

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jennifer Lee Mascott

Jennifer Lee Miller (maiden name)

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

Circuit Judge, United States Court of Appeals for the Third Circuit

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

Office: Eisenhower Executive Office Building
 1650 17th Street, NW
 Washington, DC 20006

Current Legal Residence: Chevy Chase, Maryland

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

1976; Westminster, Maryland

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.

2003 – 2006, The George Washington University Law School, J.D.; 2006

Summer 1997, University of Maryland, University College, no degree

1993 – 1997, University of Maryland at College Park, B.S. (Mathematics and Government & Politics); 1997

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.

2025 – Present

White House Counsel's Office
Eisenhower Executive Office Building
1650 17th Street, NW
Washington, DC 20006
Senior Counsel

2024 – Present

Catholic Law School
3600 John McCormack Road, NE
Washington, DC 20064
Associate Professor of Law (June 2024 – present; tenure effective August 2024; on leave from January 2025 – present)
Founder & Director, Separation of Powers Institute and Student Litigation Clinic (June 2024 – January 2025)

2023 – Present

Mascott Holdings, LLC
103 Third Street
Bethany Beach, Delaware 19930
Manager (on behalf of my deceased husband's estate)

2023 – Present

Jeffery N. Mascott Irrevocable Trust
Trustee
4728 Dorset Ave.
Chevy Chase, MD 20815

2023 – Present

Donor Advised Fund (in memory of Jeff Mascott; this fund holds very few assets; it was established in memory of my spouse and holds primarily charitable donations given around the time of his passing for future charitable purposes)
Held Within the Greater Washington Community Foundation
Director/Officer
Washington, DC

2025

Adfero Group, LLC
1101 15th Street, NW
Washington, DC 20005
Managing Trustee

2024 – 2025

Trump Vance Transition 47

Worked remotely from the Washington, DC area
Volunteer (December 2024 – January 2025)

2018 – 2019, 2021 – 2025

Administrative Conference of the United States
1120 20th Street, NW
Suite 706 South
Washington, DC 20036
Public Member

2024

Constitutional Renewal Foundation (nonprofit organization; inactive since August 2024)
300 Pennsylvania Avenue, SE
Washington, DC 20003
Founder

2023 – 2024

NBC Universal
30 Rockefeller Plaza
New York, New York 10112
Supreme Court Contributor

2023 – 2024

Administrative Law Section, American Bar Association
1050 Connecticut Ave., NW
Washington, DC 20036
Council Member

2021 – 2024

C. Boyden Gray Center for the Study of the Administrative State
Antonin Scalia Law School
George Mason University
3301 Fairfax Drive
Arlington, Virginia 22201
Co-Executive Director

2017 – 2024

Antonin Scalia Law School
George Mason University
3301 Fairfax Drive
Arlington, Virginia 22201
Assistant Professor of Law (on leave from April 2019 – January 2021)
Faculty Director & Founder, Separation of Powers Student Litigation Clinic (December 2021 – June 2024)
Co-Director, Administrative Law & Supreme Court Clinics (August 2017 – August 2018)

2023

Adfero Advisory Board
1101 15th Street, NW
Washington, DC 20005
Member

2021 – 2023

Rockville Pregnancy Clinic
12530 Parklawn Drive
Suite 170
Rockville, Maryland 20852
Volunteer Board Member

2019 – 2021

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Associate Deputy Attorney General (May 2020 – January 2021)
Deputy Assistant Attorney General, Office of Legal Counsel (April 2019 – May 2020,
November 2020 – January 2021)

2018 – 2021 (approximate dates)

Somerset Elementary School Educational Foundation
Post Office Box 30764
Bethesda, Maryland 20824
Secretary & Board Member

2017 – 2019

Consovoy McCarthy PLLC
1600 Wilson Boulevard, Suite 700
Arlington, Virginia 22209
Of Counsel

2015 – 2017

Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, DC 20001
Olin/Searle Fellow

2011 – 2017

The George Washington University Law School
2000 H Street, NW
Washington, DC 20052
Olin/Searle Fellow (August 2016 – July 2017)
Professorial Lecturer in Law (January – May 2011, January – July 2012, September 2012 – May
2013, January – May 2015)

2008 – 2009

Chambers of Associate Justice Clarence Thomas
United States Supreme Court
1 First Street, NE
Washington, DC 20543
Law Clerk

2006 – 2007

Chambers of then-Judge Brett M. Kavanaugh
United States Court of Appeals for the D.C. Circuit
333 Constitution Avenue, NW
Washington, DC 20001
Law Clerk

2005

Covington & Burling
850 10th Street, NW
Washington, DC 20001
Summer Associate

2004 – 2005

The George Washington University Law School
2000 H Street, NW
Washington, DC 20052
Research Assistant for Law Professor John F. Duffy

2004

Chambers of Judge Richard Leon
U.S. District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
Judicial Intern

2002 – 2003

U.S. Congresswoman Anne M. Northup
Longworth House Office Building
Washington, D.C. 20515
Press Secretary

1997 – 2003

Student Home
Hyattsville, Maryland
Private Piano Instructor

2001 – 2002

U.S. Congressman Eric I. Cantor
Cannon House Office Building
Washington, D.C. 20515
Communications Director/Press Secretary

1999 – 2001 (approximate start date)

U.S. Senate Republican Conference
Hart Senate Office Building
Washington, DC 20510
Deputy Press Secretary/Systems Technology Manager

1997 – 1999 (approximate end date)

U.S. Congressman John N. Hostettler
Longworth House Office Building
Washington, DC 20515
Legislative Assistant/Staff Assistant

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

I have not served in the military and have not registered for Selective Service.

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

Joseph Story Award, Federalist Society (2023) (award given annually to young academics based on teaching, legal scholarship, a concern for students, and public impact)

Campbell Visiting Fellow, Stanford Law School and Hoover Institution (2023) (hosted by Harvard Law School professor Jack Goldsmith, Princeton University professor Keith Whittington, and Stanford Law School professor Hon. Michael McConnell)

The George Washington University Law School

With highest honors designation, J.D. (2006) (highest cumulative graduating GPA recorded at the law school)

John Bell Lerner Award for the member of the graduating class who attained the highest cumulative GPA for the entire course of the degree (valedictorian) (2006)

Imogen Williford Constitutional Law Award (2006)

Jennie Hassler Walburn Award for excellence in the field of constitutional law (2006)

Kappa Beta Pi Award for the female student with the highest cumulative average (2006)

John Ordronaux Awards for the member of the graduating J.D. class who attained the highest cumulative average in the first and second year respectively (2004, 2005)

Charles Glover Award for the member of the graduating J.D. class who attained the highest cumulative average in the third year (2006)
Willard Waddington Gatchell Award for the three members of the graduating class with the highest cumulative GPA (2006)
Senior Projects Editor, George Washington University Law Review (senior editorial board) (2006 – 2007)
Dean's Fellow (2005 – 2006)
Writing Fellow (2004 – 2005)

The University of Maryland

Cum laude designation, B.S. (1997)
Distinguished graduate from the mathematics department (1997)
Phi Beta Kappa (1996)
Full 4-year merit- and need-based scholarship, awarded by the Office of Student Financial Aid (1993 – 1997)
Admitted to the University Honors Program (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.

Administrative Conference of the United States

Public Member, 2018 – 2019, 2021 – 2025
Member, Agency Adjudication Committee, 2018 – 2019 (approximate dates)

American Bar Association, 2018 – 2019, 2021 – 2024

Councilmember, Administrative Law Section, 2023 – 2024
Vice Chair, Committee on the Judicial Review and Supreme Court Series of the Section on Administrative Law & Regulatory Practice, 2018 – 2019
Member, 2018 – 2019, 2021 – 2023 (approximate dates)

C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, 2017 – 2019, 2021 – 2024

Co-Executive Director, 2021 – 2024
Affiliated Faculty, 2017 – 2019

Federalist Society, 2006 – present

Member, 2006 – present (intermittently)
Executive Committee Member, Separation of Powers Practice Group, 2021 – 2025

George Mason University Antonin Scalia Law School, 2017 – 2019, 2021 – 2023

Hiring Committee, 2018 – 2019, 2021 – 2023
Clerkship Committee, 2017 – 2019
Academic and Student Affairs Committee, 2018 – 2019

New Civil Liberties Alliance, Member of the Board of Advisors, 2018 – 2019, 2021

Separation of Powers Institute, Catholic Law School, Founder & Director, 2024 – 2025

U.S. Senate Post-*Chevron* Working Group, Member, 2024 – 2025

U.S. Supreme Court Historical Society, 2024 – present (approximate)

Virginia Bar Association, Member, 2017 – present

Yale Journal of Regulation Notice and Comment Blog, Permanent Commentator, 2017 – 2019, 2021 – 2022 (approximate dates; blog posts listed in the publications section and are available online)

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.

Virginia, 2017
Maryland, 2018

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.

U.S. Supreme Court, 2022
U.S. Court of Appeals for the D.C. Circuit, 2023
U.S. Court of Appeals for the First Circuit, 2020
U.S. Court of Appeals for the Third Circuit, 2025
U.S. Court of Appeals for the Fourth Circuit, 2020
U.S. Court of Appeals for the Fifth Circuit, 2022
U.S. Court of Appeals for the Ninth Circuit, 2020

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.

There may be some overlap between membership groups listed here and those business groups with which I held an officer or director position and listed above. To the best of my recollection, all groups with which I have had an affiliation or membership that fall under this question have been described here or otherwise on this questionnaire.

Bethesda Chapter Community Bible Study, Member (2007 – 2011) (approximate dates)

Big Mountain Homeowners Association, Member (2023 – present) (in the name of my deceased husband)

Chevy Chase Country Club, Summer Guest (July – August 2025)

Congressional Country Club, Social Guest (2025 – present)

Elk Highlands Inc Homeowners Association, Member (2023 – present) (in the name of my deceased husband)

Fourth Presbyterian Church (1994 – present)

Member of the Congregation; Adult Bible Study and Community Group Leader;
Sunday School Teacher; Youth Group Volunteer (1994 – present)
Covenant Choir, Parent Volunteer & Pianist (2015 – 2020) (approximate)
Orchestra, Violinist (1996 – present, intermittently)

Georgetown University Law Center Supreme Court Institute, Volunteer (2021 – 2025)

The Metropolitan Club of the City of Washington (2024 – present)

Member (May 2024 – present)

Member, Special Events Committee (January – March 2025)

Somerset Educational Foundation (2017 – 2019)

Town of Somerset Swim Team, Parent Volunteer (2014 – present)

U.S. Tennis Association, Member (2025 – present)

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.

I have no personal knowledge of any of the groups listed above engaging in discrimination. The religious organizations I have listed, such as Fourth Presbyterian Church, condition formal membership on adherence to a traditional Protestant statement of faith but welcome attendance and participation in programs by all.

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.

The New Trial Right as Structural Constitutional Reform, 76 Fla. L. Rev. ____ (forthcoming, expected 2025). Current draft available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4704103. Copy supplied.

Deference to Administrative Interpretations of Regulations: Auer to Kisor and Beyond, Leading Cases in Administrative Law, American Bar Association (to be published 2025). Copy of prepublication draft (2023) supplied.

With Eli Nachmany, *Answered by Text*, 48 Harv. J. of Law & Pub. Policy 33 (2025). Copy supplied.

The Heritage Guide to the Constitution, Third Edition (2025). Editor and contributor to drafts of several sections including those on Article I, Section 2, Clause 5; Article I, Section 9, Clause 5; and Article II, Section 3. Copy supplied.

With Ronald Cass, Colin Diver, Jack Beermann, ADMINISTRATIVE LAW: CASES AND MATERIALS (Aspen Publishing, 9th ed. 2024). Copy supplied.

With Ronald Cass, Colin Diver, Jack Beermann, *Teacher's Manual*, ADMINISTRATIVE LAW: CASES AND MATERIALS (Aspen Publishing, 9th ed. 2024). Copy supplied.

Text, History, Tradition, and the Kavanaugh Court, Feb. 2024. Draft, published only on SSRN. Copy supplied.

Adjudication in the Shadows, Jan. 2024. Draft, published only on SSRN. Copy supplied.

With Ronald Cass, Colin Diver, Jack Beermann, and Jody Freeman, 2023 Teacher's Update to Cass, Diver, Beermann and Freeman, ADMINISTRATIVE LAW: CASES AND MATERIALS (Aspen Publishing, 8th ed. 2020). Copy supplied.

With R. Trent McCotter, Egbert v. Boule: *Federal Officer Suits by Common Law*, 2021–22 Cato Sup. Ct. Rev. 111 (2022). Copy supplied.

With John F. Duffy, *Executive Decisions After Arthrex*, 2021 The Supreme Court Review 225–265 (2022). Copy supplied.

Private Delegation Outside of Executive Supervision, 45 Harv. J. of Law & Pub. Policy 838 (2022). Copy supplied.

With Ronald Cass, Colin Diver, Jack Beermann, and Jody Freeman, 2022 Teacher's

Update to Cass, Diver, Beermann and Freeman, *ADMINISTRATIVE LAW: CASES AND MATERIALS* (Aspen Publishing, 8th ed. 2020). Copy supplied.

Separation of Powers, Criminal Law, & Cert Petitions from the Second Circuit, Yale Journal on Regulation Notice & Comment Blog, Sept. 27, 2022. Copy supplied.

With Eli Nachmany, “Should Agencies Interpret the Law?,” Wall Street Journal, Aug. 24, 2022. Copy supplied.

With Eli Nachmany, “‘The *Chevron* Doctrine’ Review: Federal Agencies and the Law,” Review of ITS RISE AND FALL, AND THE FUTURE OF THE ADMINISTRATIVE STATE, Thomas W. Merrill, Harvard University Press (2022). Book Review, Wall Street Journal. Aug. 23, 2022. Copy supplied.

With Eli Nachmany, “The Supreme Court Reminds the Executive Branch: Congress Makes the Laws,” Washington Post, July 1, 2022. Copy supplied.

With David B. Rivkin, Jr., “The Supreme Court Reclaims Its Legitimacy,” Wall Street Journal, June 24, 2022. Copy supplied.

“Alito’s Master Stroke, Between Precedent & Original Meaning,” Letter to the Editor, Wall Street Journal. May 15, 2022. Copy supplied.

The Ratifiers’ Theory of Officer Accountability, Mar. 16, 2022. Draft, published only on SSRN. Copy supplied. Although this draft remains preliminary and was self-published only on SSRN, I include it here because it was presented at several conferences, the early draft won an award that I mention on this form, the draft was the subject of a blog post on the Legal Theory Blog, and a D.C. Circuit opinion cited the draft.

With Daniella Efrat, *Adjudication With a Stacked Deck*, Yale Journal on Regulation Notice & Comment Blog, Feb. 18, 2022. Copy supplied.

“Text, History, and Tradition Will Likely Govern the Resolution of Dobbs,” Real Clear Policy, Dec. 1, 2021. Copy supplied.

“Clarence Thomas’s Monumental Legacy,” National Review Online, Oct. 23, 2021. Copy supplied.

Originalism, Methodology, and the Reconstruction Amendments, Balkinization Blog, June 25, 2021. For the Symposium on Kurt Lash, *The Reconstruction Amendments: The Essential Documents* (University of Chicago Press, 2021) (2 vols.). Copy supplied.

DOJ: Executive Supervision or Independence? Virtual panel discussion June 17 @ noon ET with former senior officials from four administrations, Yale Journal on Regulation Notice & Comment Blog, June 10, 2021. Copy supplied.

Executive Branch Review Conference next week, from May 17 through May 20, Yale Journal on Regulation Notice & Comment Blog, May 10, 2021. Copy supplied.

The Procedural Morality of Administrative Law—To the End of the Common Good?, Review of Cass Sunstein and Adrian Vermeule, LAW AND LEVIATHAN: REDEEMING THE ADMINISTRATIVE STATE (2021), Yale Journal on Regulation Notice & Comment Blog, April 19, 2021. Copy supplied.

Early Customs Laws and Delegation, 87 Geo. Wash. L. Rev. 1387 (2019). Copy supplied.

Gundy v. United States: Reflections on the Court and the State of the Nondelegation Doctrine, 26 Geo. Mason L. Rev. 1 (2018). Copy supplied.

“Officers” in the Supreme Court: Lucia v. SEC, 2017–18 Cato Sup. Ct. Rev. 305 (2018). Copy supplied.

The New Supreme Court’s Adjudication of Law, 44 Administrative & Regulatory Law News, vol. 1 (Fall 2018). Copy supplied.

Judge Kavanaugh: Interpretive Principles as a Way of Life, Yale Journal on Regulation Notice & Comment Blog, July 2, 2018. Copy supplied.

D.C. Circuit Review—Reviewed: A Special Judge, Kavanaugh Edition, co-authored with Aaron Nielson, Yale Journal on Regulation Notice & Comment Blog, June 28, 2018. Copy supplied.

The Constitutionality of the CFPB Again Before the Courts, Yale Journal on Regulation Notice & Comment Blog, June 25, 2018. Copy supplied.

Symposium: The Appointments Clause—A Modest Take, SCOTUSBlog, June 22, 2018. Copy supplied.

The Appointments Clause—A Modest Take, Yale Journal on Regulation Notice & Comment Blog, June 22, 2018. Copy supplied.

The Government and the Appointments Clause—Just the Facts, Yale Journal on Regulation Notice & Comment Blog, Apr. 23, 2018. Copy supplied.

Conclusion: Lucia v. SEC Symposium, Yale Journal on Regulation Notice & Comment Blog, Apr. 16, 2018. Copy supplied.

Appointments Clause Symposium, Yale Journal on Regulation Notice & Comment Blog, Apr. 2, 2018. Copy supplied.

The Dictionary as a Specialized Corpus, 2017 BYU L. Rev. 1557 (Apr. 2018). Copy

supplied.

Missing History in the Court-Appointed Amicus Brief in Lucia v. SEC, Yale Journal on Regulation Notice & Comment Blog, Mar. 28, 2018. Copy supplied.

Upcoming Symposium, 4/2-4/13: The Supreme Court's Consideration of Whether SEC ALJs are "Officers" Subject to Appointments Clause Requirements (Lucia v. SEC), Yale Journal on Regulation Notice & Comment Blog, Mar. 26, 2018. Copy supplied.

The Alternative Separation of Powers in Constitutional Coup, Review of Jon D. Michaels, CONSTITUTIONAL COUP: PRIVATIZATION'S THREAT TO THE AMERICAN REPUBLIC (2018), YALE JOURNAL ON REGULATION NOTICE & COMMENT BLOG, Mar. 9, 2018. Copy supplied.

Revisiting the Record on Removal, Yale Journal on Regulation Notice & Comment Blog, Mar. 5, 2018. Copy supplied.

Who Are "Officers of the United States"?, 70 Stanford L. Rev. 443 (Feb. 2018). Copy supplied.

Methodological Supplement, *Who Are "Officers of the United States"?*, Feb. 2018. Copy supplied.

Constitutionally Conforming Agency Adjudication, 2 Loyola Journal of Regulatory Compliance 22 (2017). Copy supplied.

New Government Position on the SEC's ALJs: They Are Article II "Officers," Yale Journal on Regulation Notice & Comment Blog, Nov. 29, 2017. Copy supplied.

Will the Supreme Court Revisit Deference Doctrines This Term?, Yale Journal on Regulation Notice & Comment Blog, Oct. 6, 2017. Copy supplied.

Register to Attend a Discussion of "The Year Ahead: Regulation in the Supreme Court and the Circuits," Yale Journal on Regulation Notice & Comment Blog, Sept. 12, 2017. Copy supplied.

If ALJs are "Officers," Who Should Appoint Them?, Yale Journal on Regulation Notice & Comment Blog, June 27, 2017. Copy supplied.

OIRA Administrator Nominee Professor Rao Sails Through her Confirmation Hearing, Yale Journal on Regulation Notice & Comment Blog, June 10, 2017. Copy supplied.

D.C. Circuit's Double-Header on Article II, Yale Journal on Regulation Notice & Comment Blog, May 26, 2017. Copy supplied.

Federal Circuit Rules that Expedited Veterans Affairs Removal Procedures Create an Appointments Clause Violation, Yale Journal on Regulation Notice & Comment Blog, May 15, 2017. Copy supplied.

Limitations on the First Amendment Right of Access to Information Controlled by the Government, 73 Geo. Wash. L. Rev. 814 (2005). 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.

With Jack M. Beermann. *Draft Research Report on Federal Agency ALJ Hiring after Lucia and Executive Order 13843*, Mar. 28, 2019. (I started government service before the report was finalized, so my co-authorship extends only to this pre-April 2019 draft.) 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.

To my recollection and through searches of my records and publicly available records, I have found the following responsive materials.

Hearing of the U.S. Senate Committee on the Judiciary titled “When the President Does It, that Means It’s Not Illegal: The Supreme Court’s Unprecedented Immunity Decision,” Prepared Statement for the Minority, Presidential Immunity Doctrines, Sept. 24, 2024. Copy supplied. A video recording of the hearing is available at <https://www.senate.gov/isvp/?comm=judiciary&filename=judiciary092424>.

Notice, Administrative Conference of the United States, Adoption of Recommendations, 89 Fed. Reg. 56276, 56279, June 13, 2024. Administrative Conference Recommendation 2024-3, Senate-Confirmed Officials and Administrative Adjudication. The following two statements were submitted after the June plenary session of the Conference expressing disagreements with one of the recommendations approved on June 13.

Separate Statement for Administrative Conference Recommendation 2024-3 by Public Member Jennifer L. Mascott, 89 Fed. Reg. 56284, June 28, 2024. Copy supplied.

Separate Statement for Administrative Conference Recommendation 2024-3 by Public Member John F. Duffy. Joined by Public Members Jennifer B. Dickey, Jennifer L. Mascott, and Kate Todd, 89 Fed. Reg. 56283, June 27, 2024. Copy supplied.

Hearing of the U.S. House Judiciary Subcommittee on the Administrative State, Regulatory Reform, and Antitrust titled “Reining in the Administrative State: Agency Adjudication and Other Agency Action,” Prepared Statement, Mar. 20, 2024. Copy supplied. A video recording of the hearing is available at <https://www.youtube.com/live/b7BqmZKIRx4>.

Hearing of the U.S. Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights titled “Ensuring an Impartial Judiciary: Supreme Court Ethics, Recusal, and Transparency Act of 2023,” Prepared Statement for the Minority, *Ensuring an Impartial Judiciary*, June 14, 2023. Copy supplied. A video recording of the hearing is available at <https://www.senate.gov/isvp/?comm=judiciary&filename=judiciary061423p>.

Hearing of the U.S. Sentencing Commission on Proposed Amendments to the Federal Sentencing Guidelines Related to Compassionate Release, Sex Abuse of a Ward, and Acquitted Conduct, Prepared Statement for the Panel on Academic Perspectives (addressing statutory interpretation), Feb. 23, 2023. Copy supplied. A video recording of the hearing is available at <https://www.youtube.com/watch?v=ELmrnESRMm4>.

Brief of Professor Jennifer L. Mascott, *Donziger v. United States*, No. 22-274, Nov. 16, 2022. Copy supplied.

Brief of Professor Jennifer L. Mascott, *Nordlicht v. United States*, U.S. No. 21-1319, May 4, 2022. Copy supplied.

Hearing of the U.S. Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights titled “An Ethical Judiciary: Transparency and Accountability for 21st Century Courts,” Prepared Statement for the Minority, *The Proper Role and Function of 21st-Century Courts*, May 3, 2022. Copy supplied. A video recording of the hearing is available at <https://www.senate.gov/isvp/?comm=judiciary&filename=judiciary050322>.

Hearing on the Nomination of Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States, Prepared Statement for the Minority, Mar. 24, 2022. Copy supplied. A video recording of the hearing is available at <https://www.senate.gov/isvp/?comm=judiciary&filename=judiciary032422>.

Hearing of the U.S. House Judiciary Subcommittee on Antitrust, Commercial, and Administrative Law titled “The Administrative Procedure Act at 75: Ensuring the Rulemaking Process is Transparent, Accountable, and Effective,” Prepared Statement for the Minority, Dec. 1, 2021. Copy supplied.

Hearing of the U.S. Senate Committee on the Judiciary, titled “Texas’s Unconstitutional Abortion Ban and the Role of the Shadow Docket,” Prepared Statement for Testimony on Behalf of the Minority, *Jurisdiction and the Supreme Court’s Orders Docket*, Sept. 29,

2021. Copy supplied. A video recording of the hearing is available at <https://www.senate.gov/isvp/?comm=judiciary&filename=judiciary092921>.

Hearing of the U.S. Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights titled “Breaking the Logjam: Principles and Practice of Congressional Oversight and Executive Privilege,” Prepared Statement for Testimony on Behalf of the Minority, *Oversight and Executive Privilege in the Context of Separated Powers*, Aug. 3, 2021. Copy supplied. Video of the full hearing available here: <https://www.senate.gov/isvp/?comm=judiciary&filename=judiciary080321p>.

Memorandum Opinion for the General Counsel, Health and Human Services, *Preemption of State and Local Requirements Under a PREP Act Declaration*, Jan. 19, 2021. Copy supplied.

Memorandum Opinion for the General Counsel, Federal Bureau of Prisons, *Home Confinement of Federal Prisoners After the COVID-19 Emergency*, Jan. 15, 2021. Copy supplied.

Brief of Professor Jennifer L. Mascott, *Egbert v. Boule*, U.S. No. 21-147, Dec. 27, 2021. Copy supplied.

Brief of Professor Jennifer L. Mascott, *Lucia v. SEC*, U.S. No. 17-130, Feb. 28, 2021. Copy supplied.

Memorandum Opinion for the General Counsel, Department of Transportation, *Applicability of Section 410 of the Amtrak Reform and Accountability Act of 1997 to the Gateway Development Commission*, Feb. 13, 2020. Copy supplied.

Hearing on the Nomination of the Honorable Brett M. Kavanaugh to be an Associate Justice of the Supreme Court of the United States, Prepared Statement as a Former Law Clerk and Assistant Professor of Law at the Antonin Scalia Law School, George Mason University, September 7, 2018. Copy supplied.

Comment on Agency Adjudication, Administrative Law Clinic of the Scalia Law School, George Mason University, Consumer Financial Protection Bureau Request for Information, 2018. Copy supplied.

Comment on Surface Transportation Board Procedure, Administrative Law Clinic of the Scalia Law School, George Mason University, 2017. 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.

Given the typically close connection between the subject matter of my public speaking and the content that I routinely teach in the classroom, typically I do not speak from a prepared text. Following is the list of all of my legal talks, speeches, panel presentations, and question-and-answer sessions as I recall them or as I or those working on my behalf have located them from publicly available databases and other resources.

May 6, 2025: Presenter, Discussion with Chief Judge Jennifer Elrod and University of Texas Law School Professor Tara Leigh Grove, Separation of Powers and the Constitution, U.S. Court of Appeals for the Fifth Circuit Judicial Conference, Miramar Beach, Florida. The topics of discussion were separation of powers principles and the role of the three federal branches in the U.S. governmental structure in an informal discussion with Chief Judge Jennifer Elrod and University of Texas Law School Professor Tara Leigh Grove. I have no notes, transcript, or recording. The address for the Fifth Circuit is 600 S. Maestri Place, Suite 115, New Orleans, LA 70130.

March 19, 2025: Presenter, “The New Trial Right as Structural Constitutional Reform,” The George Washington University Law School Faculty Workshop, Washington, DC. I presented a lecture and conducted a question-and-answer period on my scholarly paper titled “The New Trial Right as Structural Constitutional Reform.” I have supplied the draft remarks that form the basis for this presentation and a copy of the paper. The address of the George Washington University Law School is 2000 H St., NW, Washington, DC 20052.

March 8, 2025: Speaker, Breakout Discussion Panel on Becoming an Academic, 2025 National Student Symposium, Federalist Society, Michigan Law Hutchins Hall, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I St., NW #300, Washington, DC 20006.

March 7, 2025: Guest, “*Humphrey’s Executor*,” Advisory Opinions, The Dispatch. The podcast was recorded on the University of Michigan Law School campus, Ann Arbor, Michigan. An audio recording is available at <https://thedispatch.com/podcast/advisoryopinions/humphreys-executor/>. The discussion occurred on March 7 even though the podcast episode did not air until March 13, 2025.

March 7, 2025: Panelist, “How We Got Here—The Supreme Court’s ‘Anti-Administrativist’ Turn?,” 2025 National Student Symposium, Federalist Society, Michigan Law Hutchins Hall, Ann Arbor, MI. A video recording of the panel discussion is available at <https://www.youtube.com/watch?v=-u-dh2XsCjg>.

October 23, 2024: Speaker, “Supreme Court Review: Abortion Pills, Trump on Trial & Curbing the Bureaucracy,” The Buckley Institute at Yale University, New Haven, Connecticut. I delivered remarks and engaged in discussion reviewing major recent Supreme Court decisions. I have no notes, transcript, or recording, but I have provided a

description of the event as well as a press report discussing the event. The address of the Buckley Institute is 265 Church St., New Haven, CT 06511.

Reports: October 25, 2024, “Buckley Institute hosts legal scholars for annual ‘Supreme Court Term Review,’” Samantha Warfel, Yale Daily News, <https://yaledailynews.com/blog/2024/10/25/buckley-institute-hosts-legal-scholars-for-annual-supreme-court-term-review/>
October 23, 2024, Advisory: <https://politicalscience.yale.edu/event/buckley-institute-supreme-court-review-abortion-pills-trump-trial-curbing-bureaucracy>

October 23, 2024: Panelist, “A Conversation on Administrative Law,” Yale Federalist Society, Yale Law School, New Haven, Connecticut. The panel discussion addressed recent and upcoming Supreme Court decisions and their predicted impact on the practice and doctrine of administrative law. The address for the Yale Federalist Society is 127 Wall St., New Haven, CT 06511.

October 22, 2024: Panelist, “*Chevron* Overruled: Administrative Law in a Post-*Loper Bright* World,” Catholic Law School Federalist Society Chapter, The Catholic University of America Columbus School of Law, Washington, DC. A video recording of the discussion is available at <https://www.youtube.com/watch?v=aJOA0Y96c9k>.

October 3, 2024: Guest Lecturer, “The New Trial Right as Structural Constitutional Reform,” Duke Public Law Colloquium hosted by Professors Paul Grimm & Ernie Young, Duke Law School, Durham, North Carolina. I presented a lecture on my scholarly paper titled “The New Trial Right as Structural Constitutional Reform.” I have supplied the draft remarks that form the basis for this presentation and a copy of the paper. The address of Duke Law School is 210 Science Dr., Durham, NC 27708.

September 26, 2024: Speaker, Republican Study Committee small group meeting, U.S. Capitol Building, Washington, DC. I briefed members of the committee on the implications of the *Loper Bright* decision and the elimination of *Chevron* deference for future legislation and statutory interpretation. I have no notes, transcript, or recording. The address of the Republican Study Committee is the U.S. House of Representatives, Washington, DC 20515.

September 25, 2024: Panelist, “The Future of the Executive State,” Heritage Foundation, Washington, DC. A video recording of the panel discussion is available at <https://www.youtube.com/watch?v=yM8uVaGz1Ec>.

September 19, 2024: Panelist, “Veterans Law in a Post-*Chevron* World: the Impact of *Loper Bright Enterprises*’ Directive to Courts to Interpret and Resolve, Not Defer,” U.S. Court of Appeals for Veterans Claims Sixteenth Judicial Conference, National Press Club, Washington, DC. I spoke about the implications of the *Loper Bright* decision and the elimination of *Chevron* deference for future legislation and statutory interpretation. I have no notes, transcript, or recording. The address of the U.S. Court of Appeals for Veterans Claims is 625 Indiana Ave., NW, Suite 900, Washington, DC 20004.

September 18, 2024: Panelist, Supreme Court Preview, University of Pennsylvania Law School Federalist Society Chapter, Penn Law School, Philadelphia, Pennsylvania. I participated in a panel discussion on the Supreme Court's upcoming cases and their potential impact on constitutional and administrative law doctrines. I have no notes, transcript, or recording. The address of the Penn Federalist Society is 3501 Sansom St., Philadelphia, PA 19104.

September 18, 2024: Speaker, "Daniel Webster Debate Series: Should the Court Shut Down Its 'Shadow Docket'?", Georgetown Law Federalist Society, Hotung Building, Georgetown University Law Center Campus, Washington, DC. A video recording of this discussion with Fifth Circuit Chief Judge Elrod and Georgetown Law Professor Steve Vladeck is available at <https://www.youtube.com/live/xoULxv6GHYw>.

July 16, 2024: Panelist, "2024 SCOTUS Review: What do the Important Cases Mean for Congress?", Capitol Hill Club, Washington, DC. A video recording of this discussion is available at <https://www.youtube.com/watch?v=QFb-aZKbvT4>.

July 15, 2024: Guest, "Article II and Special Counsel Jack Smith," Gray Matters Podcast, C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School (Virtual Recording). A video recording of this discussion is available at <https://www.youtube.com/watch?v=4Dxt-i84JDk>.

July 10, 2024: Host, "The Examination Crisis: Restoring Safety, Soundness and the Rule of Law in Banking," Constitutional Renewal Foundation, The Mayflower, Washington, DC. I hosted and organized the event and introduced the topic and Bank Policy Institute President and CEO Greg Baer. I have no notes, transcript, or recording. Details about the event are available at <https://constitutionalrenewal.org/events/the-examination-crisis-restoring-safety-soundness-and-the-rule-of-law-in-banking/>. The address of the Constitutional Renewal Foundation is 300 Independence Ave., SW, Washington, DC 20003.

July 10, 2024: Panelist, Staff Briefing on the Implications of the *Loper Bright* Decision, Hosted by Senate Republican Policy Committee staff, Dirksen Senate Office Building, Washington, DC. I briefed legislative and policy staff about the implications of the *Loper Bright* decision and the elimination of *Chevron* deference for future legislation and statutory interpretation. I have no notes, transcript, or recording. The address of the Senate Republican Policy Committee is 347 Russell Senate Office Building, Washington, DC 20510.

July 10, 2024: Panelist, "Scholars & Scribes, Supreme Court 2023 Term," Heritage Foundation, Washington, DC. A video recording of this panel discussion is available at <https://x.com/Heritage/status/1811070088164135095>.

July 2, 2024: Guest, Episode 125, Supreme Myths Podcast with Georgia State College of Law Professor Eric Segall (Virtual Recording). The podcast host and I discussed

Supreme Court decisions on presidential immunity, administrative law, and general separation of powers doctrines. An audio recording is available at <https://podcasts.apple.com/us/podcast/professor-jennifer-mascott/id1523903890?i=1000660898295>.

June 5, 2024: Guest Lecturer, Scalia-Ginsburg Fellows Program, New Civil Liberties Alliance, Washington, DC. I presented a lecture based on my *Stanford Law Review* article titled “Who Are ‘Officers of the United States’?” I have no notes, transcript, or recording, but a copy of the article is supplied. The address of the New Civil Liberties Alliance is 4250 North Fairfax Dr., Suite 300, Arlington, VA 22203. But at the time of this event, the organization was located on 19th St., NW, in Washington, D.C., which is where I delivered my informal remarks and teaching session.

May 22, 2024: Guest Lecturer, NextGen Program, America First Legal (Virtual Presentation). My remarks to a group of fellows addressed the structural principles underlying Article II of the U.S. Constitution, in particular the Appointments Clause which my legal academic scholarship has extensively addressed. We also discussed executive supervision and the interaction between the executive’s responsibility to faithfully execute the laws and statutory interpretation. I have no notes, transcript, or recording. The address of America First Legal is 611 Pennsylvania Ave., SE, Washington, DC 20003.

May 18, 2024: Panelist, Conference on “Presidents Beware: Investigations, Impeachment, Disqualification,” Constitutional Law Center, Stanford Law School, Stanford, California. A video recording of the panel discussion is available at https://www.youtube.com/watch?v=JYK4t_DsiKk.

May 15, 2024: Discussant, “A Debate on the Right—Climate Lawsuits and Federalism: What is the Role of State Tort Law?,” Manhattan Institute and C. Boyden Gray Center for the Study of the Administrative State, Washington, DC. A video recording of the panel discussion is available at <https://www.youtube.com/watch?v=QbWWrnNg71g>.

May 15, 2024: Speaker, “Corpus Linguistics as an Interpretative Tool,” 2024 Continuing Legal Education and Training Program, U.S. Court of Appeals for the Armed Forces. The location of the CLE program was the George Mason University Antonin Scalia Law School, Arlington, VA. I spoke about the use of corpus linguistics as an interpretive tool for jurists. I have no notes, transcript, or recording. The address of the U.S. Court of Appeals for the Armed Forces is 450 E St, NW, Washington, DC 20442.

April 29, 2024: Panelist, “Federal Preemption and Environmental Regulation Webinar,” C. Boyden Gray Center for the Study of the Administrative State (Virtual Event). A video recording of the panel discussion is available at <https://www.youtube.com/watch?v=4K33QiNUZwU>.

April 16, 2024: Panelist, “Is *Humphrey’s Executor* Still Relevant?,” Federalist Society Executive Branch Review Conference, The Mayflower, Washington, DC. A video

recording of the panel discussion is available at <https://www.youtube.com/live/EnXqtaaQT8c>.

April 10, 2024: Panelist, Ten-Year Anniversary Summit on Philip Hamburger's work titled Is Administrative Law Unlawful?, New Civil Liberties Alliance, Washington, DC. This discussion was about separation of powers challenges to agency practices including topics such as agency tribunals and the removal of agency officials. I have no notes, transcript, or recording. The address of the New Civil Liberties Alliance is 4250 North Fairfax Dr., Suite 300, Arlington, VA 22203.

April 3, 2024: Speaker, Remarks on a Tribute to Jeff Mascott, Public Affairs Council, Washington, DC. I gave remarks responding to a video tribute to my spouse, Jeff Mascott, regarding his death, his founding of the public affairs firm Adfero, and his leadership with the Public Affairs Council. I have no notes, transcript, or recording. The address of the Public Affairs Council is 2121 K St., NW, Suite 900, Washington, DC 20037.

February 29, 2024: Speaker, Republican Staff Director Lunch, Washington, DC. My informal remarks provided an update on how U.S. Supreme Court cases like *Loper Bright* and the potential overruling of *Chevron* deference could impact legislating and Senate business. I have no notes, transcript, or recording. I was invited to speak by staff directors for Republican senators and leadership. The event was held in the U.S. Capitol complex.

February 22, 2024: Debater, "Crossing the Line: Are Agencies Defying the Constitution?, DC-Wide FedSoc Rupe Debate," Federalist Society, Jack Morton Auditorium, The George Washington University, Washington, DC. A video recording of this debate with George Washington Law Professor Alan Morrison moderated by U.S. Court of Appeals for the Third Circuit Judge Paul Matey is available at <https://www.youtube.com/watch?v=pMmjA4uoddc>.

February 17, 2024: Panelist, "History & Tradition and the Kavanaugh Court," Symposium on Text & Tradition in Supreme Court Jurisprudence, *Harvard Journal of Law & Public Policy*, Harvard Law School, Cambridge, Massachusetts. I gave remarks based on the initial sketch of a potential future research piece that I did not finish drafting due to a family illness and death that spring. The early draft of the research sketch is provided. I have no other notes, transcript, or recording. The address of the *Harvard Journal of Law and Public Policy* is 1585 Massachusetts Ave., Suite 3066, Cambridge, MA 02138.

February 13, 2024: Panelist, Scalia Law Forum, George Mason University Antonin Scalia Law School, Washington, DC. This was a discussion with then-Senate Republican Leader Mitch McConnell, Reginald Brown, Member of the George Mason Board of Visitors and Kirkland & Ellis Partner, and U.S. District Court Judge Kathryn Mizelle. My remarks addressed the U.S. Senate's role in our constitutional structure and Justice Scalia and the Scalia family's generational contributions to legal and jurisprudential

theory. I have no notes, transcript, or recording. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

February 9, 2024 (approximate): Speaker, Briefing for Senate Republican Legislative Directors, Washington, DC. I spoke to Senate Republican Legislative Directors on the implications for legislation and statutory interpretation if the Supreme Court were to eliminate the *Chevron* deference doctrine in *Loper Bright*. I have no notes, transcript, or recording. I was invited to participate by lawyers in the Republican Leader's office. The event was held in the U.S. Capitol Building.

January 17, 2024: Speaker, "Remembering William Consovoy," DC Young Lawyers Chapter of the Federalist Society, George Mason Student Chapter, Antonin Scalia Law School, Hazel Hall Atrium, Arlington, VA. A video recording of this tribute discussion is available at <https://www.youtube.com/watch?v=CdvF90NPR5g>.

January 2024: Presenter, "Adjudication in the Shadows," *Notre Dame Law Review* Federal Courts Symposium (Virtual Presentation). I gave a presentation on the research of the early draft of this academic project, which addressed agency adjudication and the history of the growth of internal agency enforcement authority. My remarks also addressed the Supreme Court's consideration of agency adjudication and jury trial rights in *Securities and Exchange Commission v. Jarkesy*. I did not ultimately publish a final draft of the project, as my mother became ill and passed away several months after this presentation and during the publication process. I have no notes, transcript, or recording of the specific remarks from the symposium but have provided a copy of the draft paper that formed the basis of the remarks. In addition, I provided testimony to the House Judiciary Committee on a similar topic in spring 2024, and access to that prepared statement has been provided to the committee. The address of the *Notre Dame Law Review* is Post Office Box 780, 1323 Biolchini Hall of Law, Notre Dame, IN 46556.

January 5, 2024: Moderator, "Stare Decisis: From the Warren Court (and Before) to the Roberts Court (and Beyond)," Association of American Law Schools Annual Conference, Marriott Marquis DC, Washington, DC. The topic was the role of precedent in Supreme Court decisions, and professors with a variety of perspectives spoke at this event. I have no notes, transcript, or recording, but a brief report and description of the panel is available here: <https://administrativestate.gmu.edu/event/prof-mascott-to-serve-as-discussant-on-stare-decisis-from-the-warren-court-and-before-to-the-roberts-court-and-beyond-annual-american-association-of-law-schools-conference/>. The address of the Association of American Law Schools is 1614 20th St., NW, Washington, DC 20009.

January 5, 2024: Panelist, "Independent Agencies and Financial Regulation," 25th Annual Faculty Conference, Federalist Society, Westin Washington DC Downtown, Washington, DC. A video recording of this panel discussion is available at <https://www.youtube.com/watch?v=SL2JgHYL9PY>.

Winter/Spring 2024: Co-Briefer, C. Boyden Gray Center's Article I Venture Separation of Powers Briefing Series, Russell Senate Office Building, Washington, DC. Hosted by

the Senate Republican Policy Committee for Senate Republican policy and legislative staff. In 2024, 2023, and 2022, the Gray Center provided this six- or seven-part educational and historical briefing series to Senate staff on principles related to the allocation of constitutional authority among the three federal branches of government, principally to Congress and the Executive. The outlines of the talks and principles provided to Senate staff have been supplied. The approximately biweekly briefing series consisted of sessions titled:

- Rulemaking and the Congressional Review Act
- The Appropriations Power, Government Shutdowns, and Statutory Emergency Authorities
- Congressional Oversight, the Accommodation Process, and Executive Privilege
- Appointments, Removal, and Congressional Supervision of Executive Branch Staffing
- Regulatory Reform
- Congressional-Executive Balance of Power in War Powers
- Congressional-Executive Balance of Power in Foreign Affairs

December 7, 2023: Moderator, Panel on Judge Silberman and the Separation of Powers, “Judge Laurence Silberman’s Intellectual Legacy,” American Enterprise Institute, Washington, DC. A video recording of this panel discussion is available at <https://www.youtube.com/watch?v=ly6d0bgERtc>.

December 1, 2023 (approximate): Presenter, “Constitutional Challenges to Agency Adjudication,” American Bar Association’s Administrative Law Fall Conference (Virtual Event). The panel discussion included significant analysis of the Supreme Court’s oral arguments in *SEC v. Jarkesy*. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036. November 30, 2023: Moderator, “Judicial Remedies in Administrative Law,” American Bar Association’s Administrative Law Fall Conference (Virtual Event). I moderated a panel discussion on judicial remedies in administrative law. I have no notes, transcript, or recording. A summary of the event is available at <https://administrativestate.gmu.edu/event/prof-mascott-to-moderate-host-judicial-remedies-in-administrative-law-aba-national-administrative-law-conference/>. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036.

October 26, 2023: Participant, Conference on Constitutional Structure and Legal Principles, Heritage Foundation, Washington, DC. I delivered informal remarks addressing agency adjudication, executive supervision, and interpretive methodology. I have no notes, transcript, or summary. The address of the Heritage Foundation is 227 Pennsylvania Ave., SE, Washington, DC 20003.

October 23, 2023: Presenter, “Legislative or Administrative Constitution? This Term Before the Supreme Court,” Yale Federalist Society, Yale Law School, New Haven, Connecticut. I discussed cases that the Supreme Court would be considering during the October 2023 Term, particularly as those cases related to administrative law and

separation of powers doctrines. I have no notes, transcript, or recording. The address of this event was 127 Wall St., New Haven, CT 06511.

October 20, 2023: Organizer, Moderator, & Co-Host, “*Chevron* on Trial,” *George Mason Law Review* annual symposium, The Mayflower Hotel, Washington, DC. A video recording of my introductory remarks is available at <https://www.youtube.com/watch?v=IRRJxUOkh8c>. A video recording of my keynote discussion with former Office of Information and Regulatory Affairs Administrator Paul Ray is available at https://www.youtube.com/watch?v=gHI_04m7PMo.

October 13, 2023 (approximate): Instructor for Judicial Conference, “Original Meaning of Article II of the U.S. Constitution,” Center for the Study of Constitutional Originalism, University of San Diego Law School, San Diego, California. I discussed my legal academic scholarship on Article II of the Constitution and the use of corpus linguistics empirical methodology to probe the original meaning of words and terms in legal documents. I have no notes, transcript, or recording. The address of the University of San Diego School of Law is 5998 Alcalá Park, San Diego, CA 92110.

October 10, 2023: Guest, Podcast, “Funding Frameworks Analyzing the *CFPB v. CFSA* Oral Argument w/ Jennifer Mascott,” Credit Union Policy Podcast, National Association of Federally-Insured Credit Unions based in Arlington, Virginia (Virtual Recording). A video recording is available at <https://www.youtube.com/watch?v=0dTmdaTE7BM>.

October 5, 2023: Panelist, “Is the Consumer Financial Protection Bureau Unconstitutional?,” We The People Podcast, National Constitution Center based in Philadelphia, PA (Virtual Recording). An audio recording is available at <https://constitutioncenter.org/news-debate/podcasts/is-the-cfpb-unconstitutional>.

October 3, 2023. Lecturer, “The Institutional Integrity of the Supreme Court,” The First Annual Paul Clement Lecture Series, Georgetown University Student Chapter of the Federalist Society, Georgetown University, Washington, DC. I addressed upcoming Supreme Court cases and the role of the Supreme Court within the three-branch federal governmental system. I also discussed Supreme Court precedent and pending cases on the constitutional structure of separation of powers. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I St., NW, Suite 300, Washington, DC 20006.

September 28, 2023: Panelist, “Cases and Controversies: A Preview of the Supreme Court’s 2023–2024 Term,” American Enterprise Institute, Washington, DC. A video recording of this panel discussion is available at <https://www.youtube.com/watch?v=VRDumj9ZcNQ>.

September 26, 2023: Panelist, “Supreme Court Preview: What is in Store for October Term 2023?,” Federalist Society, The Mayflower, Washington, DC. A video recording of this panel discussion is available at https://www.youtube.com/live/3WTK_KsT-zM.

July 13, 2023: Panelist, “Scholars and Scribes Review the Rulings: The Supreme Court’s 2022–23 Term,” Heritage Foundation, Washington, DC. I joined Jess Bravin (*Wall Street Journal*), Bob Barnes (*Washington Post*), and Supreme Court advocate Kannon Shanmugam to discuss the Supreme Court’s OT22 decisions. A video recording of this panel discussion is available at <https://www.youtube.com/live/QJQnzjD3hWw>.

June 21, 2023: Guest Lecturer, Scalia-Ginsburg Fellows Program, New Civil Liberties Alliance, 19th St., NW, Washington, DC. I discussed the meaning of “officers” in Article II of the U.S. Constitution and the Appointments Clause’s role in executive branch accountability. This talk was based primarily on my *Stanford Law Review* article, “Who Are ‘Officers of the United States’?” I have no notes, transcript, or recording. A copy of the article is supplied. The address of the New Civil Liberties Alliance is 4250 North Fairfax Dr., Ste 300, Arlington, VA 22203.

May 26, 2023 (approximate): Lecturer, “The Original Meaning of Article II of the U.S. Constitution,” Originalism for Law Clerks, Georgetown Center for the Constitution, Hotung Building, Georgetown Law campus, Washington, DC. I discussed the originalist interpretive methodology that I applied to interpretation of the Constitution’s Appointments Clause in my 2018 *Stanford Law Review* article titled “Who Are ‘Officers of the United States’?” I have no notes, transcript, or recording. A copy of the article is supplied. The address of the Georgetown University Law Center is 600 New Jersey Ave, NW, Washington, DC 20001.

May 22, 2023: Panelist, “The Shadow Docket Debate,” We The People Podcast, National Constitution Center based in Philadelphia, PA (Virtual Discussion). This discussion with Adam Liptak of the *New York Times*, then-Texas Law Professor Steve Vladeck, and NCC President and CEO Jeffrey Rosen addressed trends with the Supreme Court’s consideration of emergency motions. Video of the discussion is available here: <https://www.youtube.com/watch?v=bFb62mJjppA>. And an online report discussing the event is here: <https://constitutioncenter.org/news-debate/americas-town-hall-programs/the-shadow-docket-debate>.

April 5, 2023: Guest Lecturer, Professor Chris Walker & Professor Julian Mortenson’s Public Law Workshop, University of Michigan Law School. Ann Arbor, Michigan. My remarks addressed my draft article titled “The New Trial Right as Structural Constitutional Reform.” I have no notes, transcript, or recording. A copy of the draft article is supplied. The address of the University of Michigan Law School is 625 S State St., Ann Arbor, MI 48109.

April 5, 2023: Speaker, “Separation of Powers and the Supreme Court Term,” University of Michigan Federalist Society, University of Michigan Law School, Ann Arbor, Michigan. I discussed the significant separation of powers cases before the Supreme Court in the 2022–2023 term. I have no notes, transcript, or recording. The address of the Michigan Law Federalist Society is 625 S. State St., Ann Arbor, MI 48109.

March 10, 2023: Speaker, Eulogy at the Funeral for my Spouse Jeff Mascott, Fourth Presbyterian Church, Bethesda, Maryland. A video recording has been supplied.

March 4, 2023: Speaker, “Recipient of the annual Justice Joseph Story Award,” National Student Symposium, Federalist Society, Austin, Texas. A video recording of my remarks and the award presentation is available at:
https://www.youtube.com/watch?v=fLF_8AmBV84.

Winter/Spring 2023: Co-Briefer, C. Boyden Gray Center’s Article I Venture Separation of Powers Briefing Series, Russell Senate Office Building, Washington, DC. Hosted by the Senate Republican Policy Committee for Senate Republican policy and legislative staff. In 2024, 2023, and 2022, the Gray Center provided this six- or seven-part educational and historical briefing series to Senate staff on principles related to the allocation of constitutional authority among the three federal branches of government, principally to Congress and the Executive. The outlines of the talks and principles provided to Senate staff have been supplied. The approximately biweekly briefing series consisted of sessions titled:

- Rulemaking and the Congressional Review Act
- The Appropriations Power, Government Shutdowns, and Statutory Emergency Authorities
- Congressional Oversight, the Accommodation Process, and Executive Privilege
- Appointments, Removal, and Congressional Supervision of Executive Branch Staffing
- Regulatory Reform
- Congressional-Executive Balance of Power in War Powers
- Congressional-Executive Balance of Power in Foreign Affairs

December 1, 2022: Panelist, “Appointment, Removal, and Supervision of the Folks Who do the Work: The Constitutional Law—and Other Law—of Agency Personnel Structures,” ABA Administrative Law Conference (Virtual Discussion). I participated in a panel discussion on administrative law and the President’s power to appoint, remove, and supervise agency personnel. I have no notes, transcript, or recording, but an event description is available at

https://www.americanbar.org/content/dam/aba/administrative/administrative_law/adminlawconference22.pdf. The address of the American Bar Association is 1050 Connecticut Ave NW, Washington, DC 20036.

December 1, 2022 (approximate): Speaker, Republican Staff Director Lunch, Washington, DC. I discussed significant cases decided the previous year by the U.S. Supreme Court like *Dobbs*, *Bruen*, and *West Virginia v. EPA* and any consequences or connected legal changes relevant to the Senate. I have no notes, transcript, or recording. I was invited to speak by staff directors for Republican senators and leadership. The event was held in the U.S. Capitol complex.

November 10, 2022: Panelist, “The Major Questions Doctrine: *West Virginia v. EPA*,” National Lawyers Conference 2022, Federalist Society, The Mayflower, Washington,

DC. A video recording is available at <https://www.youtube.com/watch?v=nAgFnfMZxHU>.

November 1, 2022: Panelist, “Is the Administrative State Morally Legitimate?,” American Enterprise Institute, Washington, DC. A video recording is available at https://www.youtube.com/watch?v=A_dZIO8e9ds. A report on the event is available at <https://www.aei.org/events/is-the-administrative-state-morally-legitimate/>.

October 28, 2022: Speaker, Symposium on Constitutional Interpretation, *Wisconsin Law Review*, University of Wisconsin Law School, Madison, WI. I spoke about interpretive methodology and the role of courts in interpreting statutes. I have no notes, transcript, or recording. The address of the *Wisconsin Law Review* is 975 Bascom Mall, Madison, WI 53706.

October 28, 2022: Commentator and Panelist, Panel on “The Business of the Supreme Court: Interrelationships of the Court,” at the *St. Louis University Law Journal*’s conference on “The Business of the Supreme Court: The Evolution and Devolution of the Supreme Court’s Docket” responding to themes from Prof. Steve Vladeck’s keynote Richard J. Childress Lecture. I participated virtually and a video recording of the panel discussion is available here: https://www.youtube.com/watch?v=9mYDgj32LSc&list=PLPxHlSkQXNnkcKxJKnitZI1YNXv_IgEKt&t=2s.

October 17, 2022: Presenter, “SCOTUS Term Preview,” Brown Student Chapter of the Federalist Society, Watson Institute for International and Public Affairs, Providence, Rhode Island. I addressed and summarized the subject matter areas of significant constitutional and administrative law cases before the Supreme Court in the October 2022 Term. I have no notes, transcript, or recording. The address for the Brown university Undergraduate Federalist Society is 102 Friedman Hall, Brown University, Providence, RI 02912.

October 17, 2022: Debater, “The Major Questions Doctrine: An Important Canon or Completely Made Up?,” Harvard Student Chapter of the Federalist Society, Harvard Law School, Cambridge, Massachusetts. The topic of the discussion with Professor Ben Eidelson was the role of the major questions principles set forth in *West Virginia v. EPA* in statutory interpretation. I have no notes, transcript, or recording. Details and a brief description of the event are available here: <https://x.com/HarvardFedSoc/status/1582175353505599488>. The address for the Harvard Federalist Society is 103 Pound Hall, 1563 Mass Ave., Cambridge, MA 02138.

October 14, 2022: Panelist, “The FTC’s Independence After *Seila Law v. CFPB*,” C. Boyden Gray Center for the Study of the Administrative State, The Mayflower, Washington, DC. An audio recording is available at <https://ricochet.com/podcast/gray-matters/the-ftcs-independence-after-seila-law-v-cfpb/>.

September 26, 2022: Host, “Separation of Powers, Criminal Law, & Petitions from the Second Circuit,” Pulse of the Court Podcast, C. Boyden Gray Center for the Study of the Administrative State (Virtual Discussion). A video recording of this discussion with Professor Steve Vladeck is available at <https://www.youtube.com/watch?v=t3EnT3YCtro>.

September 16, 2022: Panelist, “Common-Law Torts and *Bivens* Claims,” Constitution Day Symposium, Cato Institute, Washington, DC. A video recording is available at <https://www.cato.org/events/21st-annual-constitution-day>.

August 25–26, 2022: Presenter and Discussant, 12th Annual Henry G. Manne Faculty Forum, Scalia Law School, Arlington, Virginia. I presented an early version of my research project on agency adjudication and internal enforcement procedures. A copy of the early draft of this project, which was also presented at a *Notre Dame Law Review* federal courts symposium in January 2024 and was planned for publication in that journal has been supplied. The address of the George Mason University Scalia Law School is 3301 Fairfax Drive, Arlington, VA 22201.

July 28–29, 2022 (approximate): Discussant, “Rule of Law & Democracy,” Quill Project, Pembroke College, Oxford, United Kingdom. I was a participant in conversations on comparative constitutional principles and structure between the British and American legal institutions. I have no notes, transcript, or recording. The address of Pembroke College is St. Aldates, Oxford OX1 1DW, United Kingdom.

July 1, 2022: Host, “*West Virginia v. EPA* Reaction,” Pulse of the Court Podcast, C. Boyden Gray Center for the Study of the Administrative State (Virtual Recording). A video recording is available at <https://www.youtube.com/watch?v=PvaIpT2dRpw>.

June 15, 2022 (approximate): Guest Lecturer, Scalia-Ginsburg Fellows Program, New Civil Liberties Alliance, 19th St., Washington, DC. I presented a lecture based on my *Stanford Law Review* article title “Who Are ‘Officers of the United States’?” I have no notes, transcript, or recording, but a copy of the article is supplied. The address of the New Civil Liberties Alliance is 4250 North Fairfax Dr., Suite 300, Arlington, VA 22203.

June 10, 2022: Lecturer, “The Original Meaning of Article II of the U.S. Constitution and Corpus Linguistics,” Originalism for Judges Seminar, Georgetown Center for the Constitution, Sarasota, FL. I discussed the originalist interpretive methodology that I applied to my interpretation of the Constitution’s Appointments Clause in my 2018 *Stanford Law Review* article titled “Who Are ‘Officers of the United States’?” I have no notes, transcript, or recording. A copy of the article is supplied. The address of the Georgetown University Law Center at which the Center for the Constitution is based is 600 New Jersey Ave., NW, Washington, DC 20001.

June 9, 2022: Guest, “The President’s Power to Hire & Fire,” The University of Virginia Law Dean’s Common Law Podcast, University of Virginia School of Law based in Charlottesville, VA (Virtual Recording). An audio recording of this discussion with

then-University of Virginia Law Dean Risa Goluboff and Professor John Harrison is available at <https://www.law.virginia.edu/news/202206/common-law-presidents-power-hire-and-fire>. Show notes are available here: <https://www.law.virginia.edu/commonlaw/show-notes-presidents-power-hire-and-fire>.

May 27, 2022: Lecturer, “The Original Meaning of Article II of the U.S. Constitution,” Originalism for Law Clerks, Georgetown Center for the Constitution, Hotung Building, Georgetown University Law Center, Washington, DC. I discussed the originalist interpretive methodology that I applied to my interpretation of the Constitution’s Appointments Clause in my 2018 *Stanford Law Review* article titled “Who Are ‘Officers of the United States’?” I have no notes, transcript, or recording. A copy of the article is supplied. The address of the Georgetown University Law Center is 600 New Jersey Ave., NW, Washington, DC 20001.

May 25, 2022: Host and Interviewer, Conference on “Congress’s Interbranch Role: The Executive, The Court, and *Dobbs*,” The C. Boyden Gray Center for the Study of the Administrative State, Capitol Visitors Center, Washington, DC. A video recording of my introductory remarks is available at <https://www.youtube.com/watch?v=bnmJ3swf1Rg>. A video recording of my interview and keynote discussion with Ambassador C. Boyden Gray is available at <https://www.youtube.com/watch?v=FPQk9qlJfs4>.

May 20, 2022: Panelist, “The First Congress and Executive Power,” Stanford Constitutional Law Center, Stanford Law School, 559 Nathan Abbott Way, Stanford, CA 94305. A video recording of this discussion is available at <https://www.youtube.com/watch?v=bWCzYRSEpNk>.

May 13, 2022: Panelist, “Major Questions Doctrine,” American Bar Association’s Section of Administrative Law & Regulatory Practice, Administrative Law Conference (Virtual Discussion). I participated in a panel discussion about the legal and statutory interpretation issues in the Supreme Court’s consideration of *West Virginia v. EPA*. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036.

May 11, 2022: Guest, Episode 60, Supreme Myths Podcast with Georgia State College of Law Professor Eric Segall (Virtual Recording). An audio recording of the podcast is available at <https://podcasts.apple.com/us/podcast/professor-jennifer-mascott/id1523903890?i=1000560488850>.

May 3, 2022: Guest, “FedSoc Study Break: Constitutional Law,” Federalist Society (Virtual Discussion). A video recording of the discussion is available at <https://www.youtube.com/watch?v=oixBp5xx1qQ>.

April 20, 2022: Panelist, “*Oklahoma v. Castro-Huerta*,” Native American Student Law Association, Antonin Scalia Law School, Arlington, Virginia. I discussed cases before the Supreme Court in the October 2021 Term including *Oklahoma v. Castro-Huerta*. I

have no notes, transcript, or recording. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

April 13, 2022: Panelist on the Clubhouse platform, “The Virtuous Executive” with Alan Rozenshtein, Penn Program on Regulation, University of Pennsylvania Carey Law School (Virtual Discussion). I participated in a panel discussion on whether and how presidents’ personal characteristics affect the power of their office. I have no notes, transcript, or recording, but here is a brief description of the discussion: <https://x.com/LawAnGovernance/status/1513511716289716229>. The address of the Penn Program on Regulation is 3501 Sansom St., Philadelphia, PA 19104.

April 8, 2022: Cohost & Coordinator, Conference on “Religious Liberty & Law,” C. Boyden Gray Center for the Study of the Administrative State, The Mayflower, Washington, DC. Video of my introductory remarks is available here: <https://www.youtube.com/watch?v=blUPOv2fq8E>

March 2022 (approximate): Presenter, “Ratifiers’ Theory of Accountability,” Levy Workshop, George Mason University Antonin Scalia Law School, Arlington, VA. My remarks were based on an early draft of my writing and research project titled “Ratifiers’ Theory of Accountability. I have no notes, transcript, or recording. A copy of the draft of the project is supplied, and the project was briefly reviewed here: <https://lsolum.typepad.com/legaltheory/2022/03/mascott-on-the-ratifiers-theory-of-officer-accountability.html>. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

March 5, 2022: Panelist, “Modern Debates, Old Insights: The Federalists, Anti-Federalists, & Executive Power,” 2022 National Student Symposium, Federalist Society, University of Virginia School of Law, Charlottesville, Virginia. A video recording of the panel discussion is available at <https://www.youtube.com/watch?v=Tgmcqw7uUXc>.

March 3, 2022: Host, “Lawsuits Against Government Officers & the February Sitting,” Pulse of the Court Podcast, C. Boyden Gray Center for the Study of the Administrative State (Virtual Discussion). A video recording is available at <https://podcasts.apple.com/us/podcast/the-pulse-of-the-court-lawsuits-against/id1487671665?i=1000606184628>.

February 14, 2022: Discussant and Host, “Will You Be My Article I Court?, The History & Jurisdiction of the Court of Federal Claims,” George Mason University Antonin Scalia Law School, Arlington, Virginia. I interviewed Court of Federal Claims Judge Eleni Roumel on the jurisdiction of the U.S. Court of Federal Claims and how its role compares to and contrasts with that of Article III courts. I have no notes, transcript, or recording. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

February 4, 2022: Moderator, “Talks with Authors: Who Decides? States as Laboratories of Constitutional Experimentation,” Federalist Society (Virtual Event). A video

recording of this discussion is available at <https://www.youtube.com/watch?v=VJfrV-3yuLU>.

January 31, 2022: Panelist, “The Administrative State Goes to Court: A ‘Halftime’ Analysis of the Supreme Court’s Term,” C. Boyden Gray Center for the Study of the Administrative State, (Virtual Event). A video recording of this discussion is available at <https://www.youtube.com/watch?v=cs2xEbrmOP4>.

January 19, 2022: Guest, “Emergency Powers Kindle Emergencies,” Dissed Podcast, Pacific Legal Foundation (Virtual Recording). An audio recording of the podcast is available at <https://pacificlegal.org/dissed-podcast/>.

January 10, 2022: Host, “Recap of the Supreme Court Arguments on the Vaccine-or-Testing Mandate,” Pulse of the Court Podcast, C. Boyden Gray Center for the Study of the Administrative State (Virtual Discussion). An audio recording of the podcast is available at <https://ricochet.com/podcast/gray-matters/the-pulse-of-the-court-recap-of-the-supreme-court-arguments-on-the-vaccine-or-testing-mandate/>.

January 8, 2022: Panelist, “On the Brink: The Supreme Court, SB8, *Dobbs*, and the Future of Reproductive Rights,” Association of American Law Schools (Virtual Event). I spoke about the current Supreme Court term and their cases dealing with Texas Senate Bill 8 and the *Dobbs* case. I have no notes, transcript, or recording, but a brief description of the virtual panel is here:

https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=SesDetails&ses_key=08bf1845-abd4-417a-a02d-fbec6e2470d5. The address of the Association of American Law Schools is 1614 20th St NW, Washington, DC 20009.

January 7, 2022: Panelist, “Originalism: New Criticisms and Defenses,” Association of American Law Schools (Virtual Event). I spoke about originalism and its contemporary challenges. I have no notes, transcript, or recording, but a brief description is available here: <https://x.com/NatlAssnAttysGn/status/1468234648551571459>. The address of the Association of American Law Schools is 1614 20th St NW, Washington, DC 20009.

Winter/Spring 2022: Co-Briefer, C. Boyden Gray Center’s Article I Venture Separation of Powers Briefing Series, Russell Senate Office Building, Washington, DC. Hosted by the Senate Republican Policy Committee for Senate Republican policy and legislative staff. In 2024, 2023, and 2022, the Gray Center provided this six- or seven-part educational and historical briefing series to Senate staff on principles related to the allocation of constitutional authority among the three federal branches of government, principally to Congress and the Executive. The outlines of the talks and principles provided to Senate staff have been supplied. In 2022, the briefing series included only six sessions; the Congressional Review Act session was added in later years. The approximately biweekly briefing series consisted of sessions titled:

- The Appropriations Power, Government Shutdowns, and Statutory Emergency Authorities
- Congressional Oversight, the Accommodation Process, and Executive Privilege

- Appointments, Removal, and Congressional Supervision of Executive Branch Staffing
- Regulatory Reform
- Congressional-Executive Balance of Power in War Powers
- Congressional-Executive Balance of Power in Foreign Affairs

December 23, 2021: Panelist with *NY Times* reporter Adam Liptak, “Constitutional Year End in Review,” We The People Podcast, National Constitution Center (Virtual Discussion). An audio recording of the panel discussion is available at <https://constitutioncenter.org/news-debate/podcasts//2021-a-constitutional-year-in-review>.

December 7, 2021: Panelist, “Federalism in Regulatory Decisionmaking,” National Association of Attorneys General Annual Conference, Washington, DC. I participated in a panel discussion on regulatory decisionmaking. I have no notes, transcript, or recording, but a brief description is available here: <https://x.com/NatlAssnAttysGn/status/1468234648551571459>. The address of the National Association of Attorneys General is 1850 M St, NW, 12th Floor, Washington, DC 20036.

November 12, 2021: Panelist, “The Unitary Executive, Autocracy, and American History,” Syracuse Law Review Symposium titled “Executive Authoritarianism.” The conference was held at the Syracuse University College of Law in Syracuse, New York, but I participated virtually. My remarks addressed the role and scope of Article II authority within the constitutional scheme and the ways in which the federal legislature was to counterbalance and frame the role of the Executive Branch. I have no notes, transcript, or recording, but a description of the panel is available here: <https://law.syracuse.edu/academics/conferences-symposia/executive-authoritarianism/>. The address of Syracuse University College of Law is 950 Irving Ave, Syracuse, NY 13244.

November 4, 2021: Presenter, “Regulation and Administration in American Life: Legal Historical Perspectives,” Pre-Conference Discussions, 2021 Annual Meeting of the American Society for Legal History, Intercontinental Hotel, New Orleans, Louisiana. My remarks were based on a very early draft of the history of the patent office section of my project and eventual article titled “Private Delegation Outside of Executive Supervision.” I have no notes, transcript, or recording, but a copy of the article is supplied and a brief description of the panel discussion is here: <https://x.com/kmtani/status/1456395526400794625>. The address of the American Society for Legal History is 2301 Vanderbilt Pl, PMB 351802, Nashville, TN 37325.

October 28, 2021: Commentator, Response to The John E. Sullivan Lecture on Administrative Law by Former White House Counsel Don McGahn, Capital University Law Review, Capital University Law School, Columbus, Ohio. I have no notes, transcript, or recording. But an article based on the McGahn remarks to which I responded is available here: <https://www.capitallawreview.org/api/v1/articles/77565->

administrative-law-past-present-and-future.pdf. The address of Capital University Law School is 303 E. Broad St., Columbus, OH 43215.

October 21, 2021: Panelist, “The Journey and Jurisprudence of U.S. Supreme Court Justice Clarence Thomas,” Orange County Bar Association (Virtual Webinar). I participated in a panel discussion with Berkeley Law Dean Chemerinsky about the life and jurisprudence of Justice Clarence Thomas. I have no notes, transcript, or recording. The address of the Orange County Bar Association is Post Office Box 6130, Newport Beach, CA 92658.

October 21, 2021: Cohost and Introductory Speaker, Evening Lecture Event with Justice Thomas, Judge Silberman, Leader McConnell, C. Boyden Gray, & Don McGahn titled “Justice Thomas’s Thirty-Year Legacy on the Court,” C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School. This event was cosponsored by the Heritage Foundation and occurred at the Heritage Foundation. A video of the evening event is available here: <https://www.youtube.com/watch?v=kk1foM0mBOg>.

October 21, 2021: Cohost and Moderator, “Advocacy in the Thomas-era Court,” Daytime Symposium cohosted by the C. Boyden Gray Center for the Study of the Administrative State, George Mason University Scalia Law School. This event was cosponsored by the Heritage Foundation and held at the Heritage Foundation, Washington, DC. A video recording of my introductory remarks is available at <https://www.youtube.com/watch?v=UhwvGeVnpTs>. A video recording of the panel I moderated is available at <https://www.youtube.com/watch?v=w0cXO9iDmas>.

October 7, 2021: Panelist, “The Supreme Court’s ‘Shadow Docket,’” We The People Podcast, National Constitution Center based in Philadelphia, Pennsylvania (Virtual Recording). An audio recording is available at <https://constitutioncenter.org/news-debate/podcasts/the-supreme-courts-shadow-docket>.

October 1, 2021: Interview of U.S. Court of Appeals for the D.C. Circuit Judge Neomi Rao, Conference on “Presidential Administration in a Polarized Era,” The Decatur House, Washington, DC. Hosted by the C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School. A video recording is available at <https://www.youtube.com/watch?v=mQ7hKlcyTH8>.

October 1, 2021: Moderator, Panel Reviewing Prakash & Yoo Scholarship on Presidential Power, Conference on “Presidential Administration in a Polarized Era,” The Decatur House, Washington, DC. Hosted by the C. Boyden Gray Center for the Study of the Administrative State. A video recording is available at <https://www.youtube.com/watch?v=HIN0mHYMjh4>.

September 17, 2021: Moderator, “Judge Williams on Administrative Law and Regulatory Policy,” Memorial Symposium in Honor of Judge Stephen F. Williams, The Decatur House, Washington, DC. Hosted by the C. Boyden Gray Center for the Study of the

Administrative State, George Mason University Antonin Scalia Law School. A video recording is available at <https://www.youtube.com/watch?v=C4tW5SDg6tc>.

September 15, 2021: Speaker, “A Conversation with the Center’s New Co-Executive Director,” Gray Matters Podcast, C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School (Virtual Recording). An audio recording is available at <https://podcasts.apple.com/us/podcast/a-conversation-with-the-centers-new-co/id1487671665?i=1000606184833>.

August 30, 2021: Presenter, Commentary as part of “Justice Thomas 30-Year Anniversary Symposium,” *Harvard Journal of Law and Public Policy* (Virtual Symposium). A video recording is available at <https://www.youtube.com/watch?v=5REOvqI3bvI>.

August 27, 2021: Presenter, “*Arthrex* and the Patent Board of 1836,” 11th Annual Henry G. Manne Faculty Forum, George Mason University Antonin Scalia Law School, Arlington, Virginia. This presentation was based on the draft of my project which was eventually published as “Private Delegation Outside of Executive Supervision.” I have no notes, transcript, or recording. A copy of my article is supplied. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Drive, Arlington, VA 22201.

August 17, 2021: Moderator, “*Arthrex*: The End of Patent Exceptionalism in the Administrative State?,” Regulatory Transparency Project, Federalist Society (Virtual Event). A video recording is available at <https://www.youtube.com/live/rROPn39WXF1>.

August 11, 2021: Moderator, “Supervision by the Executive: Appointments Clause and Removal Constraints After *Collins & Arthrex*,” American Bar Association’s Section of Administrative Law & Regulatory Practice (Virtual Webinar). A video recording of the panel discussion is available at <https://www.youtube.com/watch?v=MPPIuLvysM>.

June 11, 2021: Moderator, “The Life of the Law: What Has Happened Since 1946?,” Symposium on the Administrative Procedure Act’s 75th Anniversary, The Decatur House, Washington, DC. Hosted by the C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School. A video recording is available at https://www.youtube.com/watch?v=K3N1_7b12Ew.

May 2021 (approximate): Lecturer, “The Economics of the Separation of Powers & Constitutional Structure,” Public Law, Economics, and Policy Institute, George Mason University Antonin Scalia Law School Law & Economics Center, Amelia Island, Florida. I discussed the general structural separation of powers principles underlying the federal constitutional system and how that structure impacts the economics of regulation and individual choice. I have no notes, transcript, or recording. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, Virginia 22201.

May 28, 2021: Lecturer, “The Original Meaning of Article II of the U.S. Constitution,” Originalism for Law Clerks, Georgetown Center for the Constitution, Hotung Building, Georgetown University Law Center, Washington, DC. I discussed the originalist interpretive methodology that I applied to my interpretation of the Constitution’s Appointments Clause in my 2018 *Stanford Law Review* article titled “Who Are ‘Officers of the United States’?” I have no notes, transcript, or recording. A copy of the article is supplied. The address of the Georgetown University Law Center is 600 New Jersey Ave., NW, Washington, DC 20001.

May 17, 2021: Panelist, “Non-Delegation? Or No Divesting? Art. I, Sec. I at the Founding and Today,” Executive Branch Review Conference, Federalist Society (Virtual Discussion). A video recording is available at https://www.youtube.com/live/L_-OSLuNOIM.

April 27, 2021: Moderator, “Alito at 15: A Panel Discussion Honoring Justice Alito’s 15 Years on the Court,” Federalist Society New Jersey Lawyers Chapter (Virtual Event). I hosted a discussion with four former Justice Alito clerks discussing his impact on the Supreme Court and the content of some of the Justice’s most significant decisions from his first 15 years of service. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I St., NW, Suite 300, Washington, DC 20006.

March 11, 2021: Panelist, “The *Arthrex* Complex: Are Administrative Patent Judges Principal or Inferior Officers?,” Texas A&M Student Chapter, Federalist Society, Online Event. This discussion addressed the likely outcome of the *Arthrex* decision and whether there were constitutional problems with the method of appointment of administrative patent judges. I have no notes, transcript, or recording. The address of the Texas A&M University School of Law is 1515 Commerce St., Fort Worth, TX 76102.

March 3, 2021: Panelist, “Courthouse Steps Oral Argument Teleforum: *Carr v. Saul*,” Federalist Society (Virtual Discussion). An audio recording of the teleforum is available at <https://podcasts.apple.com/us/podcast/fedsoc-forums/id325218201>.

March 2021 (approximate): Presenter, “*Arthrex* and the Patent Board of 1836,” Levy Workshop, George Mason University Antonin Scalia Law School (Virtual Presentation). This presentation was based on the draft of my project which was eventually published as “Private Delegation Outside of Executive Supervision.” I have no notes, transcript, or recording. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

March 2, 2021: Presenter, “No. 86 Project—Continue the Conversation: Administrative Law Judges and the Supreme Court’s Opinion in *Lucia v. SEC*,” Federalist Society, Washington, DC. A video recording is available at <https://no86.fedsoc.org/posts/administrative-law-judges-and-the-supreme-courts-opinion-in-lucia-v-sec>. Please note that the mini video lecture listed here and dated to 2021 is part of a series of mini educational video lectures based on recorded remarks I provided in 2018 and 2019, to the best of my recollection. For ease of reference, all of the mini

lecture videos of which I am aware based on my earlier recorded remarks are listed here below. The lectures appear associated with a variety of dates online but were originally recorded a couple years earlier.

Additional videos associated with the No. 86 Educational Project include:

February 22, 2021: Presenter, No. 86 Project—Continue the Conversation: “Debates over the Appointments Clause in Article II,” Federalist Society, Washington, DC. A video recording is available at <https://no86.fedsoc.org/posts/debates-over-the-appointments-clause-in-article-ii>.

August 21, 2020: Presenter, No. 86 Project—Continue the Conversation: “Judicial Power,” Federalist Society, Washington, DC. A video recording is available at <https://fedsoc.org/no86/module/judicial-power>.

April 21, 2020: Presenter, No. 86 Project—Continue the Conversation: “Administrative Law and the Courts,” Federalist Society, Washington, DC. A video recording is available at <https://fedsoc.org/no86/module/Administrative-Law-and-the-Courts>.

May 1, 2019: Presenter, No. 86 Project—Continue the Conversation: “What Is the Constitutional Power of Presidential Appointments?,” Federalist Society, Washington, DC. A video recording is available at <https://no86.fedsoc.org/posts/the-appointments-clause-and-democratic-accountability>.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “Evidence for the Original Public Meaning of ‘Officer,’” Federalist Society, Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=ntuYh2KQGGs>.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “Originalism and Uncovering Meaning,” Federalist Society, Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=iP2hXfxlyCY>.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “What is the Original Public Meaning of ‘Officer of the United States’?,” Federalist Society, Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=810RupyZZ9w>.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “Who is an Officer of the United States?,” Federalist Society, Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=tx3oV70bAaA>.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “The Appointments Clause and Democratic Accountability,” Federalist Society,

Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=nA3IVxZodTE>.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “Are Administrative Law Judges Constitutional?,” Federalist Society, Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=hHEQO57OC3I>.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “Are ALJ Decisions the Last Word on Agency Policy?,” Federalist Society, Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=737di3gd9ag>.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “What Is an Administrative Law Judge (ALJ)?,” Federalist Society, Washington, DC. A video recording is available at https://www.youtube.com/watch?v=FdqDxKn5_Lw.

April 30, 2019: Presenter, No. 86 Project—Continue the Conversation: “Where Does the Constitution Get Its Authority?,” Federalist Society, Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=jTCduUCIRjM>.

February 20, 2021: Commenter, Yale Law School Professor Nick Parrillo’s “A Critical Assessment of the Originalist Case Against Administrative Regulatory Power,” 12th Annual Hugh & Hazel Darling Foundation Originalism Work-in-Progress Conference, Center for the Study of Constitutional Originalism at the University of San Diego School of Law (Virtual Conference). I presented remarks in response to Professor Parrillo’s project on the 19th-century federal real estate tax that he published in the Yale Law Journal in April 2021. A video recording of these remarks is available here: <https://www.youtube.com/watch?v=ag-pTT-H9FQ&list=PLIMbhMguve2nwQYpqOryFgca1T8a2uagm&index=6>.

February 12, 2021: Panelist, “Constitutional Principals: Administrative Adjudication and *Arthrex*,” Center for Innovation Policy, Duke University School of Law (Virtual Conference). A video recording is available at <https://law.duke.edu/video/constitutional-principals-administrative-adjudication-and-arthrex>.

February 12, 2021: Panelist, “Originalism, Institutionalism, and the Thomas Court,” University of Virginia School of Law Federalist Society Chapter (Virtual Conference). I participated in a panel discussion on methodology and critiques related to its originalism as well as the application of originalism in Supreme Court jurisprudence. I have no notes, transcript, or recording. The address of the University of Virginia School of Law is 580 Massie Rd., Charlottesville, VA 22903.

November 6, 2020: Lecturer, “Appointments Clause and Originalist Interpretation,” Georgetown Center for the Constitution, Washington, DC (Virtual Event). This event addressed the research and method of my interpretation in my *Stanford Law Review* article “Who are ‘Officers of the United States’?” I have no notes, transcript, or recording, but a brief law student report on the event is here: <https://www.instagram.com/p/CHQZyIKJYoV/>. A copy of the relevant article is supplied. The address of the Georgetown Center for the Constitution is 600 New Jersey Ave., NW, Washington, DC 20001.

November 2, 2020: Speaker, “Regulatory Reform and Transparency,” Yale Law Federalist Society (Virtual Event). This event addressed steps to make administrative procedures, policies, and rules more comprehensible and accessible to the public. It addressed potential legal developments that would impact administrative law practice. The address of the Yale Federalist Society is 127 Wall St., New Haven, CT 06511.

January 5, 2020: Panelist, “Administrative Law Perspectives Beyond the Liberal/Conservative Divide: A Panel Discussion,” American Association of Law Schools Annual Meeting, Washington Marriott Wardman Park Hotel, Washington, DC. My remarks addressed Professor Jeff Pojanowski’s philosophical article “Neoclassical Administrative Law” that unpacks the judicial standards of review and concepts of deference in the 1946 Administrative Procedure Act. I have no notes, transcript, or recording, but a brief event description is available here: https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=SesDetails&ses_key=c3296d71-ec6d-441c-be6b-98d245c62cee. The address of the American Association of Law Schools is 1614 20th St., NW, Washington, DC 20009.

December 6, 2019: Moderator, “Lessons from the Life of Administrative Law: What Experience Teaches about How the APA Can Be Improved,” Department of Justice Summit on Modernizing the Administrative Procedure Act, Washington, DC. A video recording is available at <https://www.youtube.com/watch?v=37KB-jTYKwU>.

September 2019 (approximate): Panelist, “Trends in Statutory Interpretation,” Georgetown Law Judicial Interpretation Institute, Georgetown University Law Center, Washington, DC. This was a session for federal judges with Prof. Bill Eskridge, Prof. Vic Nourse, and Supreme Court advocate Roman Martinez. I discussed textualist methods of statutory interpretation and how those methods could be applied to particular texts. I also touched on the empirical interpretive methodology of corpus linguistics and its application in legal practice. I have no notes, transcript, or recording. The address of the Georgetown University Law Center is 600 New Jersey Ave., NW, Washington, DC 20001.

April 2019 (approximate): Panelist, “The Intersection of *Chevron* and the Non-Delegation Doctrine,” DC Bar, Washington, DC. My remarks addressed recent Supreme Court decisions and statutory interpretation methodology such as textualism. I have no notes, transcript, or recording. The address of the DC Bar is 901 4th St., NW, Washington, DC 20001.

April 2019: Guest Presenter, Seminar on “Drafting and Ratification of the Constitution,” taught by then-Dean William Treanor & Professor John Mikhail, Georgetown University Law Center, Washington, DC. My guest lecture addressed the empirical research and methodology underlying my *Stanford Law Review* article on the reference to “Officers of the United States” in the Constitution’s Appointments Clause. I have no notes, transcript, or recording. The address of the Georgetown University Law Center is 600 New Jersey Ave., NW, Washington, DC 20001.

March 25, 2019: Speaker, “An Unwanted Promotion: How *Lucia* Will Transform the Executive Branch,” University of Virginia School of Law Federalist Society Chapter, Charlottesville, Virginia. My remarks addressed my research on the Constitution’s Appointments Clause and presidential supervision of the Executive Branch. I have no notes, transcript, or recording. The address of the Virginia Student Chapter of the Federalist Society is 580 Massie Rd., Charlottesville, VA 22901.

March 22, 2019: Panelist, “Changes in Administrative Law in the Courts,” 2019 Davis Polk & Wardwell Administrative Law Conference: “Regulatory Change & the Trump Administrative State,” The Yale Journal on Regulation, Yale Law School, New Haven, Connecticut. I have no notes, transcript, or recording, but event details are described here: <https://x.com/yalejreg/status/1095012806141927426> and <https://www.yalejreg.com/nc/march-22-event-2019-davis-polk-wardwell-administrative-law-conference-regulatory-change-the-trump-administrative-state/>. The address of Yale Law School is 127 Wall St., New Haven, CT 06511.

March 22, 2019: Speaker, “Separation of Powers & Agency Adjudication,” Yale Law Federalist Society, Yale Law School, New Haven, Connecticut. I have no notes, transcript, or recording. My discussion with Yale Law Professor Nick Parrillo discussed the role of agency adjudicators within the Executive Branch and recent Supreme Court and circuit court decisions addressing agency adjudication and executive supervision. More details are available here: <https://x.com/yalefedsoc/status/1107767385329676290>. The address of the Yale Federalist Society is 127 Wall St., New Haven, CT 06511.

February 2019: Presenter, “Early Customs Laws and Delegation,” Levy Workshop, George Mason University Antonin Scalia Law School, Arlington, Virginia. My remarks at this workshop summarized the research and legal conclusions of my draft paper on early customs laws subsequently published in *The George Washington Law Review*’s Administrative Law issue. I have no notes, transcript, or recording, but a copy of the paper has been supplied to the committee. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

February 23, 2019: Presenter, “The Ratifiers’ Theory of Officer Accountability,” Tenth Annual Originalism Works-in-Progress Conference, Center for the Study of Constitutional Originalism, University of San Diego School of Law, San Diego, California. Professor Will Baude from the University of Chicago Law School provided commentary on the early-stage project. A video of my presentation is available here:

<https://www.youtube.com/watch?v=-Vt7fZuXZW4>. Videos of the remaining presentations are available here: <https://www.sandiego.edu/law/centers/csco/originalism-conference.php>. The address of the University of San Diego School of Law is 5998 Alcala Park, San Diego, CA 92110.

February 22, 2019: Panelist and Paper Presenter, “The Nondelegation Doctrine, Reconsidered,” Congress and the Administrative State: Delegation, Nondelegation, and Un-Delegation,” C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, Virginia. My remarks addressed the constitutional underpinnings and theory of the nondelegation doctrine as well as the research on statutes enacted by the First Federal Congress on customs laws that formed the basis of my *George Washington Law Review* article on early customs duties. A recording of the discussion is available here: <https://www.youtube.com/watch?v=WwnQoXGKup8>. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

February 7, 2019: Panelist, “Congress and the Executive Branch,” Symposium on “Reclaiming—and Restoring—Constitutional Norms,” American Constitution Society Student Chapter and the *Texas Law Review*, University of Texas School of Law, Austin, Texas. My remarks generally addressed the division of constitutional responsibilities between Congress and the Executive Branch. I have no notes, transcript, or recording, but a brief description of the event is available here: <https://www.acslaw.org/event/reclaiming-and-restoring-constitutional-norms/>. The address of the University of Texas School of Law is 727 East Dean Keeton St., Austin, TX 78705.

February 6, 2019: Speaker, “Does the Civil Service System Violate the Appointments Clause?,” *Stanford Law Review* and the Stanford Law Federalist Society Chapter, Stanford Law School, Stanford, California. My remarks addressed the research in my *Stanford Law Review* article on the Appointments Clause of the Constitution and the constitutional structure of the Executive Branch. I have no notes, transcript, or recording, but event details are available here: <https://x.com/slsfedsoc/status/1093558871308697600>. The address of Stanford Law School is 559 Nathan Abbott Way, Stanford, CA 94305.

February 6, 2019: Moderator and Panelist, “A World Without *Chevron*?,” Legislative Branch Review Conference, Federalist Society, Capitol Hill Visitors Center, Washington, DC. A video of this panel discussion is available here: https://www.youtube.com/watch?v=k8cX-_wXmro.

January 3, 2019: Panelist, “The Ratifiers’ Theory of Officer Accountability,” 2019 Young Legal Scholars Paper Presentations, Annual Faculty Conference, Federalist Society, New Orleans, Louisiana. I was competitively selected to give this presentation on the ratifiers’ theory of officer accountability. A video of this panel discussion is available here: https://www.youtube.com/watch?v=_u6p1J0cEJI.

December 18, 2018: Panelist, “The Vacancies Act and the Attorney General: Constitutional and Statutory Issues,” American Bar Association’s Section of Administrative Law & Regulatory Practice, Online Event. I participated in a panel discussion on the constitutional and statutory issues surrounding the Vacancies Act. I have no notes, transcript, or recording, but details regarding this event are available here: <https://www.yalejreg.com/nc/aba-adlaw-section-teleforum-12-18-3pm-est-the-vacancies-act-and-the-attorney-general/> and here: <https://x.com/ajosephoconnell/status/1072181382556737536>. My remarks addressed my research on the Appointments Clause and Executive Branch supervision as well as the role and appropriate place of acting officials within the Executive Branch. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036.

December 7, 2018: Panelist, “Do Acting Agency Heads Require the Senate’s Advice and Consent?,” Conference titled “New Normals? The Trump Administration, the Courts, and Administrative Law,” C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, Virginia. A video recording of the panel discussion is available here: <https://www.youtube.com/watch?v=SBYqrid2tzw>.

November 15, 2018: Panelist, “Independent Agencies—How Independent Is Too Independent?,” 2018 Federalist Society National Lawyers Convention, The Mayflower Hotel, Washington, DC. A video of the discussion is available here: <https://www.youtube.com/watch?v=u8B1Abj8kDo>.

November 2, 2018: Panelist, “*Lucia*’s Aftermath: ALJ & AJ Job Security and Independence,” American Bar Association’s Section of Administrative Law & Regulatory Practice, Administrative Law Conference, Washington, DC. My remarks addressed implementation of the Supreme Court’s decision in *Lucia v. Securities and Exchange Commission*, which had concluded that Securities and Exchange Commission administrative law judges are “officers of the United States” under constitutional Appointments Clause constraints. I have no notes, transcript, or recording, but a summary of the panel topics and conference details are available here: <https://www.thecre.com/oira/wp-content/uploads/2018/11/ABAAdLawConference-AgendaNovember2018.pdf>. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036.

November 1, 2018: Panelist, “Constitutional Constraints on Administrative Power: How History Sheds Light on Contemporary Understandings,” American Bar Association’s Section of Administrative Law & Regulatory Practice, Administrative Law Conference, Washington, DC. I presented the research from my project on early customs duties and the First Federal Congress statutes that was published in *The George Washington Law Review* Administrative Law issue. A copy of the publication has been supplied. I have no notes, recording, or transcript. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036.

October 18, 2018: Panelist, “Is There a Supreme Court Legitimacy Crisis?,” We The People Podcast with New York University Law Professor Melissa Murray and National Constitution Center President Jeff Rosen, National Constitution Center (Virtual Event). An audio recording is available at <https://constitutioncenter.org/debate/podcasts/is-there-a-supreme-court-legitimacy-crisis>.

October 17, 2018: Panelist, “Judicial Review in a Time of Reconsideration,” Conference on “The Veterans Appeals Process: A Case of Administrative Crisis and Possible Reforms,” C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, Virginia. A video of the panel discussion is available here: <https://www.youtube.com/watch?v=ejKBGxWSytl>.

October 2018: Presenter, Research Roundtable on “Delegation, Nondelegation, and ‘Undelegation,’” C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, Virginia. This presentation consisted of informal, closed-door remarks on my early 19th-century customs laws research at a workshop designed to provide paper authors with feedback on their early drafts. The final version of this research project also formed the basis for the February 22, 2019, remarks disclosed above at the public Gray Center event presenting the research at a further stage of development. I have no notes, transcript, or recording of this workshop discussion. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

September 29, 2018: Contributor to a Video Short, “*Lucia v. SEC*, Supreme Court Roundup: October Term 2017,” Federalist Society, Washington, DC. A video recording of the mini educational video is available at <https://www.youtube.com/watch?v=DILinRC92XY>.

September 26, 2018: Moderator, “Administrative Law Judges After *Lucia*,” *The George Mason Law Review*’s First Annual Symposium on Administrative Law, C. Boyden Gray Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, Virginia. My participation and remarks were centered on moderating a panel discussion of four authors presenting works on the ways in which the Supreme Court’s decision in *Lucia v. Securities and Exchange Commission* would impact administrative agency adjudication moving forward. I possess no notes, transcript, or recording, but more details on the panel discussion are available here: <https://administrativestate.gmu.edu/event/the-george-mason-law-reviews-first-annual-symposium-on-administrative-law/>. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr, Arlington, VA 22201.

September 25, 2018: Panelist, “Regulation in the Courts: Previewing the Year Ahead in the Supreme Court and the Circuits,” The Hoover Institution, Washington, DC. Video of the full discussion is available here: <https://www.youtube.com/watch?v=fu9EyeVcbjA>

September 24, 2018: Panelist, 2018 Annual Seminar, Federal Administrative Law Judges Conference (FALJC), Philadelphia, Pennsylvania. I addressed significant Supreme Court

cases on administrative law practice and constitutional issues related to presidential supervision over executive branch agencies. I have no notes, transcript, or recording. The address of the FALJC is 1930 18th St., NW, Suite B2, PMB 2134, Washington, DC 20009.

September 21, 2018: Panelist, “Supreme Court Preview: What Is in Store for October Term 2018?,” Federalist Society, The Mayflower, Washington, DC. Video of the panel discussion is available here: <https://www.youtube.com/watch?v=3sIxV7n2dyE>.

September 21, 2018: News Conference with Women Supporting Brett Kavanaugh, JW Marriott Hotel, Washington, DC. Video of the news conference is available here: <https://www.c-span.org/program/news-conference/news-conference-with-women-supporting-brett-kavanaugh/512246>.

September 19, 2018 (approximate): Panelist, “The Kavanaugh Nomination: A Panel Discussion,” American University Washington College of Law, Washington, DC. My remarks discussed then-Judge Kavanaugh’s jurisprudence on the U.S. Court of Appeals for the D.C. Circuit and his administrative law and statutory interpretation decisions. I have no notes, transcript, or recording. The address of the Washington College of Law is 4300 Nebraska Ave., NW, Washington, DC 20016.

September 18, 2018: Panelist, Webinar on “Judicial Independence and Administrative Law Judges: Is This the End of an Era?,” American Bar Association’s Section of Civil Rights & Social Justice (Virtual Event). I discussed the legal conclusions and constitutional analysis underlying the Supreme Court’s decision in *Lucia v. Securities and Exchange Commission*, administrative law judges, and implementation of the *Lucia* decision. A video recording of the event is available here: <https://www.youtube.com/watch?v=TqvrNppnv0A>. Note that the ABA posted the video of this event on October 17, 2019.

September 17, 2018: Panelist and Paper Presenter, “Federalism and Government Structure,” 17th Annual Constitution Day, Cato Institute, Washington, DC. Video of the panel discussion and presentation is available here: <https://www.cato.org/events/17th-annual-constitution-day>.

September 14, 2018: Presenter, “Administrative Law and Removal Doctrine,” 8th Annual Henry G. Manne Faculty Forum, George Mason University Antonin Scalia Law School, Arlington, Virginia. A copy of the early draft research project forming the basis for my presentation has been supplied. This event was an internal faculty workshop provided for scholars to receive feedback on their summer research projects. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

September 13, 2018: Moderator, “The Future of *Chevron* Deference,” Federalist Society (Virtual Teleforum). An audio recording of this discussion is available at <https://fedsoc.org/events/the-future-of-chevron-deference-1>.

September 12, 2018: Keynote Speaker, Judicial Conference of the Occupational Safety and Health Review Commission, Washington, DC. My remarks addressed significant administrative law cases before the Supreme Court such as *Lucia v. Securities and Exchange Commission* and *Gundy v. United States* and the potential impact of those decisions on the practice of administrative law and administration of labor and safety regulations. The commission's general counsel, Nadine Mancini, a fellow colleague on the Administrative Conference of the United States, asked me to deliver the remarks. I have no notes, transcript, or recording. The address of the commission is 1120 20th St., NW, 9th Floor, Washington, DC 20036.

August 14, 2018: Panelist, "What Kind of Judge is Brett Kavanaugh? A Closer Look at His Cases," Heritage Foundation, Washington, DC. A video is available here: <https://www.heritage.org/courts/event/what-kind-judge-brett-kavanaugh-closer-look-his-cases>.

July 24, 2018: "Kennedy, Kavanaugh, and the Future of National Security Before the Supreme Court," The Lawfare Podcast (Virtual Recording). An audio recording of this podcast discussion is available at <https://www.lawfareblog.com/lawfare-podcast-kennedy-kavanaugh-and-future-national-security-supreme-court>.

July 6, 2018: Speaker, Eulogy at the funeral of my father The Reverend John N. Miller, LifePoint Church, Reisterstown, Maryland. A copy of a draft sketch of these prepared remarks has been supplied.

July 6, 2018: Lecturer for a Short Educational Video, "Civil Service Reform," Federalist Society, Washington, DC. A video recording of the lecture is available at <https://www.youtube.com/watch?v=T2aMAzVn-Ts>.

June 2018: Presenter, Third Annual Administrative Law New Scholarship Roundtable, Michigan Law School, Ann Arbor, Michigan. My presentation summarized the research from the constitutional state ratification debates underlying the early stage of my research project titled "The Ratifiers' Theory of Officer Accountability." I have no notes, transcript, or recording, but details about the conference are available here: <https://www.yalejreg.com/nc/call-for-papers-for-the-administrative-law-new-scholarship-roundtable/>. A copy of the early draft of the research project has been supplied. I did not complete this draft paper, but a version of the early initial partial draft has been supplied, and the project was subsequently briefly reviewed here: <https://lsolum.typepad.com/legaltheory/2022/03/mascott-on-the-ratifiers-theory-of-officer-accountability.html>. In addition, the early-stage research project was cited in the following U.S. Court of Appeals for the D.C. Circuit concurring opinion: *Buchanan v. Barr*, 71 F. 4th 1003 (D.C. Cir. 2023) (Walker, J., concurring). The address of the University of Michigan Law School is 625 S. State St., Ann Arbor, MI 48109.

May 12, 2018: Speaker, Mother/Daughter Mother's Day Weekend Tea, Fourth Presbyterian Church, Bethesda, Maryland. Copy of remarks supplied. The requested topic for the event was the connection between music and worship.

May 1, 2018: Moderator, "Reforming Administrative Adjudication," Federalist Society (Virtual Teleforum). An audio recording of this teleforum is available at <https://fedsoc.org/events/reforming-administrative-adjudication>.

April 27, 2018: Panelist, "Presidential Appointment Power," Republican National Lawyers Association's 18th Annual National Policy Conference, National Press Club, Washington, DC. My remarks addressed the constitutional issues in play in the Supreme Court's consideration of the scope of the Article II Appointments Clause in *Lucia v. Securities and Exchange Commission*. I have no notes, transcript, or recording. The address of the Republican National Lawyers Association is Post Office Box 18965, Washington, DC 20036.

April 27, 2018: Panelist, "Are Administrative Law Judges Unconstitutional?," Congressional Civil Justice Academy, hosted on Capitol Hill by George Mason's Law and Economics Center, Rayburn House Office Building, Washington, DC. A video recording and event description are available here: <https://masonlec.org/events/are-administrative-law-judges-unconstitutional/>.

April 20, 2018: Speaker, Executive Committee Meeting and Monthly Luncheon, Federal Administrative Law Judges Conference, Washington, DC. My remarks addressed the constitutional issues at stake in the Supreme Court's consideration of *Lucia v. Securities and Exchange Commission* and the potential impact of the decision on the practice of administrative law judges. I have no notes, transcript, or recording. The address of the FALJC is 1930 18th St., NW, Suite B2, PMB 2134, Washington, DC 20009.

April 17, 2018: Panelist, "Civil Service Reform," plenary lunchtime panel at the Sixth Annual Executive Branch Review Conference, Federalist Society, The Mayflower, Washington, DC. Video of the panel discussion is available here: <https://www.youtube.com/watch?v=KzY0WmcbXwg&list=PLWwcngsYgoUUZY3I8zqkKc0q91K91P63L&index=6>.

April 12, 2018: Guest, "Gorsuch's Anniversary," SCOTUS 101 Podcast, Heritage Foundation, Washington, DC. An audio recording of the podcast is available at <https://www.heritage.org/courts/commentary/scotus-101-gorsuchs-anniversary>.

April 10, 2018: Panelist, "Are Administrative Law Judges Unconstitutional?," Heritage Foundation, Washington, DC. Video of the panel discussion is available here: <https://www.heritage.org/crime-and-justice/event/are-administrative-law-judges-unconstitutional>.

March 12, 2018: Guest Lecturer, "Who are 'Officers of the United States'?", Constitutional Law Colloquium, University of Illinois College of Law, Champaign,

Illinois. I gave a guest lecture about my corpus linguistics and constitutional historical research on the meaning of the Article II phrase “Officers of the United States.” The lecture and discussion session was hosted by Professor Jason Mazzone, at a student colloquium that he taught at the University of Illinois law school. I have no notes, transcript, or recording, but a copy of the article underlying the student lecture has been supplied. The address of the University of Illinois College of Law is 508 E Gregory Dr, Champaign, IL 61820.

March 10, 2018: Interviewer, “A Conversation with Justice Clarence Thomas,” 2018 National Student Symposium, Federalist Society, Washington, DC. Video of the discussion is here: https://www.youtube.com/watch?v=p2mID9V_PKw. A Georgetown Law report on the discussion is available here: <https://www.law.georgetown.edu/news/georgetown-law-chapter-hosts-federalist-societys-2018-national-student-symposium/>.

March 9, 2018: Discussion Leader, “Corpus Linguistics and Constitutional Law Panel,” Third Annual Law and Corpus Linguistics Conference, Brigham Young University Law School, Sundance Mountain Resort, Utah. I have no notes, transcript, or recording. My participation consisted of moderating the panel and providing informal commentary on the use of corpus linguistics empirical methodology in interpretation of constitutional terms. The address of the J. Reuben Clark Law School is 341 E. Campus Dr., Provo, UT 84602.

February 26, 2018: Panelist, Teleconference, “Who Are You to Judge? The Supreme Court Revisits the Constitutionality of Agency Adjudication,” American Bar Association’s Section of Administrative Law & Regulatory Practice (Virtual Teleforum). My remarks addressed the constitutional issues present in the Supreme Court’s consideration of agency adjudication and the Appointments Clause in *Lucia v. Securities and Exchange Commission*. I have no notes, transcript, or recording, but a detailed description of the event is here: https://www.americanbar.org/content/dam/aba/administrative/administrative_law/brochure_Constitutional_feb26.authcheckdam.pdf/. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036.

January 4, 2018: Presenter, “‘Office’ as Property?,” New Voices in Administrative Law, Annual Meeting, Association of American Law Schools, Marriott Marquis San Diego Marina, California. My recollection is that my remarks addressed a very early version of a project on the question whether executive branch offices established in statute by Congress should be conceptualized as granting a property right to the officeholder. I have no notes, transcript, or recording. The address of the Association of American Law Schools is 1614 20th St., NW, Washington, DC 20009.

November 27, 2017: Guest Lecturer, “Who are ‘Officers of the United States’?,” Constitutional Public Law Colloquium, Northwestern University School of Law, Chicago, Illinois. My guest lecture consisted of a summary of the research in my draft *Stanford Law Review* project on “officers of the United States.” A copy of the notes

completed in preparation for the talk as well as the published version of the related article have been supplied. The address of Northwestern University School of Law is 750 N Lake Shore Dr., Chicago, IL 60611.

November 16, 2017: Panelist, Plenary Panel, “Administrative Agencies and the Federal Judiciary,” Federalist Society National Lawyers Convention, The Mayflower, Washington, DC. Video of the panel discussion is available here: <https://www.youtube.com/watch?v=RKR6SRTzr8g>.

October 19–20, 2017: Panelist, “Are ALJs Unconstitutionally Appointed, or Are They Mere Employees?,” American Bar Association’s Section of Administrative Law & Regulatory Practice, Administrative Law Conference, Capital Hilton, Washington, DC. My remarks addressed courts of appeals and pending Supreme Court consideration of the question whether agency adjudicators are “officers of the United States” subject to constitutional Appointments Clause constraints. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036.

October 19–20, 2017: Panelist, “Now What? Academic Thoughts on Judicial Remedies in Administrative Law,” American Bar Association’s Section of Administrative Law & Regulatory Practice, Annual Administrative Law Conference, Capital Hilton, Washington, DC. I have no notes, transcript, or recording. My recollection is that my remarks addressed the constitutional questions related to agency adjudication and the application of Appointments Clause constraints to administrative law judges as well as the complexities of remedying constitutional violations in the structure of administrative agencies. The address of the American Bar Association is 1050 Connecticut Ave., NW, Washington, DC 20036.

September 29, 2017: Panelist, “The Year Ahead: Regulation in the Supreme Court and the Circuits,” Hoover Institution & The C. Boyden Gray Center for the Study of the Administrative State, at the Hoover Institution in Washington, DC. Details on the event are available here: <https://www.hoover.org/events/year-ahead-regulation-supreme-court-and-circuits>. Video of the full discussion is available here: <https://www.youtube.com/watch?v=themlmyr4WA>.

September 25, 2017: Panelist, 2017 Annual Seminar, Federal Administrative Law Judges Conference, Marriott Providence Downtown, Providence, Rhode Island. My remarks addressed the constitutional issues relevant to executive appointment of agency adjudicators and the constitutional questions arising in circuit decisions on the Article II officer status of administrative law judges. I have no notes, transcript, or recording, but more details about the event at which Senator Whitehouse delivered keynote remarks are available here: https://www.faljc.org/wp-content/uploads/2011/12/2017-FALJC_Seminar_Program_2017-9_8_17JGG.pdf. The address of the FALJC is 1930 18th St., NW, Suite B2, PMB 2134, Washington, DC 20009.

September 15, 2017: Presenter, “Equalizing Process,” 7th Annual Henry G. Manne Faculty Forum, George Mason University Antonin Scalia Law School, Arlington, Virginia. The early draft project forming the basis for this presentation has been supplied. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

June 27–28, 2017: Presenter, “Who are ‘Officers of the United States’?,” Second Annual Administrative Law New Scholarship Roundtable, The Ohio State University’s Moritz College of Law, Columbus, Ohio. I was competitively selected to deliver this presentation on my paper titled “Who are ‘Officers of the United States’?” I do not have notes or a recording of the specific remarks for this event, but a copy of the draft remarks on which I generally based all of my presentations of my “officers” research and the final published version of the article have been supplied. Details about the conference are available here: <https://www.thefacultylounge.org/2017/02/cfp-.html>. The address of the Moritz College of Law is 55 W 12th Ave, Columbus, OH 43210.

June 23, 2017: Presenter, “Who are ‘Officers of the United States’?,” 2017 Junior Scholars Colloquium, Federalist Society, Annapolis, Maryland. I was competitively selected to deliver this presentation on my paper titled “Who are ‘Officers of the United States’?” I do not have notes or a recording of the specific remarks for this event, but a copy of the draft remarks on which I generally based all of my presentations of my “officers” research and the final published version of the article have been supplied. Details about the colloquium are available here: <https://fedsoc.org/commentary/fedsoc-blog/call-for-papers-2017-junior-scholars-colloquium>. The address of the Federalist Society is 1776 I St., NW Suite 300, Washington, DC 20006.

May 1, 2017: Originalism Center Lecturer, “Who are ‘Officers of the United States’?,” Center for the Study of Constitutional Originalism, University of San Diego School of Law, San Diego, California. I discussed the originalist interpretive methodology that I applied to interpretation of the Constitution’s Appointments Clause in my paper titled “Who Are ‘Officers of the United States’?” I do not have notes or a recording of the specific remarks for this event, but a copy of the draft remarks on which I generally based all of my presentations of my “officers” research and the final published version of the related *Stanford Law Review* article have been supplied. The address of the University of San Diego School of Law is 5998 Alcalá Park, San Diego, CA 92110.

April 2017: Presenter, “Who are ‘Officers of the United States’?,” Faculty Lunch Series, The George Washington University Law School, Washington, DC. I discussed the originalist interpretive methodology that I applied to interpretation of the Constitution’s Appointments Clause in my paper titled “Who Are ‘Officers of the United States’?” I do not have notes or a recording of the specific remarks for this event, but a copy of the draft remarks on which I generally based all of my presentations of my “officers” research and the final published version of the related *Stanford Law Review* article have been supplied. The address of George Washington University Law School is 2000 H St., NW, Washington, DC 20052.

April 21, 2017: Panelist, Public Policy Conference: “Rethinking Due Process,” Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, Virginia. My recollection is that my remarks addressed constitutional issues related to accountability and procedural rights in agency adjudication. I do not possess notes, a transcript, or a recording, but the remarks reflected the research and legal analysis in my publication “Constitutionally Conforming Agency Adjudication” which has been supplied to the committee. A schedule for the event is available at <https://administrativestate.gmu.edu/event/rethinking-due-process/>. The address of the George Mason University Antonin Scalia Law School is 3301 Fairfax Dr., Arlington, VA 22201.

April 12, 2017: Co-Speaker, Annual Women’s Retreat, Fourth Presbyterian Church based in Bethesda, Maryland. Copy of remarks supplied.

February 3, 2017: Presenter, “The Dictionary as a Specialized Corpus,” Law & Corpus Linguistics Symposium, *Brigham Young University Law Review*, J. Reuben Clark Law School, Provo, UT. I presented a brief lecture on my paper titled “The Dictionary as a Specialized Corpus,” which makes the case for treating a dictionary as a specialized database, or corpus, to provide additional understanding of a term by looking at the term’s usage in defining other words. I do not have notes, a transcript, or a recording of this particular talk, but my remarks summarized the research and legal analysis in my publication “The Dictionary as a Specialized Corpus” which has been supplied to the committee. The address of the J. Reuben Clark Law School is 341 E. Campus Dr., Provo, UT 84602.

January 5, 2017: Paper Presenter, “Who are ‘Officers of the United States’?,” Works in Progress Panel, 19th Annual Faculty Conference, Federalist Society, San Francisco, California. This event occurred alongside the annual Association of American Law Schools convention which was also held in San Francisco in 2017. I do not have notes or a recording of the specific remarks for this event, but a copy of the draft remarks on which I generally based all of my presentations of my “officers” research and the final published version of the related *Stanford Law Review* article have been supplied. The purpose of the panel was to receive comments from more senior scholars before completing the final draft of the relevant academic project. The address of the Federalist Society is 1776 I St., NW Suite 300, Washington, DC 20006.

June 2016: Guest Commentator, “Supreme Court Decision in *Sheriff v. Gillie*,” SCOTUScast, Federalist Society, Online Recording. The audio recording of these remarks is available here: <https://fedsoc.org/commentary/podcasts/sheriff-v-gillie-post-decision-scotuscast>.

Finally, following is a list of several guest lectures that I recall delivering, but to my knowledge I no longer have detailed records of the exact date or year of their delivery. This is the case in only several instances. Mostly the recollection has faded because I would have been at a different institution than the university at which I am currently a

faculty member and no longer have ready access to relevant email records about the dates and times of these presentations.

Guest Lecturer, Professor Lawrence Solum's Law Student Seminar on Constitutional Interpretation, Hotung Building, Georgetown University Law Center. I have no notes, transcript, or recording, but as I recall the remarks regarded the substantive content and interpretive methodology of my 2018 *Stanford Law Review* project on the constitutional phrase "Officers of the United States."

Legal Academic Fellows Programs: In addition, from 2015 to 2017, I presented draft papers and provided commentaries on other projects as part of two academic fellows programs. In a seminar led by Georgetown University Law Center Professor Robin West, I presented both a very early stage of my *Stanford Law Review* (SLR) article on constitutional "officers" as well as an early project on presidential power to remove executive branch officials that I did not end up turning into a published law review article. Both the published SLR article and an early draft of the removal project have been supplied. But the removal project was never published nor posted on the Social Science Research Network as I recall. The second fellowship was for Olin/Searle Fellows and related affiliates conducted through the Federalist Society's academic division. Both fellowship workshop series were intended to give individuals pursuing teaching careers as tenured academics an opportunity to critique and help develop each other's work. The sessions were not public speaking sessions, but for completeness in answering the committee's question, I list here the fact of my participation in these two fellowships on a regular basis from 2015 through 2017.

Local Church Bible Study Volunteer Co-Lecturer: Finally, from 2014 to 2017, I participated as a co-instructor in a Bible study at Fourth Presbyterian Church, Bethesda, MD, the congregation where my husband and I were longtime members. The occasional lectures that I delivered typically were approximately 20 minutes in length, and they were based on the Bible Study curriculum materials that the group was studying. The teaching team consisted of several individuals including formerly of legal practice and academia affiliated with institutions like Hood College and Yale Law alum who are fellow church members. I have supplied recordings of the lectures that I delivered that the church had retained and provided upon my request. The address of the church is 5500 River Rd., Bethesda, MD 20817.

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.

Through searches of publicly available databases by persons acting on my behalf, we have found the following records of media interviews I conducted and in some cases media reports on public statements or testimony I delivered.

Clean Air Act Jurisdiction Petitions By States, Companies Granted By High Court, Mealey's News Service, Oct. 21, 2024. I did not speak with the publication for this story

on an amicus brief filed by the Separation of Powers Clinic. Copy supplied.

New evidence unsealed in Trump election case, Fox News Live Now, Oct. 19, 2024. Available at <https://www.livenowfox.com/video/1534688>.

Bill Mears, *SCOTUS kicks off historic term under scrutiny amid ethics code debate*, Fox News Online Article, Oct. 7, 2024. Available at <https://www.foxnews.com/politics/scotus-kicks-off-historic-term-scrutiny-ethics-code-debate>.

Adam Liptak, *Bruised Supreme Court Returns to Bench With Possible Election Case Looming*, New York Times, Oct. 6, 2024. Copy supplied.

Rebecca Beitsch, *Senators battle over fallout of Supreme Court Trump immunity decision*, The Hill, Sept. 24, 2024. I do not recall speaking directly with this reporter, but it references my Senate Judiciary Committee testimony on the Supreme Court's presidential immunity decision. Copy supplied.

Ashley Murray (States Newsroom), *Trump immunity decision splits U.S. Senate panel along partisan lines*, Nebraska Examiner, Sept. 24, 2024. I do not recall speaking with this reporter, but the article contains statements based on my public testimony at a Senate Judiciary subcommittee hearing. Copy supplied. The article might also have appeared in other outlets.

Katie Buehler, *How Barrett Became the High Court's Justice to Watch*, Law360, July 26, 2024. Copy supplied.

Matthew Vadum, *Panel: Recent Supreme Court decisions mean more work for lawyers, judges*, The Signal, Santa Clarita Valley, July 11, 2024. I do not recall speaking directly with this reporter, but the article reports on remarks that I delivered at a public event. Copy supplied.

Brianna Herlihy, *Amy Coney Barrett asserts her voice, carries on Scalia legacy*, Fox News Online Article, July 10, 2024. Copy supplied.

Lawrence Hurley and Gary Grumbach, *Liberal justices raise alarm about Supreme Court's weakening of federal agency power*, NBCnews.com, July 5, 2024. Copy supplied.

John Kruzel, *US Supreme Court's divisions deepened in term capped by Trump immunity ruling*, Reuters, July 3, 2024. Copy supplied.

Top Story with Tom Llamas, NBC News, July 1, 2024. Available at https://www.youtube.com/watch?v=mWRVK6EK_rY.

NBC News Special Report, NBC News, July 1, 2024. "Supreme Court rules in Trump

immunity case.” Available at <https://www.youtube.com/live/QndP4BfkkFc>.

Josh Gerstein, *Amy Coney Barrett may be poised to split conservatives on the Supreme Court*, Politico, June 19, 2024. Copy supplied.

“Let’s Talk” Podcast, 13th & Park, May 30, 2024. Available at <https://www.youtube.com/watch?v=v8myg6PMaH8>.

John Kruzel, *Despite consumer watchdog’s US Supreme Court win, agency powers still on chopping block*, Reuters, May 17, 2024. Copy supplied.

Katie Buehler, *Thomas, Alito: Two Originalists, Two Takes on CFPB Case*, Law360, May 16, 2024. Copy supplied.

Andrea Mitchell Reports, with Andrea Mitchell, Chris Jansing, and Katy Tur, “Extraordinary set” of arguments: Supreme Court weighs future role of the president, MSNBC, Apr. 25, 2024. Available at <https://www.msnbc.com/chris-jansing-reports/watch/-extraordinary-set-of-arguments-supreme-court-weighs-future-role-of-the-president-209711173526>.

The Jeff Mascott Commons—Inspired by Shared Values, Landon Magazine, Apr. 9, 2024. Copy supplied.

Jeff Overley, *Are Justices Split 3-3-3? New Term Is Already Offering Clues*, Law360, Oct. 27, 2023. Copy supplied.

Zach Schonfeld, *Supreme Court’s new term to take on federal agency powers in earnest*, The Hill, Oct. 3, 2023. Copy supplied.

Melissa Quinn, *Supreme Court begins new term with battles over agency power, guns and online speech*, CBS News, Oct. 2, 2023. I do not recall giving an interview for the story, but the quote is from remarks I gave at a public event open to the press. Copy supplied.

Lawrence Hurley, *Trump’s war on federal agencies—fueled by his judges—reaches the Supreme Court*, NBCnews.com, Oct. 1, 2023. Copy supplied.

Jess Bravin, *Supreme Court in New Term Looks at Curbing Power of Federal Agencies*, Wall Street Journal, Sept. 30, 2023. Copy supplied.

Jeff Overley, *Administrative State’ Attacks Soar to High Court Crescendo*, Law360, Sept. 29, 2023. Copy supplied.

Peter McGuire, *Pro-Business Interests Press Justices to End Chevron*, Law360, July 24, 2023. I did not speak with the reporter, but the story discusses a Supreme Court amicus brief filed by the Separation of Powers Clinic on behalf of Senator Cruz and other

lawmakers. Copy supplied.

Katryna Perera, *Ex-SEC Officials Tell 5th Circ. To Vacate SEC Buyback Rule*, Law360, July 19, 2023. I did not speak to the reporter, but the story references a Fifth Circuit amicus brief filed by the Separation of Powers clinic. Copy supplied.

Katie Buehler, *Senate Panel Mulls High Court Recusal Requirements*, Law360, June 14, 2023. Copy supplied. I do not recall speaking to the reporter specifically for this story, but the article discusses public testimony I provided to a Senate Judiciary subcommittee.

In little more than a year, Supreme Court conservatives reverse decades of cherished decisions, The Associated Press, July 3, 2023. Copy supplied.

Supreme Court's Affirmative Action Decision, This Week with Jonathan Karl, ABC News, July 2, 2023. Available at <https://www.youtube.com/watch?v=YWQyMbWnwhE>.

Mark Sherman, *In 370 days, Supreme Court conservatives dash decades of abortion and affirmative action precedents*, Associated Press, July 1, 2023. Copy supplied. Reported in multiple outlets.

Supreme Court Strikes Down Biden Loan Forgiveness Plan, MSNBC Reports with Andrea Mitchell, June 30, 2023. Available at <https://www.youtube.com/watch?v=J5ErmC6irVc>.

Supreme Court Rules in Favor of Web Designer Who Won't Create Same-Sex Wedding Sites, NBC News Special Report with Savannah Guthrie, June 30, 2023. Available at <https://www.youtube.com/watch?v=8JNpEVEUHBI>.

Supreme Court Rules Against Affirmative Action in College Admissions, MSNBC Reports with Alex Witt, June 29, 2023. Available at https://www.youtube.com/watch?v=oDjb_bm87P0.

Supreme Court Rules Against Affirmative Action in College Admissions, MSNBC Reports with Andrea Mitchell, June 29, 2023. Available at <https://www.youtube.com/watch?v=wOUDDMTaDfg>.

Supreme Court Severely Limits Affirmative Action in College and University Admissions, NBC News Special Report with Savannah Guthrie, June 29, 2023. Available at <https://www.youtube.com/watch?v=p6m93v3UdY8>.

Ufonobong Umanah, *Tough Path for Challenge to FCC Broadband Fee Revenue*, Bloomberg Law, June 20, 2023. Copy supplied.

Zach Klein, *Senate Hearing Maintains Focus on SCOTUS Ethics*, Fix the Court Blog, June 14, 2023. I did not speak with the reporter, but the piece is based on public remarks that I delivered at a Senate Judiciary subcommittee hearing. Copy supplied.

Ashley Murray (States Newsroom), *Tougher ethics rules for U.S. Supreme Court justices advocated in Senate hearing*, Kansas Reflector, June 14, 2023. I do not recall speaking with this reporter, but the article contains statements based on my public testimony at a Senate Judiciary subcommittee hearing. Copy supplied. Reported in multiple outlets.

Meet the Press with Chuck Todd, NBC News, May 28, 2023. Available at https://www.youtube.com/watch?v=LPuk_jR86zw.

Alison Knezevich, *C. Boyden Gray, Ex-Bush Administration Counsel, Dies*, Law360, May 22, 2023. Copy supplied.

Bobby Magill, *Bears Ears Monument Violates Separation of Powers, Scholars Say*, Bloomberg Law, Apr. 25, 2023. Copy supplied.
2023 Joseph Story Award Winner, Federalist Society Video Production and Interview, Apr. 1, 2023. Available at <https://www.youtube.com/watch?v=cU3xnzz0ShM>.

Brianna Herlihy, *Former attorney in Barr's DOJ wins award for work used to fight Biden's executive overreach*, Fox News Online, Mar. 5, 2023. Copy supplied.
Aaron L. Nielson, *Jennifer Mascott Receives the Federalist Society's Joseph Story Award*, Mar. 5, 2023. Copy supplied.

George F. Will, *Why Americans need protection from the Consumer Financial Protection Bureau*, The Washington Post, Feb. 15, 2023. My co-director of the C. Boyden Gray Center is quoted and referenced in this column. I did not give an interview related to this column, but my recollection is that I spoke with Mr. Will to verify several facts either for this column or another column related to administrative law sometime during 2023-2024. I no longer have access to records of the conversation or the precise column that the email exchange regarded. Copy supplied.

John Fritze, *Biden's ability to bypass Congress, starting with student debt relief, faces "major" legal hurdle*, USA Today, Nov. 18, 2022. Copy supplied.

Eli Nachmany, *Walmart Threads the Needle on Separation-of-Powers Remedies*, The Regulatory Review, Oct. 3, 2022. Copy supplied.

Greg Stohr, *Constitutional Accountability Center: Scalia Legacy Lives On in Supreme Court Abortion, Gun Cases*, Constitution Accountability Center, Aug. 6, 2022. Copy supplied. Reported in multiple outlets.

Jessica Gresko, *Supreme Court Justice Clarence Thomas has a lot to celebrate*, Associated Press, June 30, 2022. Copy supplied. Reported in multiple outlets.

Andrea Mitchell Reports, MSNBC, June 27, 2022. Transcript supplied. My recollection is that I provided interviews for several episodes of Andrea Mitchell Reports during late June and early June 2022, but I do not have records of any other particular appearance other than this episode.

Lawrence Hurley, *Supreme Court conservatives assert power with abortion, gun rulings*, Reuters, Jun. 27, 2022. Available at <https://www.reuters.com/world/us/conservative-us-justices-show-maximalism-guns-abortion-2022-06-25/>.

Conservative-leaning Supreme Court returns abortion rights to the states, Fox News Live, June 26, 2022. Available at <https://www.foxnews.com/video/6308533383112>.

Weekend Today Show, NBC News, June 25, 2022. Available at <https://www.today.com/video/former-law-clerk-to-justice-thomas-kavanaugh-speaks-on-abortion-ruling-142822469994>.

Andrew Chung, *Abortion ruling imperils gay marriage, other freedoms, liberal justices say*, Reuters, June 24, 2022. Copy supplied. Reported in multiple news outlets.

Supreme Court Overturns Roe v. Wade, NBC News Special Report with Lester Holt, June 24, 2022. Available at <https://video.snapstream.net/Play/1al4BV0DDc3koIba7q6C3b?accessToken=blkwzbrdrtgte>.

Justice Samuel Alito, the architect of overturning Roe v. Wade, told senators he viewed the abortion rights landmark as “important precedent.” Now he says “stare decisis” doesn’t protect it, Business Insider, June 24, 2022. Copy supplied.

Supreme Court Strikes Down New York’s Handgun Law in 6-3 Ruling, Laura Jarrett, Early Start with John Berman and Zoraida Sambolin, CNN, June 24, 2022. Available at <https://x.com/EarlyStart/status/1540274259834146816>.

John Fritze, *How the Supreme Court’s major climate case could change the course of Biden’s presidency*, USA Today, June 11, 2022. Copy supplied.

Lydia Beyoud, *The SEC’s Power to Police Markets Is Under Attack in Court*, Bloomberg, May 27, 2022. Copy supplied.

Tim Ryan, *5th Circ. SEC Decision Could Affect NLRB Judges*, Law360, May 25, 2022. Copy supplied.

Cara Bayles, *Could the Dobbs Leak Change Supreme Court Clerkships?*, Law360, May 11, 2022. Copy supplied.

Meet the Press with Chuck Todd, NBC News, May 8, 2022. Available at <https://www.youtube.com/watch?v=Uqwah41Ae6Q>.

Jimmy Hoover, *Chief Justice Co-Signs Kagan’s Rebuke of Shadow Docket*, Law360, Apr. 6, 2022. Copy supplied.

George Cahlink & Pamela King, *Republicans weigh endgame on Supreme Court nominee*, E&E News, Mar. 25, 2022. I do not recall talking to these reporters for this story, but the article quotes from public statements I delivered at a Senate Judiciary full committee hearing. Copy supplied.

Max Jaeger, *Sens. Cruz, Lee Brief High Court in Vet's Disability Denial Row*, Law360, Mar. 8, 2022. Copy supplied.

Madeleine Carlisle, *The Supreme Court Could Soon Decide When a Federal Officer Can Be Sued*, Time, Mar. 1, 2022. Copy supplied.

Kimberly Strawbridge Robinson and Courtney Rozen, *Supreme Court Vaccine Decision Signals Trouble for Climate Rule*, Bloomberg Law, Jan. 14, 2022. Copy supplied.

Kate Riga, *Vaccine Mandate Cases May Hold Clues About Whether Supreme Court Intends to Drastically Constrain Biden's Power*, Talking Points Memo, Jan. 6, 2022. Copy supplied.

Elizabeth Slattery, *No, Congress should not codify "Chevron" deference*, The Hill, Dec. 20, 2021. Copy supplied.

Kimberly Strawbridge Robinson, *Thomas Keeps Asking Questions as Justices Return to Courtroom*, Bloomberg Law, Oct. 5, 2021. Copy supplied.
With Norms "Largely Broken Down," Senators Want Courts to Resolve Executive Privilege Fights, National Law Journal (Online) and Law.com, Aug. 3, 2021. I did not speak with the journal about this article, but it references public statements I delivered in Senate Judiciary subcommittee testimony. Copy supplied.

Chris Villani, *DeVos Sex Assault Rule Largely Upheld by Mass. Judge*, Law360, July 29, 2021. I do not recall speaking with this reporter, but the article addressed a case for which I argued a summary judgment motion while working at the U.S. Department of Justice in 2020. Copy supplied.

Lydia Wheeler, *Chevron Deference Scope Tested in Supreme Court Medicare Case*, Bloomberg Law, May 21, 2021. Copy supplied.

Law.com Bench Report Briefing: Why Are Double Clerkships Dominating?, The American Lawyer/Law.com (Online), May 10, 2021. Copy supplied.

Why Rehnquist Sided With Larry Flynt/Kelsi Corkran Snags Georgetown Law Post/"Golden Age of Originalism"/Headlines: Catch Up With Noel Francisco, The National Law Journal/Supreme Court Brief (Online), Feb. 17, 2021. Copy supplied.

Chris Villani, *Judge Says DeVos' Sex Assault Rule May Bar Too Much Proof*, Law360, Nov. 12, 2020. Copy supplied. I did not provide an interview for this story, but it reports on oral argument I provided on behalf of the government.

Nicholas Casey, *Passed By for Decades, Clarence Thomas Is a New Symbol of the Trump Era*, New York Times, May 18, 2020. Copy supplied.

Jack Beermann, *The Future of Administrative Law Judge Selection*, The Regulatory

Review published by the Penn Program on Regulation, Oct. 29, 2019. Copy supplied. Ingraham Angle, Fox News, October 4, 2018. Transcript supplied. Available at <https://www.youtube.com/watch?v=wle62HbO4oY>.

Stand By Your Man, The American Law/Law.com (Online), Sept. 25, 2018. Copy supplied.

Ingraham Angle, Fox News Network, September 24, 2018. Transcript supplied.

Alex Witt on MSNBC, Sept. 22, 2018. Interview on the Kavanaugh confirmation process. I have not been able to locate a video or transcript of this interview.

Fox and Friends First, Fox News, Sept. 21, 2018. Available at <https://www.youtube.com/watch?v=PuYbsMHL8-M>.

PBS NewsHour, PBS, Sept. 20, 2018. Available at <https://www.youtube.com/watch?v=iorAzmudvU0>.

Velshi on MSNBC, Sept. 18, 2018. Available at <https://www.msnbc.com/ali-velshi/watch/jennifer-mascott-former-law-clerk-to-kavanaugh-defends-his-character-1323540035658>.

Fox News @ Night, Fox News, Sept. 18, 2018. Transcript supplied.

Kavanaugh & His Accuser Invited to Testify Before Senate Committee Next Monday, America's Newsroom, Fox News, Sept. 18, 2018. Available at <https://x.com/americanewsroom/status/1042038357352697858>.

Ingraham Angle, Fox News Network, Sept. 17, 2018. Interview on the Justice Kavanaugh confirmation process discussing his background and my time working for him as a law clerk. I have been unable to locate a video of this interview.

BYU Law, "BYU Law Launches First Legal Corpus Linguistics Technology Platform," PR Newswire, Sept. 17, 2018. Copy supplied.

Jessie Kokrda Kamens, *Appellate Stars Shine on Kavanaugh Day 4; Debate Rages Outside*, Bloomberg Law, Sept. 7, 2018. I do not recall speaking to this reporter, but the story references public testimony that I provided to the full Senate Judiciary Committee. Copy supplied.

Late Night with Shannon Bream, Fox News Network, on either Sept. 5 or 6, 2018. I do not have a transcript or recording of this interview.

The Praise Keeps Coming for All-Star Judge Kavanaugh, States News Service, July 18, 2018. Copy Supplied.

Washington: Judge Kavanaugh Clerks Laud Nomination to Supreme Court, Impact News

Service, July 13, 2018. Copy Supplied.

United States: The Legal Community is Giving Rave Reviews to Judge Brett Kavanaugh's Nomination to the Supreme Court, Thai News Service, July 13, 2018. Copy supplied. Reported in multiple outlets.

Fox News @ Night, Fox News Network, July 13, 2018. Transcript supplied.

Ron Brownstein, *Brett Kavanaugh Is the Antidote to Corporate America's Worries About Trump*, The Atlantic, July 12, 2018. Copy supplied.

Dave Simpson, *18 of Kavanaugh's Female Clerks Support High Court Pick*, Law360, July 12, 2018. Copy supplied.

Kavanaugh's Female Clerks Tout His Advocacy for Female Lawyers, The American Lawyer, July 12, 2018. Copy supplied. This article also appeared in Law.com (Online) and The National Law Journal.

Rachel Graf, *Kavanaugh Clings To Text And Traditions In Many Dissents*, Law360, July 12, 2018. Copy supplied.

He Gets Back to Us Right Away, EWTN News Nightly, July 11, 2018. Available at https://www.youtube.com/watch?v=e_whtvKv7VY.

Melissa Heelan Stanzione, "Kavanaugh Bats For, Runs With His Clerks," Bloomberg Law, July 11, 2018. Copy supplied.

Mark Sherman, *Kavanaugh's professional life spent in GOP legal circles*, Associated Press, July 10, 2018. Copy supplied.

New Day, CNN, July 10, 2018. Available at <https://www.youtube.com/watch?v=EtIUMRVtIs>.
With J.D. Vance. Tucker Carlson Tonight, July 10, 2018 (Martha McCallum filling in for Tucker Carlson). Transcript supplied.

Supreme Court nominee Brett Kavanaugh "sticks to the law," former clerk says, CBSN Online Story, July 10, 2018. Copy supplied.

CBSN Broadcast Interview, July 10, 2018. Available at <https://www.cbsnews.com/news/supreme-court-nominee-brett-kavanaugh-sticks-to-the-law-former-clerk-says/>.

Social conservatives appear split over Kavanaugh pick, Outnumbered Overtime with Harris Faulkner, Fox News Network, July 10, 2018. Available at <https://www.foxnews.com/video/5807625058001>.

How family man Brett Kavanaugh is considered a reliable conservative who could weaken abortion rights and increase support for capital punishment, Mail Online, July 10, 2018. Copy Supplied.

Jacob Gershman, *Brett Kavanaugh Has Shown Deep Skepticism of Regulatory State; As an appellate judge in Washington, President Trump's Supreme Court pick is known for ruling against regulators he sees as having overstepped their bounds – Correction Appended*, The Wall Street Journal Online, July 10, 2018. Copy Supplied.

Kavanaugh Doesn't "Search for an Easy Answer," Former Clerks Tell Senate, The American Lawyer, July 10, 2018. This article also appeared in Law.com (Online), The National Law Journal, and Supreme Court Brief.

WMAL Radio Interview, July 9, 2018. Description available at <https://www.wmal.com/2018/07/09/listen-george-mason-university-law-professor-jennifer-mascott-on-judge-brett-kavanaughs-potential-to-be-potus-nominee-he-has-one-of-the-sharpest-legal-minds-in-the-country/>.

David B. Rivkin Jr. & Andrew M. Grossman, *A Champion of Constitutional Safeguards*, Wall Street Journal, July 9, 2018. Copy supplied.

Richard J. Wolf, *Brett Kavanaugh: Supreme Court nominee straight out of central casting*, USA Today, July 9, 2018. Copy supplied. This article appeared in multiple news outlets.

Interview with Melissa Francis, "Former clerk: What you see is what you get with Kavanaugh," Fox News Channel, July 5, 2018. Available at <https://www.foxnews.com/video/5805782272001>.

"Army" of Lawyers on Standby to Back Kavanaugh, The American Lawyer/Litigation Daily (Online), July 2, 2018. Copy supplied.

The Federalist Paper, Summer 2018, The Federalist Society, July 1, 2018. Copy Supplied.

From July through October 2018, I provided a number of interviews to broadcast and radio outlets and to print reporters about the Kavanaugh confirmation process. I have listed here each of the specific interviews, articles, and appearances of which I have records. But my recollection is that I also interviewed on several occasions on Late Night with Shannon Bream on the Fox News Network, I conducted occasional interviews with local Washington, DC television networks, I conducted several public radio networks, and I participated in a brief interview about Judge Kavanaugh aired on C-Span in addition to the appearances detailed here of which I have publicly available records. There might also be other interviews from that time of which I have no specific recollection, but the comments I provided in each interview are generally consistent with the dozens of media appearances and interviews specifically listed here.

Gordon Govier, *InterVarsity Alumni—Jeff and Jenn Mascott*, InterVarsity News Report. I do not recall the date of the interview for this piece, but I believe it occurred in approximately 2012. Copy supplied.

Laura Ewald, *The Making of a Mentor: Through student interactions and scholarly pursuits, Amanda Tyler is fast becoming a model member of the faculty*, GW Law Magazine, Fall 2005. Available at https://www2.gwu.edu/~magazine/archive/2005_law_fall/docs/feat_tyler.html.

Scheri Smith, *Official wants road in southeast widened; Councilman Peden worried*, The Courier-Journal (Louisville, Kentucky), May 7, 2003. Copy supplied.

Michael A. Lindenberger and Deborah Highland, *Bush releases \$200 million for heating aid; Official says state's share of the emergency funding will only last about two weeks*, The Courier-Journal (Louisville, Kentucky), January 25, 2003. Copy supplied.

Matt Batchelder, *Prospects for noise barriers doubtful; Kentucky, U.S. blame each other for inaction*, The Courier-Journal (Louisville, Kentucky), January 2, 2003. Copy supplied.

Kentucky: Northrup retains 3rd District, United Press International (Louisville, Kentucky), November 5, 2002. Copy supplied.

Northrup staff expects Bush visit to Louisville, The Courier-Journal (Louisville, Kentucky), August 21, 2002. Copy supplied.

Carroll James, *Congress boosts local defense work; Budget could give more orders to United Defense, Raytheon*, The Courier-Journal (Louisville, Kentucky), July 18, 2002. Copy supplied.

Marcus Green, *Rally joins workers from U.S., Mexico; Expanded free trade yields job loss north of border, abuses south, speakers say*, The Courier-Journal (Louisville, Kentucky), June 8, 2002. Copy supplied.

Tyler Whitley, *U.S. Funds Asked for Terror Response*, Richmond Times Dispatch (Richmond, Virginia), February 22, 2002. Copy supplied.

In addition to the interviews listed above, I have also spoken to reporters on background as appropriate or as directed.

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 previously served in a judicial capacity.

- 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.

Public Member, Administrative Conference of the United States, 2018 – 2019, 2021 – 2025. Appointed by Mathew Weiner, Acting Chair of the Conference.

Associate Deputy Attorney General, United States Department of Justice, May 2020 – January 2021. Appointed by former Attorney General Bill Barr.

Deputy Assistant Attorney General, Office of Legal Counsel, United States Department of Justice, April 2019 – May 2020, November 2020 – January 2021. Appointed by former Attorney General Bill Barr.

I have never been a candidate for public elective office.

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

I have never held a position or played a role in a political party or election committee, nor in any political campaign.

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

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2006 to 2007, I served as a law clerk to the Honorable Brett M. Kavanaugh, U.S. Court of Appeals for the D.C. Circuit.

From 2007 to 2008, I served as a law clerk to the Honorable Clarence Thomas, Supreme Court of the United States.

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

I have never practiced law alone.

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

Please note that some of these experiences, while consisting of the provision of legal academic instruction, occurred before I took the Maryland and Virginia bar exams.

2011 – 2017

The George Washington University Law School

2000 H Street, NW

Washington, DC 20052

Olin/Searle Fellow (August 2016 – July 2017)

Professorial Lecturer in Law (January – May 2011, January – July 2012,

September 2012 – May 2013, January – May 2015)

2014 – 2017

Antonin Scalia Law School

George Mason University

3301 Fairfax Drive

Arlington, Virginia 22201

Assistant Professor of Law (August 2017 – May 2024; term position, August 2017 – August 2018; tenure track starting August 2018) (on leave from April 2019 – January 2021)

Faculty Director & Founder, Separation of Powers Student Litigation Clinic
(December 2021 – June 2024)

Faculty Director, Administrative Law & Supreme Court Clinics (August 2017 –
August 2018)

2015 – 2017

Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, DC 20001
Olin/Searle Fellow

2017 – 2019

Consovoy McCarthy PLLC
1600 Wilson Boulevard, Suite 700
Arlington, Virginia 22209
Of Counsel

2018 – 2019, 2021 – 2025

Administrative Conference of the United States
1120 20th Street, NW
Suite 706 South
Washington, DC 20036
Public Member

2019 – 2021

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Associate Deputy Attorney General (May 2020 – January 2021)
Deputy Assistant Attorney General, Office of Legal Counsel (April 2019 – May
2020, November 2020 – January 2021)

2021 – 2024

C. Boyden Gray Center for the Study of the Administrative State
Antonin Scalia Law School
George Mason University
3301 Fairfax Drive
Arlington, Virginia 22201
Co-Executive Director

2024 – Present

Catholic Law School
3600 John McCormack Road, NE
Washington, DC 20064

Associate Professor of Law (tenure effect August 24; on leave from January 2025 – present)

Founder & Director, Separation of Powers Student Litigation Clinic (June 2024 – March 2025)

2024 – 2025

Trump Vance Transition 47

Worked remotely from the Washington, D.C. area

Volunteer

2025 – Present

White House Counsel's Office

Eisenhower Executive Office Building

1650 Pennsylvania Avenue, NW

Washington, DC 20504

Senior Counsel

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

I have never served as a 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.

As a law clerk from between 2006-2007 and again from 2008-2009, I helped prepare my judges for oral argument and assisted them in drafting opinions. As a clerk for Justice Thomas, I reviewed petitions for certiorari and provided written advice to the full Court about whether petitions should be granted.

In 2011, I became a professional lecturer at George Washington University Law School. For most of my career since then, I have taught courses on legal topics like administrative law, civil procedure, federal courts, and the separation of powers at George Washington University Law School, the Antonin Scalia Law School, and Catholic Law School. I have also taught numerous clinics and filed many amicus briefs at the United States Supreme Court and other federal courts.

I was Of Counsel at the law firm Consovoy McCarthy PLLC from 2017 to 2019. In addition to my academic law professor and intermittent of counsel responsibilities during this time period, I also provided significant volunteer assistance as part of the confirmation process for Justice Brett Kavanaugh.

I served in the Department of Justice from 2019 to 2021 as Deputy Assistant Attorney General for the Office of Legal Counsel and Associate Deputy Attorney General. At the Office of Legal Counsel, I provided legal advice to the Attorney General, the White House Counsel, and other executive branch officials on a wide range of legal issues. By statute, the Attorney General is tasked with giving “advice and opinion on questions of law when required by the President,” 28 U.S.C. § 511, and providing “opinion[s] . . . on questions of law” that “aris[e] in the administration of [an executive] department.” when asked for such opinions by the “head of an executive department,” *id.* § 512. The Attorney General has a similar responsibility for military departments. *See id.* § 513. Department of Justice regulations give OLC responsibility for assisting the Attorney General in carrying out these duties. In this role, OLC is responsible for adjudicating legal questions posed within the Executive Branch. During my time with the Deputy Attorney General, I principally worked on matters related to the Federal Programs Branch and appellate department of the Civil Division, regulatory reform, immigration adjudication, and joint DOJ-Department of Homeland Security regulations related to border security. In addition, I helped in several minor capacities on a volunteer basis with the confirmation process for Justice Amy Coney Barrett. I also argued three cases on behalf of the government.

Afterwards, I returned to teaching before joining the White House Counsel’s Office as Senior Counsel in 2025.

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

At the Department of Justice, my clients included the United States government, its agencies, and its officials. At the Office of Legal Counsel, the memoranda I wrote were generally addressed to the general counsels of other executive branch agencies. In my personal capacity and my capacity as a professor filing amicus briefs, my pro bono clients have included academic clinics, United States Senators and Representatives, and private parties. I have specialized in administrative law with a particular emphasis in the Appointments Clause and the constitutional separation of powers.

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.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|------|
| 1. | federal courts: | 100% |
| 2. | state courts of record: | __% |
| 3. | other courts: | __% |
| 4. | administrative agencies: | __% |

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.

As an academic and attorney whose practice has focused primarily on appellate law, I have not served as chief counsel in a case tried to verdict or judgment.

- i. What percentage of these trials were:
 1. jury: _____%
 2. non-jury: _____%

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.

As the Founder and Faculty Supervisor of two student litigation clinics related to separation of powers appellate issues, I oversaw the filing of dozens of briefs on constitutional and statutory interpretation issues in the U.S. Supreme Court and federal circuit courts. Almost all of those briefs were in an amicus capacity. Typically, I and the Clinic Director, R. Trent McCotter, filed the briefs for the clinic as a client or on behalf of other (pro bono) clients such as Members of Congress or Senators. On a handful of occasions, I filed a brief in an academic capacity serving as a sole law professor amicus.

In the instances where I filed a brief serving as the amicus in my academic capacity, I treated the brief as reflecting my personal academic understanding of the relevant legal question before the Court. In contrast, where a brief was filed on behalf of a clinic client, I treated the arguments as reflecting the client's position. But I approved clinic filings only on matters in which the case involved a separation of powers or legal interpretation question that merited student involvement and time and that reflected an important question before the Court. In such cases, not necessarily every argument in the briefs aligned with my personal academic position on the constitutional or statutory question at hand. During my time overseeing the new clinic at Catholic Law School, the clinic filed briefs only in the federal circuit courts and not the U.S. Supreme Court. The briefs filed in the U.S. Supreme Court for the Separation of Powers Clinic at Antonin Scalia Law School have been posted here at <https://administrativestate.gmu.edu/separation-of-powers-clinic/>.

With R. Trent McCotter as the attorney of record, I joined him as co-counsel in a petition for a writ of certiorari and reply brief in the following case:

Petition for Writ of Certiorari, *Lewis County, Kentucky v. Julie Helphenstine*, U.S. No. 23-259. Copy supplied.

Reply Brief for Petitioners, *Lewis County, Kentucky v. Julie Helphenstine*, U.S. No. 23-259. Copy supplied.

I filed an amicus curiae brief as lead counsel in the following cases:

Brief of Professor Jennifer L. Mascott, *Donziger v. United States*, No. 22-274. Copy supplied.

Brief of Professor Jennifer L. Mascott, *Nordlicht v. United States*, U.S. No. 21-1319. Copy supplied.

With R. Trent McCotter as lead counsel and counsel of record, I participated in filing an amicus curiae brief in the following cases:

Brief of United States Senators Mike Lee, Cynthia Lummis, Roger Marshall, and Ted Budd, *Oklahoma v. EPA*, U.S. No. 23-1067. Copy supplied.

Brief of Mountain States Legal Foundation, *U.S. Food and Drug Administration v. Alliance for Hippocratic Medicine, Danco Laboratories, L.L.C. v. Alliance for Hippocratic Medicine*; U.S. Nos. 23-235, 23-236. Copy supplied.

Brief of Separation of Powers Clinic, *Calcutt v. Federal Deposit Insurance Corporation*, U.S. No. 22-714. Copy supplied.

Brief of 128 U.S. Representatives, Including 25 Members of the House Committee on Education & the Workforce, *Department of Ed v. Brown, Biden v. Nebraska*; U.S. Nos. 22-506, 22-535. Copy supplied.

Brief of United States Senator Ted Cruz, Congressman Mike Johnson, and 34 Other Members of Congress, *Loper Bright Enterprises v. Raimondo*, U.S. No. 22-451. Copy supplied.

Brief of 132 Members of Congress, *Consumer Financial Protection Bureau v. Community Financial Services Association of America, Limited*, U.S. No. 22-448. Copy supplied.

Brief of Separation of Powers Clinic, *Lindsey Graham v. Fulton County Special Purpose Grand Jury*, U.S. No. 22A337. Copy supplied.

Brief of United States Senators Ted Cruz and Mike Lee, *George v. McDonough*, U.S. No. 21-234. Copy supplied.

Brief of Professor Jennifer L. Mascott, *Egbert v. Boule*, U.S. No. 21-147. Copy supplied.

Brief of Separation of Powers Clinic at Antonin Scalia Law School, *Axon v. FTC*, U.S. No. 21-86. Copy supplied.

Brief of Separation of Powers Clinic at Antonin Scalia Law School, *Torres v. Texas Department of Public Safety*, U.S. No. 20-603. Copy supplied.

Although not listed as counsel, I drafted and assisted in the preparation of an amicus curiae brief in the following case. This amicus curiae brief is essentially entirely based on my legal academic research and constitutional legal analysis:

Brief of Professor Jennifer L. Mascott, *Lucia v. SEC*, U.S. No. 17-130. Copy supplied.

In addition to the participation in filing briefs described above, my academic work has been extensively cited by the U.S. Supreme Court and federal circuit courts.

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. *Tacuri-Tacuri v. Garland*, 1st Cir. No. 19-1687 (representation 2020). Case citation: *Tacuri-Tacuri v. Garland*, 998 F.3d 466 (1st Cir. 2021) (Thompson, Kayatta, Torruella, JJ.) (Torruella, J., heard oral argument, but did not participate in the panel's issuance of the case).

In this case, I served as counsel during the later stages of this litigation defending an order of the Board of Immigration Appeals reversing an Immigration Judge's (IJ's) grant of an application for cancellation of removal. The petitioner had entered the United States without inspection and, while in the United States, had frequent contact with local police, including approximately eighteen charges for driving with a suspended license or driving under the influence. After the IJ granted petitioner's application for cancellation of removal, the Department of Homeland Security appealed to the BIA, who concluded that the IJ erred. Petitioner appealed to the First Circuit, where I argued this case for the Government on October 6, 2020. The First Circuit ruled in favor of the Government.

Co-counsel

Jessica R. Lesnau
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 616-9346

Counsel for Petitioner

Eduardo Antonio Masferrer
Masferrer & Riley PC
55 Union Street, 4th Floor
Boston, MA 02108
(617) 531-0135

Casey L. Riley
Masferrer & Riley PC
55 Union Street, 4th Floor
Boston, MA 02108
(617) 531-0135

2. *Aliyyi v. Rosen*, 9th Cir. No. 19-71826 (representation 2020). Case citation: *Aliyyi v. Rosen*, 836 Fed. Appx. 567 (9th Cir. 2021) (Hawkins, N.R. Smith, R. Nelson, JJ.).

In this case, I served as counsel during the later stages of this litigation defending an order of the Board of Immigration Appeals affirming an Immigration Judge's denial of the petitioner's application for asylum, withholding of removal, and protection against the Convention Against Torture. The IJ found that the petitioner was not credible, so it denied the petitioner's claim, and the BIA concluded that the IJ's finding was not clearly erroneous. The petitioner appealed to the Ninth Circuit, where I presented oral argument for the Government on October 20, 2021, that the administrative finder of fact is entitled to a deferential standard of review and that the burden is on the petitioner to prove that he is eligible for relief. The Ninth Circuit ruled in favor of the Government.

Co-counsel:

Katherine Ann Smith (retired)
[Then U.S. Department of Justice]
No phone number available

Counsel for Petitioner:

Evangeline G. Abriel
Director, Legal Analysis, Research, and Writing

Santa Clara University School of Law
500 El Camino Real
Santa Clara, CA 95053
(408) 554-5368

3. Victim Rights Law Center v. Devos, No. 1:20-cv-11104 (District of Massachusetts, Judge William G. Young) (representation 2020). Case citation: *Victim Rights Law Center v. Cardona*, 552 F. Supp. 3d 104 (D. Mass. 2021) (Young, J.); *Victim Rights Law Center v. Cardona*, 2021 WL 3516475 (D. Mass. Aug. 10, 2021) (clarification order).

In this case, I served as counsel in the later stages of a bench trial before Judge Young (District of Massachusetts) in defense of the Final Rule promulgated by the Department of Education titled “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 85 Fed. Reg. 30,026. The Rule set new standards for actionable sexual harassment under Title IX, new procedures for Title IX investigations, and procedural safeguards for those accused of sexual harassment. Several advocacy organizations and individuals challenged the Rule under the Administrative Procedure Act and Fifth Amendment equal-protection doctrine. After a bench trial, the court held that with the exception of one section, the Rule did not violate the APA or Fifth Amendment.

Co-counsel:

Daniel Riess
U.S. Department of Justice
20 Massachusetts Avenue, NW, Room 6122
Washington, DC 20530
(202) 353-3098

Jennifer B. Dickey
[Then U.S. Department of Justice]
U.S. Chamber of Commerce Litigation Center
1615 H Street, NW
Washington, DC
(202) 659-6000

Rebecca M. Kopplin
[Then U.S. Department of Justice]
Latham & Watkins
505 Montgomery Street Suite 2000
San Francisco, CA
(415) 395-8244

Steven A. Myers
U.S. Department of Justice
1100 L Street, NW

Washington, DC
(202) 305-8648

Counsel for Intervenor Defendants Foundation for Individual Rights in Education,
Independent Women's Law Center, and Speech First, Inc.:

Patrick Strawbridge
Consovoy McCarthy PLLC
706, Ten Post Office Square, 8th Floor, South
Boston, MA 02109
(617) 227-0548

Counsel for Intervenor Defendant John Doe, Steve Doe, and Zachary Doe:

Douglas S. Brooks
Libby Hoopes Brooks & Mulvey, P.C.
260 Franklin Street, Suite 1920
Boston, MA 02110
(617) 338-9300

Counsel for Intervenor Defendant State of Texas:

Kenneth B. Walton
Lewis Brisbois Bisgaard & Smith LLP
One International Place, Suite 350
Boston, MA 02110
(857) 313-3936

Counsel for Plaintiffs:

Natalie Fleming-Nolen
Morrison and Foerster LLP
2000 Pennsylvania Avenue, NW, Suite 6000
Washington, DC 20006
(202) 887-1500

4. *Egbert v. Boule*, No. 21-147 (U.S. Supreme Court). Case citation: *Egbert v. Boule*, 596 U.S. 482 (2022). Brief of Professor Jennifer L. Mascott as Amicus Curiae in Support of Petitioner filed on December 27, 2021.

In this case, I was counsel on an amicus brief in my personal capacity in which I argued that the holding in *Bivens v. Six Unknown Named Agents* is ahistoric and violates key separation of powers principles by creating a new federal damages action despite Article I vesting Congress alone with the legislative power. The Supreme Court held in favor of the petitioner and declined to extend *Bivens*.

Co-counsel:

R. Trent McCotter
Separation of Powers Clinic
[Then C. Boyden Gray Center for the Study of the Administrative State]
Columbus School of Law
The Catholic University of America
3600 John McCormack Rd.
Washington, DC 20064
(202) 706-5488

Counsel for Petitioner:

Sarah M. Harris
[Then Williams & Connolly LLP]
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 445-7489

Counsel for Respondent:

Felicia H. Ellsworth
Wilmer Cutler Pickering Hale & Dorr LLP
60 State Street
Boston, MA 02109
(617) 526-6687

5. *George v. McDonough*, U.S. No. 21-234. Case citation: *George v. McDonough*, 596 U.S. 740 (2022). Brief of United States Senators Ted Cruz and Mike Lee as Amici Curiae in Support of Petitioner filed March 7, 2022.

In this case, I was counsel on an amicus brief for Senator Ted Cruz and Senator Mike Lee. The amicus brief argued that an invalid and vacated regulation is not “the law” and therefore cannot retrospectively constitute an “interpretation of the law.” This was a statutory argument in support of veterans beneficiary relief. Justice Gorsuch asked a question at oral argument of the Biden Administration based on the “Mascott” brief. See Transcript of Oral Argument at page 49, available at https://www.supremecourt.gov/oral_arguments/argument_transcripts/2021/21-234_j0ei.pdf. The Supreme Court affirmed.

Co-counsel:

R. Trent McCotter
Separation of Powers Clinic
[Then C. Boyden Gray Center for the Study of the Administrative State]
Columbus School of Law
The Catholic University of America
3600 John McCormack Rd.
Washington, DC 20064
(202) 706-5488

Counsel for Petitioner:

Melanie L. Bostwick
Orrick, Herrington & Sutcliffe LLP
1152 15th Street, NW
Washington, DC 20005
(202) 339-8400

Counsel for Respondent:

Elizabeth Barchas Prelogar
[Then Solicitor General of the United States]
Harvard Law School
4007 Wasserstein Hall, 1585 Massachusetts Ave.
Cambridge, MA 02138
(617) 495-4612

6. *Nordlicht v. United States*, No. 21-1319 (U.S. Supreme Court). Case citation: *Nordlicht v. United States*, 143 S. Ct. 86 (2022). Brief of Professor Jennifer L. Mascott as Amicus Curiae in Support of Petitioners filed on May 4, 2022.

In this case, I was counsel of record on an amicus brief filed in my personal academic capacity addressing the history of jury trial rights. I argued that there was a common-law tradition of courts granting new criminal trials where the verdict was contrary to evidence and that the Federal Rules of Criminal Procedure codified this historic practice by incorporating the contrary-to-evidence standard of the 1789 Judiciary Act and British Common Law.

Co-counsel:

R. Trent McCotter
Separation of Powers Clinic
[Then C. Boyden Gray Center for the Study of the Administrative State]
Columbus School of Law
The Catholic University of America
3600 John McCormack Rd.
Washington, DC 20064
(202) 706-5488

Counsel for Petitioners:

Steven A. Engel
1900 K Street, NW
Washington, DC 20006
(202) 261-3300

Counsel for Respondent:

Elizabeth Barchas Prelogar
[Then Solicitor General of the United States]
Harvard Law School
4007 Wasserstein Hall, 1585 Massachusetts Avenue
Cambridge, MA 02138
(617) 495-4612

7. *Axon v. FTC*, U.S. No. 21-86. Case citation: *Axon v. FTC*, 598 U.S. 175 (2023).
Brief of Separation of Powers Clinic at Antonin Scalia Law School as Amicus
Curiae in Support of Petitioner filed May 16, 2022.

In this case, I was counsel on an amicus brief for the Separation of Powers Clinic at Antonin Scalia Law School. The amicus brief argued that Article III courts should have immediate review of constitutional challenges related to agency structure and existence. The Supreme Court held in favor of the petitioner that the statutory review schemes set out in the Securities Exchange Act and Federal Trade Commission Act do not displace a district court's federal-question jurisdiction over claims challenging as unconstitutional the structure and existence of the SEC or FTC.

Co-counsel:

R. Trent McCotter
Separation of Powers Clinic
[Then C. Boyden Gray Center for the Study of the Administrative State]
Columbus School of Law
The Catholic University of America
3600 John McCormack Rd.
Washington, DC 20064
(202) 706-5488

Counsel for Petitioner:

Paul D. Clement
Clement & Murphy, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900

Counsel for Respondents:

Elizabeth Barchas Prelogar
[Then Solicitor General of the United States]
Harvard Law School
4007 Wasserstein Hall, 1585 Massachusetts Ave.
Cambridge, MA 02138
(617) 495-4612

8. *Department of Education v. Brown/Biden v. Nebraska*, U.S. Nos. 22-506, 22-535. Case citation: *Biden v. Nebraska*, 600 U.S. 477 (2023). Brief of 128 U.S. Representatives, Including 25 Members of the U.S. House Committee on Education & the Workforce, as Amici Curiae in Support of Respondents filed February 3, 2023.

In this case, I was counsel on an amicus brief for 128 U.S. Representatives, including 25 Members of the U.S. House Committee on Education & the Workforce. The amicus brief argued that the Biden Administration lacked statutory authority to issue a blanket cancellation of student loan debt and that Supreme Court precedent requires clear statutory authority for blanket student loan debt forgiveness. The Supreme Court held in favor of respondents, concluding that the HEROES Act provided no authorization for the debt-forgiveness plan.

Co-counsel:

R. Trent McCotter
Separation of Powers Clinic
[Then C. Boyden Gray Center for the Study of the Administrative State]
Columbus School of Law
The Catholic University of America
3600 John McCormack Rd.
Washington, DC 20064
(202) 706-5488

Counsel for Petitioners:

Elizabeth Barchas Prelogar
[Then Solicitor General of the United States]
Harvard Law School
4007 Wasserstein Hall, 1585 Massachusetts Ave.
Cambridge, MA 02138
(617) 495-4612

Counsel for Respondent State of Nebraska:

James A. Campbell
[Then Solicitor General of Nebraska]
Alliance Defending Freedom
44180 Riverside Parkway
Leesburg, VA 20176
(571) 707-4656

Counsel for Respondent State of Arkansas:

Dylan L. Jacobs
[Then Solicitor General of Arkansas]
King Street Legal, PLLC
800 Connecticut Avenue, NW, Suite 300
Washington, DC 20006
(501) 682-3661 (last available phone number)

Counsel for Respondent State of Kansas:

Shannon Denmark (Grammel)
[Then Deputy Solicitor General of Kansas]
Lehotsky Keller Cohn LLP
1090 Vermont Avenue, NW
Washington, DC 20005

(512) 693-8350

Counsel for Respondent State of Missouri:

Michael E. Talent
[Then Deputy Solicitor General of Missouri]
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 704-8290

Counsel for Respondent State of Iowa:

Samuel P. Langholz
[Then Assistant Solicitor General of Iowa]
Iowa Court of Appeals
1111 East Court Avenue
Des Moines, IA 50319
(515) 348-4700 (Clerk of Court)

Counsel for Respondent State of South Carolina:

J. Emory Smith, Jr.
[Then Deputy Solicitor General]
Office of the Attorney General of South Carolina
1000 Assembly Street, Room 519
Columbia, SC 29201
(803) 734-3970

9. *Loper Bright Enterprises, Inc. v. Raimondo*, No. 22-451. Case citation: *Loper Bright Enterprises, Inc. v. Raimondo*, 603 U.S. 369 (2024). Brief of U.S. Senator Ted Cruz, Congressman Mike Johnson, and 34 Other Members of Congress as Amici Curiae in Support of Petitioners filed July 24, 2023.

In this case, I was counsel on an amicus brief for Senator Ted Cruz, Congressman Mike Johnson, and 34 other Members of Congress. The amicus brief argued that the *Chevron* doctrine is in tension with the Article III judicial role and the Constitution's structural separation of powers, and that the Administrative Procedure Act requires courts to determine legal interpretations without deference to agencies' interpretations. The Supreme Court held in favor of the petitioners and explicitly overturned *Chevron*.

Co-counsel:

R. Trent McCotter
Separation of Powers Clinic
[Then C. Boyden Gray Center for the Study of the Administrative State]

Columbus School of Law
The Catholic University of America
3600 John McCormack Rd.
Washington, DC 20064 3301 Fairfax Drive
Arlington, VA 22201
(202) 706-5488

Counsel for Petitioners:

Paul D. Clement
Clement & Murphy, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900

Counsel for Respondents:

Elizabeth Barchas Prelogar
[Then Solicitor General of the United States]
Harvard Law School
4007 Wasserstein Hall, 1585 Massachusetts Ave.
Cambridge, MA 02138
(617) 495-4612

10. *Oklahoma v. EPA*, U.S. No. 23-1067. Case citation: *Oklahoma v. EPA*, 145 S. Ct. 1720 (2025). Brief of United States Senators Mike Lee, Cynthia Lummis, Roger Marshall, and Ted Budd as Amici Curiae in Support of Petitioners filed May 1, 2024.

In this case, I was counsel on an amicus brief for Senators Mike Lee, Cynthia Lummis, Roger Marshall, and Ted Budd. The amicus brief argued that a proper interpretation of the Clean Air Act's venue provisions guarantees regional review of EPA approvals and denials of State Implementation Plan cases. The Supreme Court held in favor of the petitioners that the EPA's disapprovals of the Oklahoma and Utah State Implementation Plans were locally or regionally applicable actions reviewable in a regional court of appeals.

Co-counsel:

R. Trent McCotter
Separation of Powers Clinic
[Then C. Boyden Gray Center for the Study of the Administrative State]
Columbus School of Law
The Catholic University of America
3600 John McCormack Rd.
Washington, DC 20064

(202) 706-5488

Counsel for Petitioner State of Oklahoma:

Mithun Mansinghani
Lehotsky Keller Cohn LLP
629 West Main Street
Oklahoma City, OK 73102
(512) 693-8350

Counsel for Petitioner State of Utah:

Stanford Edward Purser
Solicitor General of Utah
160 East 300 South, 5th Floor
Salt Lake City, UT 84111
(385) 382-4334

Counsel for Petitioners Pacificorp et al.:

Misha Tseytlin
Troutman Pepper Locke LLP
111 South Wacker Drive, Suite 4100
Chicago, IL 60606
(608) 999-1240

Counsel for Respondents:

Elizabeth Barchas Prelogar
[Then Solicitor General of the United States]
Harvard Law School
4007 Wasserstein Hall, 1585 Massachusetts Ave.
Cambridge, MA 02138
(617) 495-4612

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

I would consider my service as a Deputy Assistant Attorney General (DAAG) in the U.S. Department of Justice's Office of Legal Counsel from 2019 through 2021 to represent one of the most significant areas of my legal practice. At the time, DAAGs in the Office were charged with carrying out the Attorney General's statutory duty to provide constitutional advice and the

Executive Branch position on questions of law to executive branch agencies, officials, and White House staff. It was a great privilege to serve in the Office. I also consider my work as an Associate Deputy Attorney General during the COVID-19 pandemic one of my most significant time periods of legal service. In that capacity, I served as the Deputy Attorney General's liaison to DOJ's Federal Programs division, helping to defend the President's policies, deregulatory efforts, and actions to counter the pandemic. In addition, I was the Deputy Attorney General's point person on border-related security, which involved significant regulatory and policy work during the pandemic and the development and defense of Title 42 authorities. Finally, I consider my instruction of law students at three law schools in the Washington, D.C. area across a span of 14 years to be a significant endeavor helping to mentor and train a generation of students in legal skills, legal reasoning, appreciation for the rule of law, and a systematic understanding of the constitutional system of separated powers, liberty, and limited government.

I have never served as a lobbyist.

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.

For courses I taught several times, I regularly reused or updated existing syllabi without retaining copies of older versions. I have provided copies of the syllabi for which I continue to have records.

Catholic Law School

Administrative Law, Catholic Law School, January 2025. I taught this course for only a couple of weeks in January because I went on leave to serve in the federal government. This course covered separation-of-powers issues related to the federal administrative agencies' position within the three-branch governmental structure, Article II appointments and removal requirements, nondelegation principles, due process, and standing, mootness, and ripeness issues related to acquiring judicial review of agency action. It also emphasized the Administrative Procedure Act, with particular attention devoted to agency adjudicative and rulemaking powers and statutory requirements for judicial review of agency action. Syllabus provided.

Federal Courts, Catholic Law School, fall 2024. This course covered the scope of the judicial power under Article III of the Constitution and federal jurisdiction as defined by the Constitution and statute. It also examined how federal judicial decisions bind or impact private parties as well as governmental actors, including actors within the Executive Branch and Congress and at the state level. Syllabus provided.

Separation of Powers in the Political Branches, with former Assistant Attorney General Steve Engel, Catholic Law School, fall 2024. This course was an advanced seminar examining the separation of powers between the legislative and executive branches building on the structural topics addressed in the basic Constitutional Law course. Syllabus provided.

Senate Republican Conference Separation of Powers Briefing Series

Separation of Powers Briefing Series for Policy and Legal Staff, Senate Republican Conference, winter 2022, winter 2023, and winter 2024, and the House Judiciary Committee, spring 2022. This course was a series of six (and sometimes seven) sessions on the separation of powers. The seven sessions were Rulemaking and the Congressional Review Act; the Appropriations Power, Government Shutdowns, and Statutory Emergency Authorities; Congressional Oversight, the Accommodation Process, and Executive Privilege; Appointments, Removal, and Congressional Supervision of Executive Branch Staffing; Regulatory Reform; Congressional-Executive Balance of Power in War Powers; Congressional-Executive Balance of Power in Foreign Affairs. Copies of session outlines provided.

George Mason University Antonin Scalia Law School

Administrative Law, Antonin Scalia Law School, spring 2024, spring 2021, fall 2018, and spring 2018. This course covered separation-of-powers issues related to the federal administrative agencies' position within the three-branch governmental structure, Article II appointments and removal requirements, nondelegation principles, due process, and standing, mootness, and ripeness issues related to acquiring judicial review of agency action. It also emphasized the Administrative Procedure Act, with particular attention devoted to agency adjudicative and rulemaking powers and statutory requirements for judicial review of agency action. Syllabus provided.

Separation of Powers in the Political Branches, with former Assistant Attorney General Steve Engel, Antonin Scalia Law School, fall 2023, fall 2022, and fall 2021. This course was an advanced seminar examining the separation of powers between the legislative and executive branches building on the structural topics addressed in the basic Constitutional Law course. Syllabus provided.

Constitutional Law I, Antonin Scalia Law School, fall 2023, fall 2022, and fall 2021. This course covered the United States Constitution with an emphasis on its structural provisions. We studied the doctrine and original understanding of many constitutional provisions. Syllabus provided.

Supreme Court Term, with Justice Brett M. Kavanaugh, Antonin Scalia Law School, summer 2022 and summer 2021. This seminar, co-taught with Justice Kavanaugh, covered cases from the contemporary Supreme Court term as well as six historically significant cases. The Summer 2021 syllabus is provided. I have been unable to locate the Summer 2022 syllabus, but it is similar to the Summer 2021 syllabus albeit updated with several October Term 2021 decisions from the Supreme Court.

Seminar: History & Foundations of the Administrative State, with Justice Clarence Thomas, Antonin Scalia Law School, spring 2022 and spring 2019. This course covered the history and foundation of the American administrative state and relevant administrative law cases. Syllabus provided.

Civil Procedure I, Antonin Scalia Law School, spring 2022. This course covered the constitutional provisions, statutes, and rules governing procedure in federal civil suits. Major

topics included personal jurisdiction, subject matter jurisdiction, pleading, discovery, joinder, and preclusion. Syllabus provided.

Federal Courts, Antonin Scalia Law School, spring 2019. This course covered the scope of the judicial power under Article III of the Constitution and federal jurisdiction as defined by the Constitution and statute. It also examined how federal judicial decisions bind or impact private parties as well as governmental actors, including actors within the Executive Branch and Congress and at the state level. Syllabus provided.

Supreme Court Clinic, Antonin Scalia Law School, spring 2018 and fall 2017. This course covered the Supreme Court's original and appellate jurisdiction, merits briefs, oral argument, how the Supreme Court decides cases, Supreme Court private practice, dispositions other than on the merits, and the role of law clerks. Students were required to work on at least two briefs over the course of the year. Syllabus provided.

Administrative Law Clinic, Antonin Scalia Law School, fall 2018 and spring 2018. This course covered comments in informal rulemaking, internal agency processes for evaluating comments, informal agency adjudication processes, the role of OIRA and OMB, accountability within agencies, and proposals for administrative-law reforms. Syllabus provided.

George Washington University Law School

Administrative Law, George Washington University Law School, spring 2015, summer 2012, and spring 2011. This course covered separation-of-powers issues related to the federal administrative agencies' position within the three-branch governmental structure, Article II appointments and removal requirements, nondelegation principles, due process, and standing, mootness, and ripeness issues related to acquiring judicial review of agency action. It also emphasized the Administrative Procedure Act, with particular attention devoted to agency adjudicative and rulemaking powers and statutory requirements for judicial review of agency action. Syllabus provided.

Adjudicatory Criminal Procedure, substitute instructor for a single session on plea-bargaining, George Washington University Law School, fall 2014 and fall 2013. I was a substitute instructor for one lesson of Professor Jeanne Hauck's Adjudicatory Criminal Procedure Course in fall 2013 and fall 2014. This course covered adjudicatory criminal procedure topics, including charging decisions, grand juries and preliminary hearings, the right to counsel, the right to a speedy trial, bail, plea bargaining, discovery, juries, defendants' rights, and sentencing. Syllabus provided.

Advanced Field Placement Program, George Washington University Law School, spring 2013, fall 2012, and spring 2012. This course involved advising students in externship on professionalism and the practice of law within executive branch agencies. Syllabus provided.

Independent Legal Writing Advisor, George Washington University Law School, fall 2012. I served as an independent legal writing advisor for one semester, during which I helped students improve their legal writing proficiency. Because this course involved advising a single student on her paper topic of choice, the course instruction did not include development of a syllabus. I have been unable to locate the syllabus.

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

None.

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

No, other than my trustee roles described above.

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 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.

No family members are likely to present conflicts of interest. My late husband's estate contains a public affairs firm, and I would recuse myself from any matter involving the public affairs firm (which is unlikely to arise as the firm has never been involved in litigation and is small to midsize). I would also recuse myself from any litigation involving a firm client.

Cases most likely to present conflicts issues would be those related to my service as a government lawyer or as a private practitioner. If confirmed, I would recuse myself in any matter in which, during my government service, I had participated as counsel,

adviser, or material witness or had expressed an opinion concerning the merits. *See* 28 U.S.C. § 455(b)(3). To determine whether I would need to recuse in other situations, I would consult 28 U.S.C. § 455(a) & (b), Canon 3C of the Code of Conduct for United States Judges, and all other applicable rules or canons. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances as those raised in the particular case. 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.

In general, if I am confirmed, I would refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges, any guidance provided by the Chief Judge of the Third Circuit and the Administrative Office for the United States Courts, and any other applicable laws, rules, and practices governing conflicts of interest.

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.

At both Scalia Law School and the Catholic Law School, I founded student litigation clinics that provided pro bono legal services for amici in constitutional law cases. The hours that I devoted to litigation with both clinics was on a pro bono basis and averaged several hours per month across the span of several years.

26. **Selection Process:**

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

I was interviewed by a group of lawyers with the White House Counsel’s Office and interviewed with both a Deputy White House Counsel and the White House Counsel who inquired about my availability and fitness for the potential judicial nomination. The circumstances that led to my nomination included my expression of interest in serving in the federal judiciary or any other governmental position in which the President or the Administration would be interested in having me serve. On May 14, 2025, I interviewed

with the White House Counsel and an official from the White House Counsel's office. Since then, I have been in contact with officials from the White House Counsel's Office and officials from the Office of Legal Policy. On July 2, 2025, I met with President Donald Trump regarding my possible nomination.

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

8/5/2025
(DATE)

District of Columbia

Jennifer Lee Mascott
(NAME)

Signed and sworn to (or affirmed) before me on
08/05/2025 by JENNIFER LEE MASCOFF

[Signature]

NOTARY PUBLIC

Title of Office

My Commission Expires: 09/30/2027

