

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Michael Jason Hendershot

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

United States District Judge for the Northern District of Ohio

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: Ohio Attorney General's Office
Office of the Solicitor General
30 E. Broad Street, Suite 1700
Columbus, Ohio 43215

Residence: Upper Arlington, Ohio

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

1974; Columbus, Ohio

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.

1998 – 2001, University of Virginia School of Law; J.D. 2001

1993 – 1997, Ohio Wesleyan University; B.A., 1997

Winter 1996, University of Aberdeen, Scotland (no degree pursued or received)

Summer 1994, Bowling Green State University (no degree pursued or received)

1992 – 1993, University of Findlay (no degree pursued, audited classes as high school student)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an

officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2011 – present
Ohio Attorney General's Office
30 E. Broad Street, Suite 1700
Columbus, Ohio 43215
Chief Deputy Solicitor General

2019 – 2022
Ohio State University Moritz College of Law
55 W. 12th Avenue
Columbus, Ohio 43210
Adjunct Professor of Appellate Advocacy

2006 – 2011
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
Columbus, Ohio 43215
Associate

2005 – 2006
Hon. Terrence O'Donnell
Ohio Supreme Court
65 South Front Street
Columbus, Ohio 43215
Law Clerk

2002 – 2005
Brown & Bain, PA
2901 North Central Avenue
Phoenix, Arizona 85012
Associate

2001 – 2002
Hon. Jerry E. Smith
U.S. Court of Appeals for Fifth Circuit
515 Rusk Street
Houston, Texas 77002
Law Clerk

2000
Baker Hostetler
127 Public Square, Suite 2000
Cleveland, Ohio 44114
Summer Associate

1999, 2000
Jones Day
901 Lakeside Avenue East
Cleveland, Ohio 44144
Summer Associate

1997 – 1998
Findlay City Schools
1100 Broad Avenue
Findlay, Ohio 45840
Substitute Teacher & Assistant Debate Coach

1997 – 1998
Hancock County Educational Service Center
46 County Road 140
Findlay, Ohio 45840
Substitute Teacher

Other Affiliations (uncompensated)

2013 – 2015
Campfire of Northwest Ohio
305 W. Hardin Street, # 3107
Findlay, Ohio 45840
Member, Board of Directors

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

I 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.

National Association of Attorneys General Best Brief Award (2019)

Best Public Brief Award, Ohio State Bar Association, (2017)

National Association of Attorneys General Best Brief Award (2016)

Rising Star Appellate Law, *Ohio Super Lawyers* (2010 – 2011)

University of Virginia School of Law

Order of the Coif (2001)

Law Review (2000 – 2001)

Ohio Wesleyan University

Valedictorian (1997)

University Honors (1997)

Pi Beta Kappa (1997)

Phi Alpha Theta (history honorary) (1997)

Phi Sigma Tau (philosophy honorary) (1997)

President's Scholarship (1994 – 1997)

Florence Leas Prize for Excellence in Mathematics (1994)

Findlay High School

National Merit Scholar (1993)

Valedictorian (1993)

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.

Ohio State Bar Association (2007 – 2024)

Chair, Appellate Practice Subcommittee (2011 – 2014)

Litigation Section Counsel (2011 – 2014)

Appellate Law Certification Committee (2012 – present)

Ohio Supreme Court Committee for Rules of Practice of the Supreme Court (2024 – 2025)

State Bar of Arizona (2003 – 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.

Ohio, 2007 – present

Arizona, 2003 – present

There have been no lapses in membership.

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

Supreme Court of the United States, 2013
United States Court of Appeals for the Sixth Circuit, 2009
United States District Court for the District of Arizona, 2003
United States District Court for the Northern District of Ohio, 2019
United States District Court for the Southern District of Ohio, 2007
Arizona Courts, 2003
Ohio Courts, 2007

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.

Campfire of Northwest Ohio, Director (2013 – 2015)
Central Ohio Juvenile Diabetes Research Foundation (2015 – 2016)
Ohio Center for Law Related Education (2012 – present)
 Competition Rules Committee, Co-Chair 2014, 2016
Ohio Supreme Court Mentorship Program (2012 – present)
The Associates Club (Phoenix young lawyer charity) (2003 – 2005)

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.

Improvidently Accepted: An Overlooked Appellate Tool, Ohio Lawyer, 2016. Copy supplied.

With Richard Schuster and Nina Webb-Lawton, *What Ohio's Application of its Asbestos Legislation Means for Litigation, Both Statewide and Nationwide*, Mealey's Litigation Report: Asbestos, Vol. 23, No. 20 (Nov. 12, 2008). Copy Supplied.

With James Foley, *Ohio* [a chapter in a 50-state survey of Medical and Life Insurance Law] (circa 2006). The book is now out of print. I have no copy and I have not been able to locate a copy.

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.

None.

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.

I have prepared legal memoranda for the Ohio Attorney General's internal use. All such memoranda are non-public and privileged. I estimate that I prepared fewer than a dozen such reports in my tenure with the office.

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 9, 2026, Panelist, "Q & A about appellate advocacy," Appellate Practice class, Ohio State Moritz School of Law. The panel fielded general questions about appellate advocacy from a moderator and the class. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The law school's address is 55 West 12th Avenue, Columbus, Ohio 43210.

September 3, 2025, Moderator, "Practice in the Sixth Circuit," Sixth Circuit Judicial Conference, Memphis, Tennessee. The panel discussed trends and tips for practice in the Sixth Circuit. I did not speak from prepared text, and I did not retain the outline notes I

prepared to give this speech. The Sixth Circuit's address is Potter Stewart U.S. Courthouse 100 East Fifth Street Cincinnati, Ohio 45202.

July 7, 2025, Panelist, "Stare Decisis and the Ohio Constitution," Ohio State Bar Association ("OSBA"), Online. This panel discussed recent trends in overruling precedent. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The OSBA's address is 1700 Lake Shore Drive, Suite 100, Columbus, Ohio 43204.

April 24, 2025, Panelist, "State Solicitor's Report," Ohio Attorney General Annual Conference of Public College and University Attorneys, Nationwide Conference Center, Lewis Center, Ohio. The panel discussed the current Supreme Court term. Outline supplied.

April 15, 2025, Moderator, "Appellate Advocacy Series: Oral Advocacy," Columbus Bar Association, Columbus, Ohio. The panel discussed tips for appellate practice in the Ohio Supreme Court. I did not speak from prepared text. The notes I used for this speech are the same as those I used for a similar speech on December 14, 2021.

January 27, 2025, Panelist, "Q & A about appellate advocacy," Appellate Practice class, Ohio State Moritz School of Law. The panel fielded general questions about appellate advocacy from a moderator and the class. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The law school's address is 55 West 12th Avenue, Columbus, Ohio 43210.

November 15, 2024, Speaker, "Update on Recent SCOTUS and Ohio Supreme Court Decisions," Ohio Association of Civil Trial Attorneys conference, Hilton Downtown, Columbus, Ohio. The speech covered notable decisions from the previous year. Notes supplied.

October 17, 2024, Moderator, "Appellate Advocacy Series: Appellate Briefs" Columbus Bar Association, Columbus, Ohio. The panel discussed tips for briefing merits cases in the Ohio Supreme Court. I did not speak from prepared text. The notes for this speech are the same as those I used for a similar speech on October 14, 2021.

July 11, 2024, Moderator, "Managing a Public Appellate Office," National Association of Attorneys General meeting, Chicago, Illinois. I moderated a roundtable about strategies for running a state appellate litigation office. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The NAAG's address is 1850 M Street NW, Suite 1200 Washington, DC 20036.

April 29, 2024, Panelist, "The Importance of the Ohio Constitution: Home Rule in the Ohio Constitution," Ohio State Bar Association, online. The panel discussed recent trends in the Ohio Supreme Court's approach to the Home Rule Amendment. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The OSBA's address is 1700 Lake Shore Drive, Suite 100, Columbus, Ohio 43204.

January 2024, Speaker, "Q & A about appellate advocacy," Appellate Practice class, Ohio State Moritz School of Law. I fielded general questions about appellate advocacy from a moderator and the class. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The law school's address is 55 West 12th Avenue, Columbus, Ohio 43210.

September 2023, Panelist, "Duty of Competence: The Importance of Making a Record," Columbus Bar Association, Columbus, Ohio. The panel discussed techniques for preserving the appellate record during trial. Notes supplied.

January 2023, Speaker, "Q & A about appellate advocacy," Appellate Practice class, Ohio State Moritz School of Law. I fielded general questions about appellate advocacy from a moderator and the class. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The law school's address is 55 West 12th Avenue, Columbus, Ohio 43210.

December 2022, Moderator, "Appellate Advocacy Series: Oral Advocacy," Columbus Bar Association. The panel discussed tips for effective appellate oral advocacy. I did not speak from prepared text. The notes for this speech are the same as those supplied for a similar speech on December 14, 2021.

October 12, 2022, Moderator, "Appellate Advocacy Series: Appellate Brief Writing," Columbus Bar Association, Columbus, Ohio. The panel discussed tips for effective appellate writing. I did not speak from prepared text. The notes for this speech are the same as those supplied for a similar speech on October 14, 2021.

August 2022, Moderator, "Appellate Advocacy Series: Appellate Strategy," Columbus Bar Association, Columbus, Ohio. The panel discussed tips for success on appeal, starting with the trial record. I did not speak from prepared text. The notes for this speech are the same as those supplied for a similar speech on August 24, 2021.

April 4, 2022, Panelist, "The Ohio Constitution and Criminal Proceedings," Ohio State Bar Association. The panel discussed various provisions in the Ohio Constitution that bear on criminal procedure. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The OSBA's address is 1700 Lake Shore Drive, Suite 100, Columbus, Ohio 43204.

December 14, 2021, Moderator, "Appellate Advocacy Series: Oral Advocacy," Columbus Bar Association, Columbus, Ohio. The panel discussed tips for effective appellate oral advocacy. Notes supplied.

October 14, 2021, Moderator, "Appellate Advocacy Series: Brief Writing," Columbus Bar Association, Columbus, Ohio. The panel discussed tips for effective appellate writing. Notes supplied.

August 24, 2021, Moderator, "Appellate Advocacy Series: Appellate Strategy," Columbus Bar Association, Columbus, Ohio. The panel discussed tips for success on appeal, starting with the trial record. Notes supplied.

April 12, 2021, Panelist, "The Importance of the Ohio Constitution: Home Rule in the Ohio Constitution," Ohio State Bar Association, online. The panel discussed recent trends in the Ohio Supreme Court's approach to the Home Rule Amendment. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The OSBA's address is 1700 Lake Shore Drive, Suite 100, Columbus, Ohio 43204.

October 15, 2020, Panelist, "Constitution Camp," Ohio Center for Law Related Education, online. The panel spoke to and addressed questions from high-school civics teachers about law in preparation for those teachers coaching moot court teams. I did not speak from prepared notes, but I did retain the prompts circulated to the panel. Those prompts have been supplied. The OCLRE's address is 700 Lake Shore Drive, Columbus, OH, 43204.

August 15, 2019, Panelist, "Oral Advocacy," Ohio State Bar Association, Columbus Ohio. The panel used video clips to demonstrate the dos and don'ts of appellate oral advocacy. I did not speak from prepared text. The annotated PowerPoint is supplied.

April 25, 2019, Panelist, "State Solicitor's Report," Ohio Attorney General Annual Conference of Public College and University Attorneys, Nationwide Conference Center, Lewis Center, Ohio. The panel discussed the current Supreme Court term. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The Attorney General's Office address is 30 East Broad Street, Suite 1700, Columbus, Ohio 43215.

December 2018, Panelist, "Ohio Supreme Court Update," Columbus Bar Association, Columbus, Ohio. The panel discussed Ohio Supreme Court decisions from the past year. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The CBA's address is 230 West Street, Suite 100, Columbus, Ohio 43215.

April 23, 2018, Panelist, "Solicitor's Update," Ohio Attorney General Annual Conference of Public College and University Attorneys, Nationwide Conference Center, Lewis Center, Ohio. The panel discussed the current Supreme Court term. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The Attorney General's Office address is 30 East Broad Street, Suite 1700, Columbus, Ohio 43215.

December 2017, Panelist, "Ohio Supreme Court Update," Columbus Bar Association, Columbus, Ohio. The panel discussed Ohio Supreme Court decisions from the past year. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The CBA's address is 230 West Street, Suite 100, Columbus, Ohio 43215.

December 2016, Panelist, "Ohio Supreme Court Update," Columbus Bar Association, Columbus, Ohio. The panel discussed Ohio Supreme Court decisions from the past year. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The CBA's address is 230 West Street, Suite 100, Columbus, Ohio 43215.

October 2016, Panelist, "Ohio Supreme Court Review," Independence, Ohio (I am not positive of the location for this speech, and I can find no online record of where the conference was held.) The panel summarized recent supreme court decisions for an audience of trial and appellate judges. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The Judicial College's address is 65 South Front Street, Columbus, Ohio 43215.

April 28, 2016, Panelist, "Solicitor's Report," Ohio Attorney General Annual Conference of Public College and University Attorneys, Nationwide Conference Center, Lewis Center, Ohio. The panel discussed the current Supreme Court term. I did not speak from prepared text, and I did not retain the outline notes I prepared. The Attorney General's Office address is 30 East Broad Street, Suite 1700, Columbus, Ohio 43215.

April 2015, Panelist, "Solicitor's Report," Ohio Attorney General Annual Conference of Public College and University Attorneys, Nationwide Conference Center, Lewis Center, Ohio. The panel discussed the current Supreme Court term. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The Attorney General's Office address is 30 East Broad Street, Suite 1700, Columbus, Ohio 43215.

December 2014, Panelist, "Ohio Supreme Court Update," Columbus Bar Association, Columbus, Ohio. The panel discussed Ohio Supreme Court decisions from the past year. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The CBA's address is 230 West Street, Suite 100, Columbus, Ohio 43215.

April 2014, Panelist, "Solicitor's Report," Ohio Attorney General Annual Conference of Public College and University Attorneys, Nationwide Conference Center, Lewis Center, Ohio. The panel discussed the current Supreme Court term. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The Attorney General's Office address is 30 East Broad Street, Suite 1700, Columbus, Ohio 43215.

October 2012 (I am not positive about the month of this speech, and I can find no record of the date on which the class was held.), Panelist, "Advanced Brief Writing," Columbus Bar Association, Columbus, Ohio. The panel discussed tips for effective writing in state and federal court. I did not speak from prepared text, and I did not retain the outline notes I prepared to give this speech. The CBA's address is 230 West Street, Suite 100, Columbus, Ohio 43215.

June 1993, Speaker, "Valedictory Address," Findlay High School, Findlay Ohio. I do not have a copy of the speech or notes from the speech. Findlay High School's business address is 1100 Broad Avenue, Findlay, Ohio 45840.

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.

I do not believe I have ever given an interview to any media outlet.

I was interviewed in 2016 about a program I founded that started a moot court program for high school students. The interview resulted in a press release, which I have submitted. I have not located it in any newspaper or other publication. Kenneth A Brown, *Chief Deputy Solicitor Transforms Student Development Through Moot Court*, Ohio Center for Law Related Education (Oct. 16, 2016). Copy supplied.

I gave an interview about a continuing education class. The only publication of that interview I have found is maintained on a private law firm's website. Terry Posey, *Thinking About Appellate Strategy with Michael Hendershot, Ohio Solicitor General's Office*, Ohio Appellate Insights Blog (March 23, 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 currently serve in the appointed role of Chief Deputy Solicitor General in the Ohio Attorney General's Office. I was originally appointed by Ohio Attorney General Mike DeWine. I have served in the role since July 2011.

I previously sought the following judicial offices, but did not attain them:

Appointment as a Magistrate Judge for the Southern District of Ohio in 2017.
Nomination to the District Court for the Southern District of Ohio in 2018.
Nomination to the District Court for the Northern or Southern District of Ohio in 2019.
Appointment as a Magistrate Judge for the Southern District of Ohio in 2020.
Nomination to the District Court for the Northern District of Ohio in 2021.
Appointment to the Ohio Supreme Court in 2023.
Appointment as a Magistrate Judge for the Southern District of Ohio in 2025.

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 such a position.

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;

Judge Jerry E. Smith, U.S. Court of Appeals for the Fifth Circuit, (2001-2002)
Justice Terrence O'Donnell, Ohio Supreme Court, (2005-2006)

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;

2002 – 2005
Brown & Bain, PA
2901 North Central Avenue
Phoenix, Arizona 85012
Associate

2006 – 2011
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
Columbus, Ohio 43215
Associate

2011 – Present
Ohio Attorney General's Office
30 East Broad Street, Suite 1700
Columbus, Ohio 43215
Chief Deputy Solicitor General

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

I have not served as a mediator or arbitrator 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.

Other than the two years clerking, my practice has three main phases. In the three years I spent with Brown and Bain (later acquired by Perkins Coie), I largely litigated trial matters related to securities and consumer-fraud claims. My clients were mostly defendants in such matters. I also handled some matters involving local taxation and local constitutional torts. In my time with Vorys, I primarily litigated product-liability and financial-services matters. Again, most of those matters involved clients on the defense side. I also litigated some intellectual-property and constitutional claims. In the third phase, as a public litigator, the bulk of my time involves litigating appeals. They span the entire range of Ohio's litigation, from criminal law to negligence to constitutional claims.

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

In my private practice time, my typical clients were Fortune 500 companies, although several matters involved medium-sized businesses. My areas of specialty in those years included securities-broker liability and product liability. In public practice, all of my clients are an arm or officer the State of Ohio. I have no substantive specialty, as my cases rage across many substantive areas.

- 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.

My practice has been nearly 100% litigation for my entire career. Throughout, I have appeared in court occasionally.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 35%
- 2. state courts of record: 65%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 50%
- 2. criminal proceedings: 50%

- 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 tried two cases to verdict as associate counsel. Outside of trials, I have resolved dozens of cases through dispositive motions as either associate or lead counsel. I have also handled more than 50 cases as lead counsel resolved by final judgment on appeal.

- i. What percentage of these trials were:

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

- 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 served as counsel of record in eleven cases in which a client filed a brief in opposition to certiorari in the U.S. Supreme Court. They are listed below. Copies of the briefs are supplied.

Ahmed v. Cool, No. 24-5642
Ahmed v. Shoop, No. 24-6491
Bonnell v. Cool, No. 23-7614
Hill v. Shoop, No. 23-6276
Ames v. Ohio Department of Youth Services, No. 23-1039
Mammone v. Jenkins, No. 22-681
Keahey v. Marquis, No. 20-1298
Stojetz v. Shoop, No. 18-6727
Lang v. Bobby, No. 18-6174

I have served as counsel of record in one case as amicus.

Moody v. NetChoice, LLC, No. 22-277. Copies of the briefs are supplied.

I have served as counsel of record in two cases in which a client filed a petition for certiorari. Copies of the briefs are supplied.

Ohio v. EPA, No. 24-13
Public Utilities Commission of Ohio v Federal Energy Regulatory Commission, No. 23-1069

I served as counsel of record in one case in which my client filed a supplemental certiorari brief. A copy of the brief is supplied.

Ohio v. CSX Corp. No. 22-459.

I have also been involved with other Supreme Court litigation as counsel of record in which my client filed a waiver (no brief).

Cobb v. Ohio, No. 24-6927
Beatty v. Forshey, No. 23-7642
Gibson v. Shoop, No. 23-7557
White v. Erdos, No. 23-7552
Kudla v. Black, No. 23-7084
Keith v. May, No. 23-6501
Spring v. Gray, No. 23-6345
Dodson v. Ohio Dept. of Rehabilitation and Correction, No. 23-6322
Linder v. Black, No. 23-6260
McCorkle v. Robinson, No. 23-5956
Robinson v. Ohio Civil Rights Commission, No. 23-5961
Williams v. Shoop, No. 23-5889
Missimer v. Forshey, No. 23-5799

Wampler v. Handwerk, No. 23-5662
Savage v. Harris, No. 23-5647
Creech v. Shoop, No. 23-5585
White v. Phillips, No. 23-5509
Sims v. Gray, No. 23-5299
Armengau v. Hildebrand, No. 23-5091
Hawkins v. Ohio Dept. of Natural Resources, No. 23-1124
Fields v. Forshey, No. 23-979
Gordon v. May, No. 23-629
Alessio v. United Airlines, No. 23-224
Baskerville v. McConahay, No. 22-7788
Saxton v. Forshey, No. 22-7589
Creech v. Ohio Dept. of Rehabilitation and Correction, No. 22-7118
Stoutamire v. Shoop, No. 22-5184
In re Wilson, No. 21-6797
Sultaana v. Harris, No. 18-6957
Clemons v. Kasich, No. 18-6628
Carpenter-Baker v. Ohio Dept. of Medicaid, No. 18-715
Stoutamire v. La Rose, No. 18-7236
White v. Bracy, No. 18-6678

In the following cases, although I did not serve as counsel of record, I contributed substantially to the briefing. Briefs are supplied when publicly available.

Husted v. NAACP, No. 14A336
Sheriff v. Gillie, No. 15-338
Husted v. A. Philip Randolph Institute, No. 16-980
Northeast Ohio Coalition for the Homeless v. Husted, No. 16-1068
Ohio v. American Express, No. 16-1454
Ohio v. Hill, No. 18-56
Ohio v. Ford, No. 19-1191
Libertarian Party of Ohio v. Crites, No. 21-226
Volkswagen v. Ohio, No. 21-312
Ohio Adjutant General's Dept. v. FLRA, No. 21-1454
Hill v. Ohio, No. 21-6428
Moody v. NetChoice, No. 22-277
Trump v. U.S., No. 23-939
Davis v. Smith, No. 24-421

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. *Allied Health & Chiropractic LLC v. Ohio*, Ohio S. Ct. No. 2024-945 (pending). (Justices Kennedy, Fischer, DeWine, Brunner, Deters, Hawkins, and Shanahan) (Representation: 2023 – present)

I represented state officers, including the Governor, in this case challenging the constitutionality of a law reforming chiropractic regulations. In the Supreme Court, my clients asked the Court to overrule its precedent about the original meaning of the Ohio Constitution's clause governing how statutory amendments intersect with pre-amendment language in the same statute. I led the briefing and handled the oral argument in the Ohio Supreme Court. The decision is pending.

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Opposing counsel:

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2. *Ohio v. EPA*, 145 S. Ct. 994 (2024). (Representation: 2023 – 2024)

I represented Ohio and a coalition of sixteen other States in filing a certiorari petition asking the Court to reverse the D.C. Circuit by recognizing that the States' equal sovereignty renders unconstitutional the Clean Air Act provision that lets California set air-quality standards that no other State may set. I wrote the certiorari petition. The Court denied the petition over Justice Thomas's dissent.

Co-counsel:

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3. *Keith v. Hill*, 76 F.4th 307 (6th Cir. 2023) (Judges Kethledge, Siler, and White)
(Representation: 2019 – 2023)

I represented the Warden in this successive habeas case from a notorious 1990s triple murder on claims of actual innocence and multiple *Brady* violations. I handled the oral argument at the request of senior leadership of the Attorney General's Office. The case attracted national attention after Kim Kardashian produced a multi-part podcast about the case. The Court agreed with the Warden and rejected the Petitioner's claim.

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Opposing counsel:

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4. *State ex rel. Candy Bowling v. Gov. DeWine, et al.*, 170 Ohio St. 3d 244 (2022). (Justices O'Connor, Kennedy, Fischer, Stewart, Donnelly, and Brunner, and visiting Judge Groves) (Representation: 2021 – present)

I represented Governor DeWine and Director Damschroder against a claim that the decision to terminate CARES Act unemployment payments (valued at more than \$100 million) violated a state statute. I led the petition and merit briefing and handled the oral argument. The Supreme Court dismissed the appeal as moot after oral argument. The case is currently back before the Ohio Supreme Court as No. 2025-1055. In that second appeal, I led the petition and merit briefing. The second appeal involves the same statutory question as the first appeal along with new questions about whether a later-in-time statute is retroactive and constitutional.

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5. *Pivonka v. Sears*, 162 Ohio St. 3d 326 (2020). (Justices O'Connor, Kennedy, French, Fischer, DeWine, Stewart, and Donnelly) (Representation: 2019 – 2020)

I represented Ohio Medicaid Director Sears in this appeal of a certified class claiming more than \$100 million in damages. In the Supreme Court, the case centered on the legislature's power to create and substitute an administrative remedy for the common-law remedy the class would otherwise pursue. I led the petition and merit briefing and handled the oral argument. The Supreme Court agreed with the Director and vacated the class.

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6. *State ex rel Dave Yost v. Volkswagen Aktiengesellschaft*, 165 Ohio St. 3d 213 (2021). (Justices O'Connor, Kennedy, Fischer, DeWine, Stewart, and Donnelly, and visiting judge Delaney) (Representation: 2020 – 2021)

I represented the Attorney General, who in turn represented the people of Ohio. The case involved a federal preemption defense to Ohio's claims against Volkswagen for cheating on emissions tests for its vehicles to the detriment of Ohio's environment. The case was one of many around the country raising the same federal preemption question. I led the briefing and handled the oral argument. The Supreme Court agreed with the Attorney General. I later wrote a brief opposing certiorari, which the Supreme Court denied. *See* No. 21-312 (Nov. 15, 2021).

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7. *Libertarian Party of Ohio v. Wilhelm*, 988 F.3d 274 (6th Cir. 2021) (Judges Griffen, White, and Kethledge) (Representation: 2020 – 2021)

I represented the members of the Ohio Elections Commission in this First Amendment challenge to the Commission's requirement that its membership consist of six members from the state's two major political parties and an independent member. I co-led the brief and handled the oral argument. I later led the briefing opposing certiorari, which the U.S. Supreme Court denied. *See* No. 21-226 (Nov. 1, 2021).

Co-counsel:

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8. *Hill v. Anderson*, 960 F.3d 260 (6th Cir. 2020) (Judges Moore, Clay, and Merritt) (Representation: 2019 – present)

I represented the warden in this habeas-corpus challenge to a death sentence under *Atkins v. Virginia*. The appeal raised tricky questions about intellectual-disability diagnoses with a record that covered decades of tests and interviews. I handled the oral argument. A panel reversed the district court's decision denying the writ. But the en-banc Sixth Circuit reversed that ruling. *See Hill v. Shoop*, 11 F.4th 373 (2021). I co-led the en-banc briefing and the briefing opposing certiorari, which the U.S. Supreme Court denied. *See* No. 21-6428 (June 30, 2022). A related issue about the same petitioner is now pending in the Ohio Supreme Court. *State v. Hill*, No. 2024-352 (Ohio S. Ct.). I led the petition and merit briefing and handled the oral argument as a special prosecutor for the Trumbull County Prosecutor's Office. The case remains pending.

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9. *Ohio State Univ. v. Redbubble*, 989 F.3d 435 (6th Cir. 2021) (Judges Griffin, White, and Nalbandian) (Representation: 2019 – 2020).

I represented the Ohio State University as a plaintiff in this trademark-infringement case against an on-demand facilitator of printed goods such as shirts and coffee mugs. The case was one of the first nationally to address secondary trademark liability for on-demand printers. I led the briefing and handled the oral argument. The panel reversed summary judgment that had been entered against Ohio State.

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10. *A. Philip Randolph Inst. v. Husted*, 838 F. 3d 699 (6th Cir. 2016) (Judges Cole, Siler, and Smith-Gibbons); 584 U.S. 756 (2018) (Representation: 2016 – 2019)

I represented Ohio Secretary of State Husted in this challenge to Ohio's voter list-maintenance process. I led the briefing and handled the oral argument in this emergency, expedited appeal. The Court rejected the Secretary's argument. The Supreme Court later reversed, thus upholding the Secretary's position. I co-wrote the certiorari and merit briefing in the U.S. Supreme Court.

Co-counsel:

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

While the vast majority of my legal work has been litigation, I estimate that 1-2% of my work over my career has involved non-litigation counseling. In private practice that included advice about constitutional compliance for a municipal code, advice about a popular referendum, and advice about contract drafting. In my public practice, my non-litigation roles have involved advice about drafting statutes and advice to the Attorney General about constitutional meaning and history.

I have never performed 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.

On four separate occasions, I taught a section of second-year Appellate Advocacy at the Ohio State University Moritz School of Law. I taught the course in Fall 2019, Fall 2020, Fall 2021, and Fall 2022. The class involved a brief-writing and oral-advocacy assignment across the whole semester built around a real or hypothetical Ohio Supreme Court or federal court of appeals case. I was responsible for the feedback and problem-specific instruction for 12 students, while the full-time professor handled day-to-day lectures for the entire class. I have no syllabus for the class.

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 will receive future gains from the investments in stocks and other financial instruments disclosed in my statement of net worth. That includes the investments held in my defined-contribution plans earned from my time in private practice and my time working for the State of Ohio.

I also am entitled to use the funds in what is called a Retiree Medical Account once I retire from service for the State of Ohio. As I understand the program, those funds can be used to pay for private health plans.

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 have no plans to pursue outside employment if I am confirmed to this position.

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.

The only likely source of conflicts in first assuming the position would arise from my current employment as a government lawyer for the State of Ohio. I plan to recuse myself from any cases arising from that Office that were open or pending during my tenure.

I will evaluate any other real or potential conflict, or a relationship that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, 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 of interest by consulting 28 U.S.C. § 455(a) & (b)(3) and Canon 3C of the Code of Conduct for United States Judges. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances as those raised in the particular case.

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 service in public law makes pro-bono representation difficult. Instead of traditional pro-bono, I have directed my efforts to give back to the legal community to mentoring new lawyers, law students, and law-interested high-school students. I have mentored nearly a dozen new attorneys through the Ohio Supreme Court's program. I have spent over 150 hours on the program. I volunteer at several programs run by the Ohio Center for Law Related Education, which sponsors showcases and competitions for high-school students about the law and the constitution. I have spent more than 500 hours in that capacity.

During my private-practice years, I performed the following pro-bono service that I can recall. I co-counseled an immigration-asylum application for a teen from Guatemala. I spent about 40 hours on the project. I co-counseled an asylum appeal for a woman from Guatemala. I spent around 100 hours on the project. I co-counseled a Hague Convention appeal for a French national. I spent about 200 hours on the project. I co-counseled a federal criminal-sentencing appeal. I spent about 80 hours on the project. I analyzed a possible California initiated constitutional amendment for a political entrepreneur. I spent about 40 hours on the project. I represented property owners seeking lower tax assessments before an administrative-appeal

body. I spent about 80 hours on the project. In screened cases for a tenant-advocacy project. I spent about 40 hours on the project.

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 March 2025, I inquired whether either new Ohio Senator had set up a process for judicial nominations. In May and June of 2025, staff in each of Senator Moreno's and Senator Husted's offices asked me to submit materials for this position. I interviewed with staff from each office in early July 2025. On July 25, I interviewed with Senator Moreno and Senator Husted in separate interviews. On October 17, 2025, the White House Counsel's Office emailed and asked me for information. Then on October 21, 2025, that Office invited me for an interview in Washington, D.C. Staff from the White House Counsel's Office interviewed me on November 3, 2025, in the Eisenhower Executive Office Building. On March 12, 2026, the White House Counsel's Office told me that they were recommending that the President nominate me for this position. Since then I have been in contact with members of the Office of Legal Policy and the White House Counsel's Office.

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

3/27/2026
(DATE)

Michael J. Hendershot
(NAME)

Joshua Richardson
(NOTARY)



JOSHUA RICHARDSON
Notary Public, State of Ohio
My Commission Expires:
5/23/26