Character, as much as ideas, relevant in deciding candidates, THE MIRROR, Feb. 6, 2012. Copy supplied.

Continual media bias against pro-life side is failure of journalism ethics, THE MIRROR, Jan. 30, 2012. Copy supplied.

Examining the many conundrums of naturalistic evolution, THE MIRROR, Jan. 9, 2012. Copy supplied.

Liberal Arts Core class requirements suppress academic freedom, THE MIRROR, Nov. 28, 2011. Copy supplied.

Hatred of Tebow based on religion contrary to mantras of tolerance, THE MIRROR, Nov. 21, 2011. Copy supplied.

Society forgetting justice system built on innocent until proven guilty, THE MIRROR, Nov. 14, 2011. Copy supplied.

Inappropriate Facebook postings demonstrates ignorance at its finest, THE MIRROR, Nov. 7, 2011. Copy supplied.

Seven billionth baby born, reviewing population bomb hysteria, THE MIRROR, Oct. 31, 2011. Copy supplied.

Student Senate proposal to cut back hours alienates members from students, THE MIRROR, Oct. 24, 2011. Copy supplied.

Proposition 103, teachers unions, corruption and inefficient bureaucracy, THE MIRROR, Oct. 17, 2011. Copy supplied.

Life means deriving purpose from otherwise monotonous existence, THE MIRROR, Oct. 10, 2011. Copy supplied.

Understanding the pro-life position, ethics of killing humans, THE MIRROR, Oct. 3, 2011.

Copy supplied.

Graduation fee shows duality of universities' emphasis on fun culture, THE MIRROR, Sept. 26, 2011. Copy supplied.

Shocking zealotry of pregnancy prevention instills social problems, THE MIRROR, Sept. 19, 2011. Copy supplied.

NYC Mayor Bloomberg's clergy ban at 911 memorial a mistake, THE MIRROR, Sept. 12, 2011. Copy supplied.

Majority rule, steal from the rich and give to thankless government, THE MIRROR, Aug. 29, 2011. Copy supplied.

Hate improperly attributed to opponents of same-sex marriage, THE MIRROR, Aug. 22, 2011. Copy supplied.

Abortion agenda gets away with deliberate dishonesty in advertising, THE MIRROR, April 20, 2011. Copy supplied.

Your vote is literally worth \$800 in week's Student Senate elections, THE MIRROR, April 13, 2011. Copy supplied.

Culture of spending seeks further university invasion with measure, THE MIRROR, March 30, 2011. Copy supplied.

Economic uncertainty demands innovative education solutions, THE MIRROR, March 23, 2011. Copy supplied.

Supreme Court decision upholds religious campus organization's rights, THE MIRROR, March 9, 2011. Copy supplied.

Standardized testing necessary for any competitive educational field, THE MIRROR, March 2, 2011. Copy supplied.

Hate, ignorance are nothing more than emotional pejoratives, THE MIRROR, Feb. 23, 2011. Copy supplied.

Student Senate's The Maze decision shows double standard, THE MIRROR, Feb. 14, 2011. Copy supplied.

University is not perpetuating education with recent decisions, THE MIRROR, Feb. 9, 2011. Copy supplied.

Kate Walsh's denunciation of Bristol Palin's speech is dogmatic, THE MIRROR, Feb. 2, 2011. Copy supplied.

Jack LaLanne showed how some things are simply awesome, THE MIRROR, Jan. 26, 2011. Copy supplied.

Reese issue illustrates destructive cannon of political correctness, THE MIRROR, Jan. 19, 2011. Copy supplied.

A philosophical treatise on the nature of good and evil, THE MIRROR, Jan. 12, 2011. Copy supplied.

Memorial service overextends necessary tribute to policy officer, THE MIRROR, Dec. 1, 2010. Copy supplied.

Amazon.com boycott, literature censorship skirts issue, THE MIRROR, Nov. 17, 2010. Copy supplied.

Outdoor smoking bans overextend government, THE MIRROR, Nov. 3, 2010. Copy supplied.

The delineation of Arizona's immigration Senate Bill, THE MIRROR, Oct. 27, 2010. Copy supplied.

Literacy tests should be required for elections, THE MIRROR, Oct. 20, 2010. Copy supplied.

Supreme Court's hearing of Westboro case is disastrous, THE MIRROR, Oct. 13, 2010. Copy supplied.

The justification of zealous behavior among pro-lifers, THE MIRROR, Oct. 6, 2010. Copy supplied.

Morality of recycling, understanding misconceptions, THE MIRROR, Sept. 29, 2010. Copy supplied.

To burn a Quran, UNC CONNECTION, Sept. 13, 2010. Copy supplied.

Student Senate name change official, UNC CONNECTION, Sept. 7, 2010. Copy supplied.

Imposing your morality on others, UNC CONNECTION, Sept. 7, 2010. Copy supplied.

Universities, the institution of oppression, UNC CONNECTION, Aug. 30, 2010. Copy supplied.

Further expansions sought, UNC CONNECTION, Aug. 30, 2010. Copy supplied.

Bear Bus revamp in progress to keep Boomerang effect, UNC CONNECTION, Aug. 30, 2010. Copy supplied.

UNC brings marketing strategy to ID cards, UNC CONNECTION, Aug. 23, 2010. Copy supplied.

Fruits of another poorly-run election, UNC CONNECTION, Aug. 23, 2010. Copy supplied.

Boomerang bus service increases. New night shuttle services downtown Greeley and UNC campus, UNC CONNECTION, Aug. 23, 2010. Copy supplied.

Letter from the editor, UNC CONNECTION, May 3, 2010. Copy supplied.

Commencement to be held May 7-8, UNC CONNECTION, May 3, 2010. Copy supplied.

Letter from the editor, UNC CONNECTION, April 26, 2010. Copy supplied.

Elections finally drawing to a close, UNC CONNECTION, April 26, 2010. Copy supplied.

Twice as much plot, UNC CONNECTION, April 12, 2010. Copy supplied.

Music, promotion for a cause, UNC CONNECTION, April 12, 2010. Copy supplied.

Research, awards, and 22 years of academic excellence, UNC CONNECTION, April 5, 2010. Copy supplied.

Genital reassignment, Physician brings presentation to Greeley, UNC CONNECTION, March 29, 2010. Copy supplied.

Job festival awaits teachers, UNC CONNECTION, March 22, 2010. Copy supplied.

Tickle Me Pink, possible appearance in Greeley, UNC CONNECTION, March 8, 2010. Copy supplied.

Survey indicates students want relationship help, UNC CONNECTION, March 8, 2010. Copy supplied.

Addressing the graduating thousands, UNC CONNECTION, March 1, 2010. Copy supplied.

Not finding \$14 million cliff reserve is not an option, UNC CONNECTION, Feb. 22, 2010. Copy supplied.

Graduate school aid, UNC CONNECTION, Feb. 15, 2010. Copy supplied.

Change in leadership, UNC CONNECTION, Feb. 15, 2010. Copy supplied.

Separating powers on the local scale, UNC CONNECTION, Feb. 8, 2010. Copy supplied.

Ticket required to view Feb. 10 presentation by Three Cups of Tea author, UNC CONNECTION, Feb. 1, 2010. Copy supplied.

Encompassing all students' rights, UNC CONNECTION, Feb. 1, 2010. Copy supplied.

Directing financial aid help, UNC CONNECTION, Feb. 1, 2010. Copy supplied.

Determining UNC's inner identity, UNC CONNECTION, Jan. 25, 2010. Copy supplied.

Opening ears to students' opinions, UNC CONNECTION, Jan. 18, 2010. Copy supplied.

Greeks no more, UNC CONNECTION, Nov. 16, 2009. Copy supplied.

Sexual assault reported on campus, UNC CONNECTION, Nov. 9, 2009. Copy supplied.

Ensuring insurance for students, UNC CONNECTION, Nov. 9, 2009. Copy supplied.

Marijuana in the Garden, UNC CONNECTION, Oct. 26, 2009. Copy supplied.

Major nutritional supplement, UNC CONNECTION, Oct. 19, 2009. Copy supplied.

From ground zero to Greeley, UNC CONNECTION, Oct. 12, 2009. Copy supplied.

Arrestee resigns, UNC CONNECTION, Oct. 12, 2009. Copy supplied.

Sick of exams, UNC CONNECTION, Oct. 5, 2009. Copy supplied.

Shoot first, ask questions later, UNC CONNECTION, Oct. 5, 2009. Copy supplied.

Student Senate encouraged to diversify, UNC CONNECTION, Sept. 28, 2009. Copy supplied.

Student Senate announcements, UNC CONNECTION, Sept. 28, 2009. Copy supplied.

Radio operational, UNC CONNECTION, Sept. 28, 2009. Copy supplied.

Racing for mayor, UNC CONNECTION, Sept. 28, 2009. Copy supplied.

Norton's glass half full, UNC CONNECTION, Sept. 28, 2009. Copy supplied.

BEARfoot protest, UNC CONNECTION, Sept. 28, 2009. Copy supplied.

Student Senate Announcements, UNC CONNECTION, Sept. 21, 2009. Copy supplied.

\$100,000 granted for teacher scholarships, UNC CONNECTION, Sept. 21, 2009. Copy supplied.

Student Senate announcements, UNC CONNECTION, Sept. 14, 2009. Copy supplied.

Event mandate proposed, UNC CONNECTION, Sept. 7, 2009. Copy supplied.

Student Senate announcements, UNC CONNECTION, Sept. 7, 2009. Copy supplied.

CATs prowl Butler-Hancock, UNC CONNECTION, Sept. 7, 2009. Copy supplied.

\$2,700 resume now free, UNC CONNECTION, Sept. 7, 2009. Copy supplied.

Cache la Poudre River has second spill in two weeks, UNC CONNECTION, Sept. 7, 2009.

Copy supplied.

Wilson Hall moves to the masculine side, UNC CONNECTION, Aug. 31, 2009. Copy supplied.

Student Senate reaches out toward the university with planned radio broadcast, UNC CONNECTION, Aug. 31, 2009. Copy supplied.

Sheriff's office pushes for universal black list, UNC CONNECTION, Aug. 31, 2009. Copy supplied.

From integration to publication, UNC CONNECTION, Aug. 31, 2009. Copy supplied.

Obama's credit card bill turns effects on students, UNC CONNECTION, Aug. 24, 2009. Copy supplied

Who's watching you, UNC CONNECTION, Aug. 24, 2009. Copy supplied.

New buildings, people and ideas, UNC CONNECTION, Aug. 24, 2009. Copy supplied.

Letter from the editor, UNC CONNECTION, Aug. 24, 2009. Copy supplied.

SRC resorts to presidential appointing for administrative assistant, UNC CONNECTION, May 4, 2009. Copy supplied.

Influx in bicycle theft not uncommon, UNC CONNECTION, May 4, 2009. Copy supplied.

Cover your cough, UNC CONNECTION, May 4, 2009. Copy supplied.

Border laws strengthened, requires extra process for citizens, UNC CONNECTION, May 4, 2009. Copy supplied.

Weld County DA setting sights higher, UNC CONNECTION, April 27, 2009. Copy supplied.

SRC approves legislative name change, UNC CONNECTION, April 27, 2009. Copy supplied

Kinko's run officially finished, UNC CONNECTION, April 27, 2009. Copy supplied.

Process for checking out of the residence halls, UNC CONNECTION, April 27, 2009. Copy supplied.

Out of the shadows, UNC CONNECTION, April 27, 2009. Copy supplied.

Board of Trustees proposes tuition increase, UNC CONNECTION, April 27, 2009. Copy supplied.

Two sexual assaults reported last week, UNC CONNECTION, April 20, 2009. Copy

supplied.

Interview with new SRC President Justin Puckett, UNC CONNECTION, April 20, 2009. Copy supplied.

Sparkling enlightenment, UNC CONNECTION, April 20, 2009. Copy supplied.

Feminism brings concerns to SRC, UNC CONNECTION, April 20, 2009. Copy supplied.

New Frontier changes student payroll, UNC CONNECTION, April 20, 2009. Copy supplied.

SRC voting process, UNC CONNECTION, April 13, 2009. Copy supplied.

SRC finalizes SFAP budget, UNC CONNECTION, April 13, 2009. Copy supplied.

SRC announcements, UNC CONNECTION, April 13, 2009. Copy supplied.

Candidates take to the podium, UNC CONNECTION, April 13, 2009. Copy supplied.

Program directors criticize student trustee, UNC CONNECTION, April 6, 2009. Copy supplied.

SRC continues student fee allocation process, UNC CONNECTION, April 6, 2009. Copy supplied.

Einstein Bros. working for their debut, UNC CONNECTION, April 6, 2009. Copy supplied.

Monfort goes green, UNC CONNECTION, April 6, 2009. Copy supplied.

Dining Services going green on Earth Day, UNC CONNECTION, April 6, 2009. Copy supplied.

Tuition projected to increase nearly \$800, UNC CONNECTION, March 30, 2009. Copy supplied.

Sign asking you to wash your hands not just for employees (satire), UNC CONNECTION, March 30, 2009. Copy supplied.

Help for future homeowners, UNC CONNECTION, March 30, 2009. Copy supplied.

FOCUS founder to speak on moral relativism, UNC CONNECTION, March 30, 2009. Copy supplied.

Student teacher fair coming to UNC, UNC CONNECTION, March 23, 2009. Copy supplied.

Freshmen and sophomores GPAs fall, UNC CONNECTION, March 23, 2009. Copy supplied.

SRC announcements, UNC CONNECTION, March 23, 2009. Copy supplied.

Cause of Snyder fire alarms still unexplainable, UNC CONNECTION, March 23, 2009. Copy supplied.

Run to help student victim of Leukemia, UNC CONNECTION, March 23, 2009. Copy supplied.

Persona non grata arrested, UNC CONNECTION, March 23, 2009. Copy supplied.

Plus minus system equals decrease in GPA, UNC CONNECTION, March 9, 2009. Copy supplied.

SRC announcements, UNC CONNECTION, March 9, 2009. Copy supplied.

Boarding shop makes home in Greeley, UNC CONNECTION, March 9, 2009. Copy supplied.

Highlights from Greeley City Council, UNC CONNECTION, March 9, 2009. Copy supplied.

Words flow in the river room, UNC CONNECTION, March 2, 2009. Copy supplied.

SRC proposal torn down the middle, UNC CONNECTION, March 2, 2009. Copy supplied.

Professor tells history of fraternities, UNC CONNECTION, March 2, 2009. Copy supplied.

Students plead their cases for SRC, UNC CONNECTION, Feb. 23, 2009. Copy supplied.

SRC warned about SFAP absence, UNC CONNECTION, Feb. 23, 2009. Copy supplied.

SRC announcements, UNC CONNECTION, Feb. 23, 2009. Copy supplied.

Harrison Hall pulls for charity, UNC CONNECTION, Feb. 23, 2009. Copy supplied.

The recession doesn't affect everybody, UNC CONNECTION, Feb. 16, 2009. Copy supplied.

SRC announcements, UNC CONNECTION, Feb. 16, 2009. Copy supplied.

SRC and Board of Trustees not compatible this time, UNC CONNECTION, Feb. 16, 2009. Copy supplied.

Rape reported on campus, UNC CONNECTION, Feb. 16, 2009. Copy supplied.

School of Business seeks to expand, UNC CONNECTION, Feb. 16, 2009. Copy supplied.

Student Activities dries up Flobots show, UNC CONNECTION, Feb. 9, 2009. Copy supplied.

Economy not so bad for grants, UNC CONNECTION, Feb. 9, 2009. Copy supplied.

SRC announcements, UNC CONNECTION, Feb. 9, 2009. Copy supplied.

Bad news for sex offenders, UNC CONNECTION, Feb. 9, 2009. Copy supplied.

SRC resolves to deliberate hiring power, UNC CONNECTION, Feb. 2, 2009. Copy supplied.

Innovative technology reaches towards prospective students, UNC CONNECTION, Feb. 2, 2009. Copy supplied.

UNC to host Harvard economist, UNC CONNECTION, Feb. 2, 2009. Copy supplied.

Former UNC employee returns as Dean of Students, UNC CONNECTION, Feb. 2, 2009. Copy supplied.

Substance abuse on the rise, UNC CONNECTION, Jan. 26, 2009. Copy supplied.

Seven-year spike in tuition affects financial aid, UNC CONNECTION, Jan. 26, 2009. Copy supplied.

SRC hires assistant CPE coordinator, UNC CONNECTION, Jan. 26, 2009. Copy supplied.

The Flobots coming to UNC on Feb. 15, UNC CONNECTION, Jan. 19, 2009. Copy supplied.

SRC budget to be cut 85k, UNC CONNECTION, Jan. 19, 2009. Copy supplied.

Greeley Council Worksession deliberates over curfew laws, UNC CONNECTION, Jan. 19, 2009. Copy supplied.

Blood (plasma) money the legal way, UNC CONNECTION, Jan. 19, 2009. Copy supplied.

Textbook costs keep rising, UNC CONNECTION, Jan. 12, 2009. Copy supplied.

Damage from breakins in the thousands, UNC CONNECTION, Jan. 12, 2009. Copy supplied.

Greeley City Council motions to improve pedestrian bike safety, UNC CONNECTION, Jan. 12, 2009. Copy supplied.

Colorado increases minimum wage, UNC CONNECTION, Jan. 12, 2009. Copy supplied.

SRC concludes fall semester, UNC CONNECTION, Dec. 8, 2008. Copy supplied.

Highlights from Greeley City Council, UNC CONNECTION, Dec. 8, 2008. Copy supplied.

Obama denies Disney allegations of loving cheese (satire), UNC CONNECTION, Dec. 8,

2008. Copy supplied.

Economy and competition affect ski resorts, UNC CONNECTION, Dec. 8, 2008. Copy supplied.

Dining Services provides annual holiday tradition, UNC CONNECTION, Dec. 8, 2008. Copy supplied.

UNC to house free AIDS testing, UNC CONNECTION, Dec. 1, 2008. Copy supplied.

RHA Executives move up the regional ladder, UNC CONNECTION, Dec. 1, 2008. Copy supplied.

Local radio stations bring variety to UNC, UNC CONNECTION, Dec. 1, 2008. Copy supplied.

Food Advisory Board holds student meeting, UNC CONNECTION, Dec. 1, 2008. Copy supplied.

Biology professor cures cancer with bleach (satire), UNC CONNECTION, Dec. 1, 2008. Copy supplied.

Voice your opinions to SRC at Fireside Chat, UNC CONNECTION, Nov. 17, 2008. Copy supplied.

UNC students band together in the name of self-defense, UNC CONNECTION, Nov. 17, 2008. Copy supplied.

Restaurant options booming in Greeley, UNC CONNECTION, Nov. 17, 2008. Copy supplied.

Bicycle stalks student (satire), UNC CONNECTION, Nov. 17, 2008. Copy supplied.

UNC hosts charity for Afghani locals, UNC CONNECTION, Nov. 10, 2008. Copy supplied.

SRC deliberates over Somali immigrant fundraiser, UNC CONNECTION, Nov. 10, 2008. Copy supplied.

Cereal killers murder Trix Rabbit in his sleep (satire), UNC CONNECTION, Nov. 10, 2008. Copy supplied.

Atlas Theatre looks to provide community a positive atmosphere, UNC CONNECTION, Nov. 10, 2008. Copy supplied.

UNC plays host to representatives of major and minor candidates, UNC CONNECTION, Nov. 3, 2008. Copy supplied.

Possible mold infects Turner, UNC CONNECTION, Nov. 3, 2008. Copy supplied.

China to hold lead-based toy production contest (satire), UNC CONNECTION, Nov. 3, 2008. Copy supplied.

Wilson RA terminated for alleged solicitation, UNC CONNECTION, Oct. 27, 2008. Copy supplied.

University Center to host community forum, UNC CONNECTION, Oct. 27, 2008. Copy supplied.

Jazz bands to perform at UCCC, UNC CONNECTION, Oct. 27, 2008. Copy supplied.

Halloween Ain't just for kids anymore, UNC CONNECTION, Oct. 27, 2008. Copy supplied.

Congress makes dollar equivalent to three cheeseburgers (satire), UNC CONNECTION, Oct. 27, 2008. Copy supplied.

Offended group pushes for flag ban to stop offensiveness (satire), UNC CONNECTION, Oct. 20, 2008. Copy supplied.

Jazz Studies Dept. adapts to change, UNC CONNECTION, Oct. 20, 2008. Copy supplied.

Gaming Guild moves to invade University Center, UNC CONNECTION, Oct. 20, 2008. Copy supplied.

Fritzler Corn Maze approaches end of season, UNC CONNECTION, Oct. 20, 2008. Copy supplied.

UNC professor wins George C. Pimentel Award, UNC CONNECTION, Oct. 13, 2008. Copy supplied.

SRC brings up effects of past lawsuit, UNC CONNECTION, Oct. 13, 2008. Copy supplied.

Greeley to host Region I Safecon event, UNC CONNECTION, Oct. 13, 2008. Copy supplied.

Circus attendance declines as circus freaks decline (satire), UNC CONNECTION, Oct. 13, 2008. Copy supplied.

UNC hockey falls short against CU, UNC CONNECTION, Oct. 6, 2008. Copy supplied.

West campus renovations planned for Turner Hall, UNC CONNECTION, Sept. 29, 2008. Copy supplied.

SRC shoots down proposal for paper ballot election, UNC CONNECTION, Sept. 29, 2008. Copy supplied.

Disgruntled elder arrested for riot in post office (satire), UNC CONNECTION, Sept. 29, 2008. Copy supplied.

RA makes up for lack of social life by harassment of cool kids (satire), UNC CONNECTION, Sept. 22, 2008. Copy supplied.

Imperfections with Bearmail, UNC CONNECTION, Sept. 22, 2008. Copy supplied.

Bears fall short of victory, UNC CONNECTION, Sept. 22, 2008. Copy supplied.

Theft and desecration of Turner Lion sparks war, UNC CONNECTION, Sept. 15, 2008. Copy supplied.

Dispute confronted at SRC meeting, UNC CONNECTION, Sept. 15, 2008. Copy supplied.

Biden plays female card by donning women's clothing (satire), UNC CONNECTION, Sept. 15, 2008. Copy supplied.

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.

Policy Statement, Abrams Inst. for Freedom of Expression, *Police Body Cam Footage: Just Another Public Record*, Media Freedom & Information Access Clinic (Dec. 2015) (assigned by the law school clinic director to help contribute to the report). Copy supplied.

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.

Letter to Sens. Charles Grassley and Richard Durbin from Missouri Attorney General's Office in support of John Sauer nomination, Feb. 24, 2025. Copy supplied.

Letter to Sens. Charles Grassley and Richard Durbin from state solicitors general in support of John Sauer nomination, Feb. 24, 2025. Copy supplied.

Remarks during Department of Education Negotiated Rulemaking Committee for Higher Education 2023–24, Session 3 (Dec. 11, 2023). Copy supplied.

Proposal for Additional Committee Members to the Department of Education Negotiated Rulemaking Committee for Higher Education 2023–24 (Dec. 8, 2023). Copy supplied.

Proposal to include Taxpayers and Persons Who do not Have Debt on the Department of Education Negotiated Rulemaking Committee for Higher Education 2023–24 (Nov. 14, 2023). Copy supplied.

Letter from Yale students, alumni, and faculty in support of Judge Brett M. Kavanaugh, July 12, 2018. 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.

March 29, 2025: Panelist, "Has the Right Lost the Argument for Small Government?" Federalist Society, Simi Valley, California. I was a panelist at this conference and was invited to speak about the emerging debate in conservative legal circles about whether to adopt a pro-regulation approach or a libertarian approach. In particular, I talked about regulation of large tech companies. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

March 24, 2025: Speaker, "Guest lecturer for Professor Osgood's criminal law course," Washington University School of Law, Saint Louis, Missouri. I was asked to discuss the role of the Missouri Solicitor General, especially with respect to criminal law. I have no notes, transcript, or recording. The address of the Washington University School of Law is 1 Brookings Drive, Saint Louis, Missouri 63130.

March 10, 2025: Speaker, "Richard Wieler Conference Room dedication ceremony," Jefferson City, Missouri. Notes supplied.

February 27, 2025: Speaker, "Role of States in Separation of Powers," Separation of Powers Institute, Columbus School of Law, Washington, District of Columbia.

Recording available at:

<https://podcasts.apple.com/us/podcast/the-role-of-states-in-administrative-law/id1802636969?i=1000704454778>

February 21, 2025: Keynote Panelist, "Keynote panel," Federalist Society, Jefferson City, Missouri. I was asked to speak about "how state legal officers respond to the evolving dynamics between state and federal authority, tackle issues of federal overreach, and shape national legal and policy discussions." I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

November 20, 2024: Panelist, "Debate: *United States v. Skrmetti*," Federalist Society, Yale Law School, New Haven, Connecticut. PowerPoint supplied.

November 7, 2024: Speaker, "Supreme Court Roundup," Federalist Society, University of Cincinnati, Cincinnati, Ohio. I was asked to provide a "roundup" of cases the

Supreme Court decided in October Term 2023 and a preview of some cases from October Term 2024. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

November 7, 2024: Panelist, "Supreme Court Roundup," Federalist Society, Covington, Kentucky. I was asked to provide a "roundup" of cases the Supreme Court decided in October Term 2023 and a preview of some cases from October Term 2024. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

November 6, 2024: Speaker, "Regulating Big Tech after *NetChoice*," Federalist Society, University of Chicago Law School, Chicago, Illinois. PowerPoint supplied.

October 30, 2024: Panelist, "Should America Strengthen Social Media Regulation?" Georgetown University Law Center, Washington, District of Columbia. Recording available at: <https://www.youtube.com/watch?v=RoR2ifkSkPA>.

October 29, 2024: Panelist, "The Springfield Federalist Society's Fall Luncheon and SCOTUS Review," Federalist Society, Springfield, Missouri. I was asked to provide a "roundup" of cases the Supreme Court decided in October Term 2023 and a preview of some cases from October Term 2024. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

October 28, 2024: Speaker, "Regulating Big Tech after *NetChoice*," Federalist Society, Northwestern Pritzker School of Law, Chicago, Illinois. I have no notes, transcript, or recording, but my remarks would have been similar to my November 6, 2024, remarks for which I have supplied PowerPoint slides.

October 9, 2024: Speaker, "Guest lecturer for William Horner's Supreme Court class," University of Missouri School of Law, Columbia, Missouri. I was asked to discuss my experience with the Supreme Court, both as a law clerk and as Solicitor General. I have no notes, transcript, or recording. The address of the University of Missouri School of Law is 820 Conley Avenue, Columbia, Missouri 65211.

August 20, 2024: Panelist, "Supreme Court Roundup: The 2024 Term in Review," Federalist Society, Denver, Colorado. I was asked to provide a "roundup" of cases the Supreme Court decided in October Term 2023 and a preview of some cases from October Term 2024. I have no notes, transcript, or recording. Press coverage is supplied. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

July 17, 2024: Speaker, "Supreme Court Roundup," Federal Bar Association and Federalist Society, Saint Louis, Missouri. I was asked to provide a "roundup" of cases the Supreme Court decided in October Term 2023 and a preview of some cases from October Term 2024. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

July 1, 2024: Panelist, "Courthouse Steps Decision: *Murthy v. Missouri*," Federalist Society, Online. Recording available at:
<https://www.youtube.com/watch?v=hJi5mo3fa7c>

June 14, 2024: Panelist, "State Attorneys General Offices," Heritage Foundation, Washington, District of Columbia. I was asked to speak to nonprofit organizations to discuss how States and public interest firms can work together more effectively. I have no notes, transcript, or recording. The address of The Heritage Foundation is 214 Massachusetts Avenue, Northeast, Washington, District of Columbia 20002.

May 8, 2024: Panelist, "The Race to Regulate the Internet," George Mason University, Arlington, Virginia. Recording available at:
<https://www.youtube.com/watch?v=5YBTmqFN7To>.

April 3, 2024: Panelist, "*NetChoice* Debate," Federalist Society, Washington University School of Law, Saint Louis, Missouri. Notes supplied.

January 19, 2024: Keynote panelist, "Debate: *Missouri v. Biden*," Federalist Society, Jefferson City, Missouri. Notes supplied.

December 15, 2023: Speaker, "Social Media Cases at the Supreme Court," Federal Bar Association, Saint Louis, Missouri. Notes supplied.

September 8, 2023: Panelist, "Modern Strategies for the Offices of the State Attorneys General," Federalist Society, Birmingham, Alabama. Recording available at:
<https://www.youtube.com/watch?v=tTzTPmIxW84>.

July 19, 2023: Panelist, "State Solicitor General Panel," Becket Fund for Religious Liberty, Online. I was asked to talk to interns about my job as Solicitor General. I have no notes, transcript, or recording. The address of The Becket Fund for Religious Liberty is 1919 Pennsylvania Avenue Suite 400, Washington, District of Columbia 20006.

June 16, 2023: Panelist, "Title IX Regulations," Federalist Society, Indianapolis, Indiana. Notes supplied.

April 10, 2023: Speaker, "Professional Development Lunch," Federalist Society, Yale Law School, New Haven, Connecticut. I was asked to discuss my work on tech issues in the Senate and to provide general advice to law students. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

November 3, 2022: Panelist, "Debate: Big Tech Regulation," Federalist Society, Harvard Law School, Cambridge, Massachusetts. Power Point supplied.

October 27, 2022: Panelist, "Careers in Public Service," Federalist Society, American University Washington College of Law, Washington, District of Columbia. I was asked to discuss my career and to provide general advice to law students. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street,

Northwest, Suite 300, Washington, District of Columbia 20006.

October 24, 2022: Speaker, "Can Big Tech be Caught," Federalist Society, Scalia Law School, Arlington, Virginia. Notes supplied.

October 4, 2022: Speaker, "Conservative Case for Regulating Big Tech," Federalist Society, Columbia Law School, New York, New York. I have no notes, transcript or recording, but my remarks would have been similar to my October 24, 2022, remarks for which I have supplied notes.

May 25, 2022: Panelist, "Originalism as a Law Clerk," Georgetown Center for the Constitution, Washington, District of Columbia. I was asked to discuss what role originalism played in my Supreme Court clerkship. I have no notes, transcript, or recording. The address of the Georgetown Center for the Constitution is 600 New Jersey Avenue, Northwest, Washington District of Columbia 20001.

April 21, 2022: Speaker, "Conservative Case for Regulating Big Tech," Federalist Society, Denver, Colorado. I have no notes, transcript or recording, but my remarks would have been similar to my October 24, 2022, remarks for which I have supplied notes.

April 13, 2022: Speaker, "Conservative Case for Regulating Big Tech," Federalist Society, Georgetown University Law Center, Washington, District of Columbia. I have no notes, transcript or recording, but my remarks would have been similar to my October 24, 2022, remarks for which I have supplied notes.

April 12, 2022: Panelist, "Big Tech, Antitrust, and the Future," Federalist Society, American University Washington College of Law, Washington, District of Columbia. I was asked to discuss my thoughts about the future of antitrust enforcement with respect to large technology companies. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

February 22, 2022: Speaker, "Conservative Case for Regulating Big Tech," Federalist Society, University of Virginia School of Law, Charlottesville, Virginia. I have no notes, transcript or recording, but my remarks would have been similar to my October 24, 2022, remarks for which I have supplied notes.

January 24, 2022: Panelist, "Government Regulation of Social Media Content Moderation," Federalist Society, Jefferson City, Missouri. Recording available at: https://www.youtube.com/watch?v=b4197_4AMr8.

October 11, 2021: Speaker, "Statutory Federalism and Criminal Law," Federalist Society, George Washington University Law School, Washington, District of Columbia. I discussed my article *Statutory Federalism and Criminal Law*, 106 VA. L. REV. 127 (2020). Other than the article itself, I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

June 3, 2021: Speaker, "Tech Regulation," Antonin Scalia Fellowship, Online. Notes supplied.

May 27, 2021: Panelist, "Originalism as a Law Clerk," Georgetown Center for the Constitution, Washington, District of Columbia. I was asked to discuss what role originalism played in my Supreme Court clerkship. I have no notes, transcript, or recording. The address of the Georgetown Center for the Constitution is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001.

May 2020: Panelist, Rule of Law Defense Fund, Online webinar. I was asked to provide a basic overview of the Foreign Sovereign Immunities Act in the context of China and COVID, including an explanation of Senator Hawley's S.3674 - Civil Justice for Victims of Coronavirus Act. I have no notes, transcript, or recording. The address of the Rule of Law Defense Fund is 1747 Pennsylvania Avenue, Northwest, Suite 800, Washington, District of Columbia 20006.

April 15, 2020: Panelist, "Section 230 of the Communications Decency Act," Federalist Society, Washington, District of Columbia, Online. Recording available at: <https://fedsoc.org/events/section-230-of-the-communications-decency-act-1>.

February 18, 2020: Panelist, "Statutory Federalism and Criminal Law," Future Prosecuting Attorney's Council and Federalist Society, Notre Dame Law School, South Bend, Indiana. I discussed my article *Statutory Federalism and Criminal Law*, 106 VA. L. REV. 127 (2020). Other than the article itself, I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

October 9, 2019: Panelist, "Statutory Federalism and Criminal Law," Federalist Society, Columbia Law School, New York, New York. I discussed my article *Statutory Federalism and Criminal Law*, 106 VA. L. REV. 127 (2020). Other than the article itself, I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

October 8, 2019: Panelist, "Statutory Federalism and Criminal Law," Federalist Society, University of Virginia School of Law, Charlottesville, Virginia. I discussed my article *Statutory Federalism and Criminal Law*, 106 VA. L. REV. 127 (2020). Other than the article itself, I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

February 5, 2019: Speaker, "Statutory Federalism and Criminal Law," Federalist Society, Yale Law School, New Haven, Connecticut. I discussed my article *Statutory Federalism and Criminal Law*, 106 VA. L. REV. 127 (2020). Other than the article itself, I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

January 23, 2019: Panelist, "Careers in Public Service," Federalist Society, University of Chicago Law School, Chicago, Illinois. I was asked to explain my experiences in public service. I have no notes, transcript, or recording. The address of The Federalist Society

is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

February 10, 2017: Panelist, "Clerking," Federalist Society, Yale Law School, New Haven, Connecticut. I was asked to give advice to future law clerks. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, District of Columbia 20006.

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.

Faune Riggins, River Radio KZIM (Feb. 5, 2025). Recording available at: <https://podcasts.apple.com/us/podcast/a-glimpse-into-the-ags-communications-team/id1458752757?i=1000689395833>.

Michael Ryan, *Inside an earthquake: Missouri's 'likely' billion-dollar judgment against China should rock the world, officials say*, The Heartlander (Feb. 4, 2025). Copy supplied.

Joe Hennessy, *Trial date set for Amendment Three lawsuit as abortion remains banned in Missouri*, KCTV 5 (Jan. 31, 2025). Article and video available at: <https://www.kctv5.com/2025/02/01/trial-date-set-amendment-three-lawsuit-abortion-remains-banned-missouri/>.

Missouri Attorney General sues China, KFVS 12 (Jan. 27, 2025). Video available at: <https://www.kfvs12.com/video/2025/01/27/missouri-attorney-general-sues-china-2/>.

Amber Ruch, *Mo. vs. China case held in Cape Girardeau federal court Monday*, KFVS 12 (Jan. 27, 2025). Video available at: <https://www.kfvs12.com/2025/01/24/mo-suing-china-its-role-covid19-pandemic-bailey-says/>.

Morning Crew with Dan and Drew, Real Talk 93.3 (Jan. 16, 2025). Video available at: https://www.facebook.com/RealTalk933fm/videos/the-morning-crew/1705514260374516/?_rdr

Abortion access on hold in Missouri as legal battle drags on, Associated Press (Dec. 6, 2024). Video available at: <https://www.youtube.com/watch?v=bYX6HLkXfMY>.

Anna Sporre, Judge could allow Planned Parenthood to begin, Fulton Sun (Dec. 6, 2024). Copy supplied.

Noah Taborda, *Planned Parenthood and Missouri attorney general expect judge to rule soon on abortion restrictions*, KCUR (Dec. 4, 2024). Copy supplied.

Jonathan Shorman, *Abortions could begin in Kansas City on Friday if Jackson Co. judge blocks restrictions*, The Kansas City Star (Dec. 4, 2024). Copy supplied.

Hannah Falcon, *Jackson County judge weighs whether to pause Missouri's abortion ban ahead of Amendment Three going into effect this week*, WGEM (Dec. 4, 2024). Article and video available at: <https://www.wgem.com/2024/12/05/jackson-county-judge-weighs-whether-pause-missouris-abortion-ban-ahead-amendment-three-going-into-effect-this-week>.

Malik Jackson, *Missouri voters affirmed Amendment 3, but stances continue to differ*, Fox 4 (Dec. 4, 2024). Article and video available at: <https://fox4kc.com/news/missouri-voters-affirmed-amendment-3-but-stances-continue-to-differ/> and <https://www.youtube.com/watch?v=bYX6HLkXfMY>.

Matt Evans, *Missouri judge to decide on Injunction restoring abortion access after Amendment 3*, KMBC News 9 (Dec. 4, 2024). Article and video available at: <https://www.kmbc.com/article/missouri-judge-to-decide-injunction-restoring-abortion-access/63098183>.

Ali Sullivan, *Meet Trump's Solicitor General Nominee John Sauer*, Law360 (Nov. 15, 2024). Copy supplied.

Jen Bukowsky Show, 93.9 The Eagle (Oct. 6, 2024). Video available at: <https://www.facebook.com/939TheEagle/videos/522987180347656/>.

Show Me Today, Missouri Attorney General's office says student loan forgiveness attempts sends "wrong message" to colleges, MissouriNet (Aug. 30, 2024). Recording available at: <https://www.missourinet.com/2024/08/30/attorney-generals-office-says-student-loan-forgiveness-attempts-sends-wrong-message-to-colleges-listen/>.

Morning Crew with Dan and Drew, Real Talk 93.3 (Aug. 12, 2024). I have no notes, transcript, or recording and have been unable to obtain a recording. The address of Sponsor is 12594 Veterans Memorial Parkway, Wentzville, Missouri 63385.

Mark Maxwell, *Biden's revised student loan debt plan faces new legal challenge in federal court*, KSDK (June 3, 2024). Article and video available at: <https://www.ksdk.com/article/news/politics/national-politics/biden-revised-student-loan-debt-plan-legal-challenge-federal-court/63-b0ea344d-12ba-4d7e-8765-86599601e552>.

Morning Crew with Dan and Drew, Real Talk 93.3 (June 3, 2024). I have no notes, transcript, or recording and have been unable to obtain a recording. The address of Sponsor is 12594 Veterans Memorial Parkway, Wentzville, Missouri 63385.

With Branden Rathert, Bailey Wire Podcast, Episode 5: *Battling Biden's Unlawful Student Loan Bailout with Solicitor General Josh Divine*, (May 30, 2024). Recording available at: https://www.youtube.com/watch?v=uQsCpCPrvog&list=PLh7Oh6MV0koWNxdMUzv9_hPMxxV1LxKWB&index=4.

Marc Cox, 97.1 The Talk (April 5, 2024). I have no notes, transcript, or recording and have been unable to obtain a recording. The address of Sponsor is 1220 Olive Street, 3rd Floor, Saint Louis, Missouri 63103.

Morning Crew with Dan and Drew, Real Talk 93.3 (April 4, 2024). I have no notes, transcript, or recording and have been unable to obtain a recording. The address of Sponsor is 12594 Veterans Memorial Parkway, Wentzville, Missouri 63385.

Nate Mowry, *Missouri Solicitor General Josh Divine on government influence on social media*, SCOTUSblog (March 18, 2024). Video available at: <https://www.scotusblog.com/2024/03/missouri-solicitor-general-josh-devine-on-government-influence-on-social-media/>.

Sylvie Douglass, *A Supreme Court case that could reshape social media*, NPR (Feb. 22, 2024). Copy supplied.

Wake up Mid Mo, 93.9 The Eagle (Jan. 17, 2024). Video available at: <https://www.youtube.com/watch?v=T4LmPfoCBA&t=490s>.

Kelley Hoskins, *Religious leaders challenge Missouri's abortion ban, cite separation of church and state*, Fox2Now (Nov. 16, 2023). Article and video available at: <https://fox2now.com/video/religious-leaders-challenge-missouris-abortion-ban-cite-separation-of-church-and-state/9180263/>.

Sarah Kellogg, *Missouri's latest attempt to defund Planned Parenthood will be decided by state Supreme Court*, NPR Saint Louis Public Radio (Nov. 9, 2023). Copy supplied.

Elly Laliberte, *Missouri Supreme Court hears arguments over block of Planned Parenthood funding*, KOMU 8 (Nov. 8, 2023). Article and video available at: https://www.komu.com/news/state/missouri-supreme-court-hears-arguments-over-block-of-planned-parenthood-funding/article_f84d4bec-7dc3-11ee-83e4-fb8527824be4.html.

Mercedes Mackay, *Prosecuting Attorney Jean Peters Baker is concerned about how prosecutors are supposed to interpret the abortion ban*, KSDK (Sept. 6, 2023). Article and video available at: <https://www.ksdk.com/article/news/politics/state-prosecutors-missouris-abortion-ban/63-f3524fdb-4d55-47a6-947e-43a48649f88d>.

Ian Robinson, *Arguments begin in landmark government censorship case heard before Louisiana federal court*, Monroe News-Star (May 26, 2023). 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. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed 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 volunteered to knock doors for one day during the New Hampshire 2016 Republican primary for Marco Rubio.

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 2016 to 2017, I served as a law clerk to the Honorable William H. Pryor, Circuit Judge of the United States Court of Appeals for the Eleventh Circuit.

From 2020 to 2021, I served as a law clerk to the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States.

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

I have not 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;

2017 – 2019
Office of the Missouri Attorney General
207 West High Street
Jefferson City, Missouri 65101
Deputy Solicitor General

2019 – 2022
United States Senator Josh Hawley
115 Russell Senate Office Building
Washington, District of Columbia, 20510
Chief Counsel (2021 – 2022)
Deputy Counsel (2019 – 2020)

2023 – present
Office of the Missouri Attorney General
207 West High Street
Jefferson City, Missouri 65101
Solicitor General (2023 – present)
Director of Special Litigation (2023 – 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 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.

My practice has focused on complex trial and appellate litigation as well as in-house advice, but I have never specialized in any particular substantive area of the law. As Deputy Counsel and then Chief Counsel in the United States Senate, my role included advising a Senator on all legal issues, answering ethics questions for the office, drafting briefs, assessing whether to join amicus briefs, reviewing and drafting legislation, and answering legal inquiries from other staffers.

As Solicitor General and Director of Special Litigation, I work on constitutional and other complex cases in federal and state court, both at trial and on appeal. I conduct discovery, take depositions, engage in pre-trial motions practice, file briefs, lead trials, examine and cross-examine witnesses, and argue appeals. I also supervise two units that do all these tasks. My practice has been mostly civil but has included some criminal cases as well. As Solicitor General, I supervise appeals for the 200-attorney office. As Director of Special Litigation, I supervise a trial team engaged in complex litigation, and I personally appear in trial courts. (My experience as a Deputy Solicitor General was similar.)

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

As a law clerk I worked on the full range of issues as they came before the Supreme Court and court of appeals.

As Solicitor General and Director of Special Litigation, I work for state agencies and state officials on many different matters, including litigation, regulatory review, administrative law, state-federal relations, and multi-state litigation.

- 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.

During my time in the Attorney General's Office, most of my practice has been in litigation, and I appear in court frequently. I have personally argued dozens of times. In 2024 alone, I had 12 oral arguments, including several multi-hour preliminary-injunction arguments and a two-week trial. Nine of those arguments were in trial courts.

- i. Indicate the percentage of your practice in:

| | | |
|----|--------------------------|-----|
| 1. | federal courts: | 45% |
| 2. | state courts of record: | 50% |
| 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.

My cases typically are resolved at the preliminary-injunction stage or on written motions for judgment on the pleadings. Not counting those cases, 14 cases I oversee as Director of Special Litigation since 2023 have gone to a final decision. In addition, I estimate I have been associate counsel on half a dozen additional cases that were tried to final decision during this time.

i. What percentage of these trials were:

1. jury: 5%
2. non-jury: 95%

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 served as counsel of record or significant co-counsel and filed merits briefs, amicus briefs, petitions, applications, and other documents before the Supreme Court. Briefs and other pleadings filed in the U.S. Supreme Court in cases in which I served as lead counsel or significant co-counsel are identified below. I have not included multistate amicus briefs authored or led by other States that Missouri joined while I was in the Missouri Attorney General's Office, unless I served as lead counsel or significant co-counsel. I also have not included miscellaneous, pro forma documents like motions for extension of time.

I was counsel of record on merits-stage, certiorari-stage, original-proceeding-stage, and emergency-application-stage briefs in the following cases:

Missouri v. United States, No. 24-796 (2024) (pending) (Petition for Certiorari, 2025 WL 334271; Emergency Application, 2023 WL 6535000; Reply in Support of Emergency Application, 2023 WL 6848874)

Biden v. Missouri, No. 24A173 (2024) (Brief in Opposition to Application to Vacate the Injunction, 2024 WL 3890075)

Murthy v. Missouri, 603 U.S. 43 (2024) (Brief of Respondents, 2024 WL 475271; Response to Application for Stay of Injunction, 2023 WL 6170335; September 25, 2023 Supplemental Letter, copy supplied; October 3, 2023 Supplemental Letter, copy supplied; Response to Applicant's Third Supplemental Memorandum, copy supplied; Response in

Opposition to Motion to Intervene, copy supplied)

Missouri v. New York, No. 220159 (2024) (Motion for Leave to File Bill of Complaint, copy supplied; Motion for Expedited Consideration, copy supplied; Motion for a Preliminary Injunction or Stay, copy supplied; Reply in Support of Motion for Expedited Consideration, copy supplied; Reply in Support of Motion for Leave to File Bill of Complaint and in Support of Motion for Preliminary Injunction or Stay, copy supplied)

FDA v. Alliance for Hippocratic Medicine, 602 U.S. 367 (2024) (Motion to Intervene by Missouri, Idaho, and Kansas, 2024 WL 286385; Reply in Support of Motion to Intervene, 2024 WL 556093)

Missouri Department of Corrections v. Finney, No. 23-203 (2024) (Petition for Certiorari, 2023 WL 5753615; Reply in Support of Petition, 2023 WL 6940215)

I was counsel of record on amicus briefs in the following cases:

MOHELA v. Good, No. 24-992 (decision pending) (Amicus Brief on Behalf of Missouri in Support of Certiorari, 2025 WL 1181759)

Crouch v. Anderson, No. 24-90 (decision pending) (Amicus Brief on Behalf of 24 States in Support of Certiorari, 2024 WL 3988668)

Folwell v. Kadel, No. 24-99 (2024) (decision pending) (Amicus Brief on Behalf of 24 States in Support of Certiorari, 2024 WL 3988668)

United States v. Skrametti, No. 23-477 (decision pending) (Amicus Brief on the Merits, 2024 WL 4554619)

Doe Run Resources Corporation v. Reid, No. 24-601 (2025) (Amicus Brief on Behalf of 14 States in Support of Certiorari, 2025 WL 371413)

Alaska v. Department of Education, No. 24A11 (2024) (Amicus Brief on Behalf of Seven States in Support of Emergency Application, 2024 WL 3497592)

FDA v. Alliance for Hippocratic Medicine, 602 U.S. 367 (2024) (Amicus Brief on Behalf of Three States on the Merits, 2024 WL 948009; Amicus Brief in Opposition to Emergency Application 2023 WL 3178449)

Moody v. NetChoice, 603 U.S. 707 (2024) (Amicus Brief on Behalf of 19 States on the Merits, 2024 WL 287651)

NetChoice v. Paxton, 603 U.S. 707 (2024) (Amicus Brief on Behalf of 19 States on the Merits, 2024 WL 287651)

McElrath v. Georgia, 601 U.S. 87 (2024) (Amicus Brief on Behalf of 15 States on the

Merits, 2023 WL 7042383)

I have been listed on briefs as supporting counsel for either a party or *amicus curiae* in the following matters:

Oklahoma v. EPA, No. 24A213 (2024) (Emergency Application for Stay of Final Agency Action During Pendency of Petition for Review, 2024 WL 3974262; Reply in Support of Application for Stay of Final Agency Action During Pendency of Petition for Review, 2024 WL 4494726)

West Virginia v. EPA, No. 24A95 (2024) (Emergency Application for an Immediate Stay of Administrative Action Pending Review in the D.C. Circuit, 2024 WL 3579345; Reply in Support of States' Emergency Application for an Immediate Stay of Administrative Action Pending Review in the D.C. Circuit, 2024 WL 3974265)

Ohio v. EPA, No. No. 24-13 (2024) (Petition for Certiorari, 2024 WL 3361715; Reply in Support of Petition for Certiorari, 2024 WL 4335674)

June Medical Services v. Gee, 591 U.S. 299 (2020) (Amicus Brief on Behalf of Senator Josh Hawley on the Merits, 2019 WL 7397762; Amicus Brief on Behalf of Senator Josh Hawley in Opposition to Certiorari, 2019 WL 2614188)

Bucklew v. Precythe, 587 U.S. 119 (2019) (Brief of Respondents, 2018 WL 3969564; Brief in Opposition to Petition for Writ of Certiorari and in Opposition to Application for Stay of Execution, 2018 WL 1757762)

Association des Eleveurs de Canards et d'Oies du Quebec v. Becerra, No. 17-1285 (2019) (Amicus Brief on Behalf of 11 States in Support of Certiorari, 2018 WL 1806989)

Missouri v. California, 22O148 (2019) (Reply Brief, copy supplied; Supplemental Brief, copy supplied)

Holman v. Sachse, 17-7693 (2018) (Brief in Opposition, copy supplied)

Shockley v. Griffith, 17-8599 (2018) (Brief in Opposition, copy supplied)

Kirk v. Missouri, No. 17-6798 (2018) (Brief in Opposition, copy supplied)

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

a. the date of representation;

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

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

1. *Missouri v. People's Republic of China*, 2025 WL 746202 (E.D. Mo., March 7, 2025); *Missouri v. People's Republic of China*, 90 F.4th 930 (8th Cir. 2024)

Since 2023, I have represented the State of Missouri as lead counsel in an antitrust action against China and obtained the largest judgment in state history. The lawsuit alleged that China committed antitrust violations by engaging in anticompetitive conduct to hoard personal protective equipment at the beginning of the COVID outbreak.

The district court (Judge Limbaugh) initially dismissed the suit as barred by sovereign immunity. I argued the appeal in the Eighth Circuit before Judges Smith, Stras, and Kobes. That court reversed the district court and reinstated the lawsuit, with Judge Smith dissenting. On remand, before the same district court judge, I litigated the case at trial with one of my deputy solicitors general. In March 2025, the district court ruled in Missouri's favor and issued a \$24.4 billion judgment against China.

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Counsel for Defendants:

China did not enter an appearance.

2. *Missouri v. Biden*, 128 F.4th 979 (2025) (renamed automatically to *Missouri v. Trump* under F.R.C.P. 25); *Missouri v. Biden*, 738 F.Supp.3d 1113 (E.D. Mo., 2024); *Biden v. Missouri*, No. 24A173 (2024)

Since 2024, I have served as lead counsel for a seven-State coalition challenging a regulation by the Department of Education that would have cancelled nearly \$500 billion in student loans. This was the Department's second attempt at cancelling nearly \$500 billion in student loans, after its unsuccessful attempt in *Biden v. Nebraska*, 600 U.S. 477 (2023). After oral argument and evidentiary submissions, the district court (Judge Ross) issued a preliminary injunction. When the Department altered its program to continue forgiving loans despite the district court's injunction, the States successfully moved for a broader injunction pending appeal, which the Eighth Circuit granted in a per curiam opinion joined by Judges Gruender, Grasz, and Erickson. The U.S. Solicitor General filed an emergency application in the Supreme Court to permit the Department to continue forgiving loans. The Supreme Court rejected that request without dissent. After full briefing and oral argument, the same panel of the Eighth Circuit issued a full opinion siding with my client and declaring the Department's actions unlawful. Judge Grasz wrote the unanimous decision, joined by Judges Gruender and Erickson.

I led all aspects of the litigation—from drafting the complaint, motions, and briefs, to delivering several oral arguments and successfully defending the States' injunction at the Supreme Court.

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3. *Noe v. Parson*, No. 23AC-CC04530 (19th Circ., MO, 2024)

Since 2023, I have led the trial and appellate representation of Missouri in defense of its law limiting hormonal and surgical gender transition interventions in minors. In 2023, the trial court (Judge Ohmer) held a three-day, 14-witness preliminary injunction hearing just three weeks after the lawsuit was served. I led representation for the hearing, cross-examined all three expert witnesses for the other side, directly examined the State's opening witness, and delivered opening and closing arguments. The trial court ruled in the State's favor—the first trial court in the nation to rule in favor of a State on this issue.

The plaintiffs then took a peremptory strike against Judge Ohmer, which is allowed under Missouri law for any reason if taken within 60 days of the case being filed. Missouri S. Ct. Rule 51.05. The Missouri Supreme Court reassigned the case to Judge Carter. I continued to serve as lead counsel for the next year through trial, taking several depositions and discovery, and again delivering arguments and examining fact and expert witnesses at trial. The trial lasted two weeks and involved 34 witnesses. The court again ruled in favor of the State. To the best of my knowledge, Missouri remains the only State in the nation to prevail on this issue at trial. The plaintiffs have filed a notice of appeal, and briefing remains ongoing.

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4. *Missouri v. Department of Education*, 2:24-cv-00103 (S.D. Ga.), venue transferred to 4:24-cv-01316 (E.D. Mo.)

Since 2024, I have led a seven-State coalition against the Department of Education's third attempt to mass cancel student loans. The States argued that the Department was illegally attempting to cancel hundreds of billions in student loans and was clandestinely rushing to do so to prevent a court from exercising judicial review. The district court (Judge Hall) agreed and entered two temporary restraining orders against the defendants. Weeks later, the district court concluded that Georgia lacked standing and transferred venue to the Eastern District of Missouri. That court (Judge Schelp) also agreed that the Department was illegally and clandestinely rushing to mass cancel billions of dollars in student loans, so that district court entered a preliminary injunction. Litigation remains ongoing.

As lead counsel for the seven-State coalition, I worked on the complaint, the motions, the briefing, and the evidentiary submissions. I also delivered oral argument.

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5. *Murthy v. Missouri*, 603 U.S. 43 (2024); *Missouri v. Biden*, 83 F.4th 350 (5th Cir. 2023); *Missouri v. Biden*, 680 F. Supp. 3d 630 (W.D. La., 2023)

Since 2023, I have served as lead counsel for Missouri in an action brought by Missouri, Louisiana, and several private plaintiffs. The States alleged that the Federal Government engaged in a systemic campaign to unlawfully pressure and coerce social media companies to take down free speech content that the Federal Government disliked. The States and private plaintiffs submitted thousands of pages of evidence at a preliminary injunction hearing before Judge Doughty.

The district court agreed that the Federal Government had violated the First Amendment and was continuing to violate the First Amendment. On appeal, the Fifth Circuit affirmed the district court in a unanimous per curiam decision joined by Judges Clement, Elrod, and Willett. The Supreme Court then heard the case. It did not dispute that the States and private plaintiffs had established violations of the First Amendment, but the Court ruled 6-3 that the plaintiffs lacked standing to obtain prospective injunctive relief based on the evidence in the record at the preliminary injunction stage. Justices Thomas, Alito, and Gorsuch dissented. Litigation remains ongoing on remand.

I became lead counsel for Missouri in 2023, the year after the litigation was filed. In that role, I helped draft the motions and briefs both in the trial court, on appeal before the Fifth Circuit, and before the Supreme Court. I delivered oral argument before the Fifth Circuit.

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6. *Missouri and Texas v. Biden*, 722 F. Supp. 3d 710 (S.D. Tex. 2024) (consolidated with *General Land Office v. Biden*)

Since 2023, I have represented Missouri as lead Missouri counsel in a case brought by Missouri and Texas against the Federal Government for its decision to stop using funds appropriated by Congress to build a wall on the southern border. The case was consolidated with another case by the General Land Office of Texas, which raised

substantially similar claims. The plaintiffs argued that two appropriations bills mandated that the Federal Government spend funds building a border wall.

The district court (Judge Micaela Alvarez) dismissed the suit for lack of standing, but the Fifth Circuit reversed in a decision joined by Judges Jones and Smith, with Judge Graves concurring in part and dissenting in part. On remand, the district court transferred the case to another judge (Judge Tipton), who entered a final judgment in favor of the States.

Although the case began before my tenure as Director of Special Litigation, I took over as lead counsel after the Fifth Circuit remanded. I drafted motions and briefs, assisted with discovery, and conducted several hearings.

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7. *Blackmon v. Missouri*, 2322-CC00120 (22d Cir., MO, 2024)

From 2023 to 2024, I represented the State in this trial-court action involving a challenge to Missouri's abortion laws. The plaintiffs argued that those laws violated Missouri's prohibition on establishing a religion. A local prosecutor (Jean Peters Baker) also sought to join the plaintiffs and attack the validity of those laws. I delivered oral argument; drafted pleadings, motions, and briefs; and supervised discovery. The trial court in the City of Saint Louis (Judge Sengheiser) ruled in the State's favor. The plaintiffs chose not to appeal.

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8. *Bucklew v. Precythe*, 587 U.S. 119 (2019); *Bucklew v. Precythe*, 883 F.3d 1087 (8th Cir. 2018)

As a Deputy Solicitor General in 2017 and 2018, I defended the State in an action brought by a death-row inmate challenging the State's method of capital punishment. The inmate argued that the State's method—lethal injection using a single-drug protocol—violated the Eighth Amendment. The district court ruled in the State's favor.

I represented the State on appeal. I briefed and argued the case before the Eighth Circuit, which ruled in the State's favor in a split decision by Judge Loken, joined by Judge Wollman, with Judge Colloton in dissent.

The inmate appealed, and I drafted the brief in opposition to certiorari. The Supreme Court granted certiorari. On appeal before the Supreme Court, I served as second-chair to then-Solicitor General of Missouri John Sauer and helped draft the merits brief and prepare for oral argument. The Supreme Court ruled in the State's favor five-to-four in an opinion by Justice Gorsuch (joined by the Chief Justice and Justices Thomas, Alito, and Kavanaugh), holding that the inmate had failed to establish an Eighth Amendment violation.

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9. *Van Orden v. Stringer*, 937 F.3d 1162 (8th Cir. 2019)

Missouri has a program to civilly commit sexually violent predators—individuals who both have a mental abnormality and have been proven to be a danger to the community. In 2018, I defended the State against a constitutional challenge to that program on the grounds that the State was improperly administering the program in a way that violated the constitutional rights of all involved. The suit sought to shut down the program. The district court (Judge Fleissig) initially ruled against the State before ruling in favor of the State on rehearing.

I represented the State on appeal, drafting the briefs and orally arguing the case before Judges Colloton, Beam and Grasz of the Eighth Circuit. The Eighth Circuit ruled in the State's favor in a unanimous opinion.

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10. *Missouri v. Ward*, SC96696 (Mo. 2019)

In 2018, I represented the State in a double-jeopardy case before the Missouri Supreme Court. The trial court issued a judgment of “acquittal” but based that acquittal on the court’s conclusion that the underlying statute was unconstitutional. The State sought to appeal the ruling of unconstitutionality, but the criminal defendant argued that double jeopardy barred the State from appealing because the court had issued a verdict marked “acquittal.” I delivered oral argument before the Missouri Supreme Court, which unanimously vacated the trial court’s judgment in an opinion by Judge Powell, joined by Judges Wilson, Draper, Fischer, Breckenridge, Russell, and Stith.

Other counsel for State:

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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.)

As Solicitor General, I have been involved in a wide range of legal activities beyond the litigation matters listed above, usually in a supervisory role. My office supervises most civil appeals, including reviewing briefs and deciding whether to pursue an appeal from an adverse judgment. These cases run the gamut from torts on public property to employment-law suits to defending law enforcement officials from suits for conduct in the exercise of their duties. My office also supervises most multi-state matters, including amicus briefs and multi-state investigations.

My office also engages in administrative law work and investigations. I regularly advise agency clients on their obligations in response to court rulings, provide guidance to agencies when they engage in rulemaking, and update agency clients on doctrinal developments affecting their work. The Attorney General also has authority to conduct investigations, and I regularly supervise those.

I have never acted or registered as a lobbyist. I am, however, frequently asked to review potentially problematic bills or legislative proposals and, when necessary, explain constitutional or legal concerns caused by proposed legislation and to offer suggested solutions.

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.

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 may seek to teach a law school course once or twice a year. I have no commitments or agreements to do so, 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).

When my nomination is formally transmitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse from any cases where I have ever played a role. I do not directly own any stocks and do not anticipate ever changing that practice. But if it were to change, I would recuse from any litigation involving those businesses. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

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

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

Having been an attorney for the government my entire career, I have been precluded from pro bono legal services. But I have volunteered in other ways. I try to perform as much educational work as possible. I speak at law schools five or six times a year, volunteer my time to help moot attorneys who are arguing before the Supreme Court on behalf of nonprofit or indigent clients, and mentor young students and lawyers.

26. **Selection Process:**

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

In November 2024, I was contacted by staff from the offices of Senator Hawley and Senator Schmitt to see if I would be interested in a judicial position. In mid-December 2024, I was asked to submit written materials to Senator Schmitt's office, such as a resume, list of references, and list of writings.

On February 14, 2025, I interviewed with attorneys from the White House Counsel's Office at the Eisenhower Building in Washington, D.C. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination. On May 6, the President called to tell me I would be nominated.

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, Josh Divine, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

4-25-25

(DATE)

Joshua Divine

(NAME)

Diana Haines 4-25-2025

(NOTARY)

DIANA HAINES
Notary Public - Notary Seal
State of Missouri
Commissioned for Osage County
My Commission Expires: September 02, 2028
Commission Number: 16202139