

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Elizabeth Barchas Prelogar (current)
Elizabeth Margaret Barchas (maiden)

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

Solicitor General, Office of the Solicitor General, U.S. Department of Justice

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

Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

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

1980; Boise, Idaho

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.

Harvard Law School, 2005-2008
J.D. – June 2008

University of St. Andrews (Scotland), 2002-2003
M.Litt – November 2003

Emory University, 1998-2002
B.A. – May 2002

Boise State University, 1993-1994
No degree received – part-time attendance while in middle school

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.

August 2021 – Present
Senior Counselor
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

January 2021 – August 2021
Acting Solicitor General and Principal Deputy Solicitor General
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

January 2020 – January 2021
Partner
Cooley LLP
1299 Pennsylvania Avenue
Suite 700
Washington, DC 20004

July 2020 – December 2020
Lecturer on Law
Harvard Law School
1563 Massachusetts Avenue
Cambridge, MA 02138

March 2019 – November 2019
Assistant to the Solicitor General
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

June 2017 – March 2019
Assistant Special Counsel
Special Counsel's Office
U.S. Department of Justice
Patriots Plaza I
395 E Street, SW
Washington, DC 20546

September 2014 – June 2017
Assistant to the Solicitor General
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

January 2012 – September 2014
Associate
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, DC 20004

August 2010 – July 2011
Law Clerk to the Honorable Elena Kagan
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

July 2009 – July 2010
Law Clerk to the Honorable Ruth Bader Ginsburg
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

August 2008 – July 2009
Law Clerk to the Honorable Merrick B. Garland
U.S. Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, NW
Washington, DC 20001

May 2008 – July 2008
Summer Associate
Akin Gump Strauss Hauer & Feld
1333 New Hampshire Avenue, NW
Washington, DC 20036

August 2007 – May 2008
Research Assistant to Professor Richard Fallon
Harvard Law School
Areeda Hall 330
Cambridge, MA 02138

Summer 2007
Summer Associate
Gibson, Dunn & Crutcher
1050 Connecticut Avenue, NW
Washington, DC 20036

Summer 2007
Summer Associate
WilmerHale
1875 Pennsylvania Avenue, NW
Washington, DC 20006

2006 – 2008 (intermittent and as an independent contractor)
Editor
EssayEdge
I worked entirely online.

Summer 2006
Summer Associate
Levine Sullivan Koch & Schulz
1899 L Street, NW
Washington, DC 20036

Summer 2006
Summer Associate
Dickstein Shapiro
1825 Eye Street, NW
Washington, DC 20006

June 2004 – June 2005
Miss Idaho
Miss Idaho Organization
P.O. Box 6072
Boise, ID 83707

May 2002 – January 2004
Freelance Journalist
I worked entirely online.

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 U.S. military. I am not subject to selective service registration requirements.

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.

Litigator of the Week Runner-Up, The American Lawyer, 2021

Washington, D.C.'s Best Lawyers: Supreme Court, Washingtonian, 2020

Young Lawyer of the Year, The American Lawyer, 2020

DC Rising Star, National Law Journal, 2020

Litigator of the Week Shout Out, The American Lawyer, 2020

Amicus Service Award, International Municipal Lawyers Association, 2020

40 Under Forty, Emory Alumni Association, 2019

DC's Top 40 Lawyers Under 40, Legal Bisnow, 2016

Graduated *magna cum laude*, Harvard Law School, 2008

Harvard Law Review, 2006-2008; Articles Editor, 2007-2008

Ames Moot Court Finalist and Best Oralist in Semi-Finals, Harvard Law School, 2007-2008

National Appellate Advocacy Competition National Champion and Best Oralist in Region, American Bar Association, 2007-2008

Flora Lewis Memorial Scholarship, Overseas Press Club Foundation, 2006

Quality of Life Finalist Scholarship, Non-Finalist Interview Award, and Leonard C. Horn Award for Legal Studies, Miss America Organization, 2005

Miss Idaho America Scholarships, Miss Idaho Organization, 2004

Fulbright Fellowship, Fulbright Program, 2003

Graduated with Distinction, University of St. Andrews, 2003

Robert T. (Bobby) Jones Scholarship (full tuition), University of St. Andrews, 2002-2003

Graduated *summa cum laude*, Emory University, 2003

Woodruff Scholar (full tuition), Emory University, 1998-2002

President's Commission on LGBT Concerns Allies Award, Emory University, 2001

Eileen Blain Rudolph Scholarship Award (highest GPA), Tri-Delta, 2001

National Slavic Honor Society, Emory University, 2001

Omicron Delta Kappa Honor Society, Emory University, 2000

Phi Sigma Iota Foreign Language Honor Society, Emory University, 2000

Mortar Board, Emory University, 2000

Phi Beta Kappa, Emory University, 2000

Miss Idaho USA, Miss Universe Organization, 2000

Phi Eta Sigma National Honor Society, Emory University, 1999

Coca-Cola National Scholar, The Coca-Cola Company, 1998

Target All-Around Scholarship, Target Corporation, 1998

Robert C. Byrd Honor Scholarship, U.S. Department of Education, 1998

President's Award for Educational Excellence, U.S. Department of Education, 1998

USA Today All-USA Academic First Team, USA TODAY, 1998

Presidential Scholar, U.S. Department of Education, 1998

National Merit Scholar, National Merit Scholarship Corporation, 1998

State AP Scholar Award and AP Scholar with Distinction, CollegeBoard, 1998

Miss Idaho Teen USA, Miss Universe Organization, 1997

Discover Card Gold Tribute Award Scholarship, Discover Card, 1997

Idaho Ambassador, Hugh O'Brien Youth Leadership Foundation, 1996

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Law Institute, 2019-present

Edward Coke Appellate Inn of Court, 2015-present

American Bar Association, 2020-2021

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.

California, January 2009

District of Columbia, January 2013

There have been no lapses in membership.

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

Supreme Court of the United States (August 2013)

United States Court of Appeals for the First Circuit (July 2020)

United States Court of Appeals for the Second Circuit (October 2012)

United States Court of Appeals for the Sixth Circuit (November 2012)

United States Court of Appeals for the Seventh Circuit (November 2020)

United States Court of Appeals for the Ninth Circuit (October 2012)

United States Court of Appeals for the Tenth Circuit (February 2013)

United States Court of Appeals for the D.C. Circuit (September 2013)

United States Court of Appeals for the Federal Circuit (October 2012)

United States District Court for the District of Columbia (August 2013)

United States District Court for the Central District of California (February 2020)

United States District Court for the Northern District of California (April 2020)

All local courts in the District of Columbia (January 2013)

All state courts in California (January 2009)

My membership in the Second Circuit bar has been inactive since 2017. I did not register to maintain active membership because I do not practice before that court in my current job.

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.

All organizations are listed in response to Questions 9 and 10.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of the organizations I listed in response to Questions 9 and 10 discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

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

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all published material I have contributed to, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

In addition to the published materials listed below, while working on the Harvard Law Review, The Emory Wheel, and the Boise High Lights, I edited pieces written by others, but I do not have a record of or recall which specific pieces I worked on.

'Thank you, RBG': 9 Women Who Clerked for the Supreme Court Justice on Her Enduring Example, Glamour (Mar. 6, 2020). Copy supplied.

Note, *The Ministerial Exception to Title VII: The Case for a Deferential Primary Duties Test*, 121 HARV. L. REV. 1776 (2008). Copy supplied.

Copyright Law—Constitutional Constraints—Tenth Circuit Subjects Copyright Statute to First Amendment Scrutiny.—Golan v. Gonzales, 501 F.3d 1179 (10th Cir. 2007), 121 HARV. L. REV. 1945 (2008). Copy supplied.

Internet Jurisdiction: A Comparative Analysis, 120 HARV. L. REV. 1031 (2007).
Copy supplied.

Argument Recap: Schriro v. Landrigan, SCOTUSblog.com, Jan. 11, 2007. Copy
supplied.

Argument Preview: Schriro v. Landrigan, SCOTUSblog.com, Jan. 8, 2007. Copy
supplied.

A Dad Just Like Mine, 2004. Copy supplied.

Europe's Buffet Is a Bountiful Feast, The St. Petersburg Times, Jan. 9, 2004.
Copy supplied.

A Positive Attitude Means Good Business, The St. Petersburg Times, Oct. 21,
2003. Copy supplied.

Budapest: A Shivering Dance Mob Makes the Most of a Wait, The Boston Globe,
Nov. 17, 2002. Copy supplied.

Poor Grammar on Sign a Disgrace for Emory, The Emory Wheel, Oct. 30, 2001.
Copy supplied.

Oh, Brother!, The Boston Globe, Sept. 24, 2001. Copy supplied.

One Week After Terrorism, Students Battle Intolerance, The Emory Wheel, Sept.
18, 2001. Copy supplied.

Director Takes Her Pain to the Screen, The Boston Globe, Sept. 17, 2001. Copy
supplied.

Quad Candlelight Vigil Brings 2,000 Together, The Emory Wheel, Sept. 14,
2001. Copy supplied.

A First Step, The Emory Wheel, Sept. 14, 2001. Copy supplied.

When Illness Inspires the Muse: Tales of a Tough Life, The Boston Globe, Sept. 5,
2001. Copy Supplied.

Absinthe Makes Their Art Flow, Wander, The Boston Globe, Aug. 28, 2001.
Copy supplied.

For Love of the Games, The Boston Globe, Aug. 26, 2001. Copy supplied.

Who Let the 'Dogs' Out?, The Boston Globe, Aug. 26, 2001. Copy supplied.

Action! Recalling Two Quiet Heroes, The Boston Globe, Aug. 19, 2001. Copy

supplied.

The Oasis, The Boston Globe, Aug. 17, 2001. Copy supplied.

Facing Up to the Horrors of the Holocaust, The Boston Globe, Aug. 15, 2001.
Copy supplied.

Action! Family Matters for Filmmaker, The Boston Globe, Aug. 12, 2001. Copy
supplied.

Tales from the Flip Side, The Boston Globe, Aug. 12, 2001. Copy supplied.

Massachusetts Traffic Deaths: Reducing the Toll, The Boston Globe, Aug. 12,
2001. Copy supplied.

Family Datebook, The Boston Globe, Aug. 11, 2001. Copy supplied.

Single Sensation, The Boston Globe, Aug. 11, 2001. Copy supplied.

Another Slice of the Same 'Pie', The Boston Globe, Aug. 10, 2001. Copy
supplied.

Not Much Grows Well in Garden of Uneven, The Boston Globe, Aug. 10, 2001.
Copy supplied.

Action! It's Daybreak for 'Nightfall' and Lehane, The Boston Globe, Aug. 5,
2001. Copy supplied.

Boston Film Fest Rolls Out Initial Lineup, The Boston Globe, Aug. 5, 2001.
Copy supplied.

Producers of Record, The Boston Globe, Aug. 5, 2001. Copy supplied.

Action! A Film That's Catching On On Cape Cod, The Boston Globe, July 29,
2001. Copy supplied.

Battlefield Earth, The Boston Globe, July 29, 2001. Copy supplied.

Humor, Insight Enliven 'Running in Heels', The Boston Globe, July 27, 2001.
Copy supplied.

Creative Arts Camp Celebrates 20th Year, The Boston Globe, July 27, 2001.
Copy supplied.

Action! Woods Hole Fest Works Local Angles, The Boston Globe, July 22, 2001.
Copy supplied.

A Funny Look at Life's Downers, The Boston Globe, July 22, 2001. Copy supplied.

Laughing Matters: Searching for Happiness and Good Health, People Gather and Force Themselves to Giggle, Yuck, and Guffaw, The Boston Globe, July 21, 2001. Copy supplied.

Understudy Halls, Crimson Copycats? These Campuses Pass for Harvard in a Host of Hollywood Films, The Boston Globe, July 20, 2001. Copy supplied.

Action! Big Score for Young Composer, The Boston Globe, July 15, 2001. Copy supplied.

It's a Kick for Girls: Breakers Games are a Place to Scream, Dream, The Boston Globe, July 12, 2001. Copy supplied.

Contributor to Joan Anderman, *A Member's Rehab Halts Backstreet Boys Tour*, The Boston Globe, July 10, 2001. Copy supplied.

Action! Double Dose of Films by Egoyan, The Boston Globe, July 8, 2001. Copy supplied.

Wicket Serious: Croquet Has Fallen Out of Favor with the Masses, but People Who Are Devoted to the Game Want to Get the Ball Rolling Again, The Boston Globe, July 7, 2001. Copy supplied.

Action! Alphabet Rules in HFA Series, The Boston Globe, July 1, 2001. Copy supplied.

Family Datebook, The Boston Globe, June 30, 2001. Copy supplied.

Koalas Rule at the Zoo, The Boston Globe, June 30, 2001. Copy supplied.

Action! MFA Screens Images from the Mirror, The Boston Globe, June 24, 2001. Copy supplied.

In This Children's Book, a Duckling Makes a Way for Us 'All Around Boston': Portrays the City to the Letter, The Boston Globe, June 23, 2001. Copy supplied.

Action! Local Flavor at Nantucket Film Festival, The Boston Globe, June 17, 2001. Copy supplied.

Scout's Honor: Stephanie Nguyen Uses Her Cultural Experiences to Help Others Connect, The Boston Globe, June 11, 2001. Copy supplied.

With Jay Carr. *Action! Looking Through His Eyes*, The Boston Globe, June 10, 2001. Copy supplied.

A Future Behind Us, The Emory Wheel, May 11, 2001. Copy supplied.

Behind the Beauty, Austin American-Stateman, May 10, 2001. Copy supplied.

Do-re-mi-fa-so-la-ti-do: A Look at Emory's Five A Cappella Groups, The Emory Wheel, Apr. 24, 2001. Copy supplied.

Crystal Ball, The Emory Wheel, Mar. 9, 2001. Copy supplied.

Barchas Competes for Miss USA Title Tonight, The Emory Wheel, Mar. 2, 2001. Copy supplied.

ZBT Fraternity Restarts Rushing After 7 Members Are 'Kicked Out,' The Emory Wheel, Feb. 6, 2001. Copy supplied.

Lauren Gunderson Is Putting the Parts Together, The Emory Wheel, Jan. 26, 2001. Copy supplied.

No Girls, No Sports . . . No Problem: Business School Graduate Draws Syndicated Comic Strip About Two Favorite Male Pastimes, The Emory Wheel, Jan. 23, 2001. Copy supplied.

'Congo' Courses with Power, Austin American-Statesman, Dec. 3, 2000. Copy supplied.

State of the Arts Past, Present, Future: The Role of the Arts at Emory, The Emory Wheel, Oct. 24, 2000. Copy supplied.

Waking Up Dreaming, The Emory Wheel, Oct. 24, 2000. Copy supplied.

With Eric DeSobe, *Roundtable Discussion of LGBT Issues at Emory*, The Emory Wheel, Oct. 10, 2000. Copy supplied.

Cheerleading Spots Appeal to Men as Well as Women, The Emory Wheel, Oct. 3, 2000. Copy supplied.

Zoner of the Day: Escape Emory Pressures on The Adam Zone, The Emory Wheel, Sept. 29, 2000. Copy supplied.

Who Doesn't Want to Be a Millionaire?, The Emory Wheel, Sept. 26, 2000.

Parent's Pain Might Be Eased By Animal Tests, The Emory Wheel, Sept. 22, 2000. Copy supplied.

The Man with the Answers, Austin American-Statesman, Sept. 15, 2000. Copy supplied.

Ready for the Eco-Challenge, Austin American-Statesman, Aug. 19, 2000. Copy supplied.

Aloha, Round Rock!, Austin American-Statesman, Aug. 4, 2000. Copy supplied.

Meet Mr. Moviefone, Voice of a Phenomenon, Austin American-Statesman, Aug. 4, 2000. Copy supplied.

Putting the MAN in Machine, Austin American-Statesman, Aug. 4, 2000. Copy supplied.

Not Without My Cell Phone!, Austin American-Statesman, July 25, 2000. Copy supplied.

With Jena Heath, *Sources: Cheney is VP Choice for Bush*, Austin American-Statesman, July 25, 2000. Copy supplied.

Around the World in 72 Years, Austin American-Statesman, July 23, 2000. Copy supplied.

UT Grad, 25, Settles into Movie Star Role, Austin American-Statesman, July 23, 2000. Copy supplied.

With Ricardo Gandara, *When Can I Water? What If It Rains?*, Austin American-Statesman, July 21, 2000. Copy supplied.

UT Researcher Closing In On Female Version of Viagra, Austin American-Statesman, July 16, 2000. Copy supplied.

Welcome to My Cubicle, Austin American-Statesman, July 14, 2000. Copy supplied.

Watching the Whirls Go Round, Austin American-Statesman, July 13, 2000. Copy supplied.

Toward a New Goal, Austin American-Statesman, July 11, 2000. Copy supplied.

Potter's Many Proteges, Austin American-Statesman, July 7, 2000. Copy supplied.

A Head for Figurines, Austin American-Statesman, July 6, 2000. Copy supplied.

The Good Stuff, Austin American-Statesman, July 6, 2000. Copy supplied.

This Home Is Ready, Set and Wired for Anything, Austin American-Statesman, June 30, 2000. Copy supplied.

Living.com Founder Has One Plush Loft, Austin American-Statesman, June 23,

2000. Copy supplied.

Never Say Goodbye; At an Austin Cemetery, Friends Find Daily Support, Austin American-Statesman, June 23, 2000. Copy supplied.

The Good Stuff, Austin American-Statesman, June 22, 2000. Copy supplied.

Surreal Gourmet Pops Up in Austin, Austin American-Statesman, June 21, 2000. Copy supplied.

My Russian Home, Austin American-Statesman, June 18, 2000. Copy supplied.

Pokemon Starting to Show Age, Austin American-Statesman, June 17, 2000. Copy supplied.

Now You See It, Now You Don't, Austin American-Statesman, June 10, 2000. Copy supplied.

The Big Thrill, Austin American-Statesman, June 8, 2000. Copy supplied.

Serve's Up! Time to Hit the Sand, Austin American-Statesman, June 5, 2000. Copy supplied.

Trading Parties for Diapers, Student Moms Face Barriers, The Emory Wheel, Apr. 25, 2000. Copy supplied.

Scream Queens: 'Scary Movie' Starlets Speak About Their Lives On and Off Screen, The Emory Wheel, Apr. 25, 2000. Copy supplied.

No Place Like Home, The Emory Wheel, Apr. 21, 2000. Copy supplied.

Dickson's Dolls Provided Fodder For Fun, Emphasized Her Interest in Imagination, The Emory Wheel, Apr. 7, 2000. Copy supplied.

Much Love For Tomatoes Characterizes Eyal's Life, The Emory Wheel, Apr. 7, 2000. Copy supplied.

Sentell Creates Rocky Horror Penis Cult, The Emory Wheel, Apr. 7, 2000. Copy supplied.

On Top of the World . . . Sort Of: Oldest College Comedy Improv Troupe Celebrates 25 Years of Humor, The Emory Wheel, Apr. 7, 2000. Copy supplied.

Are Some Students Getting A Free Ride?, The Emory Wheel, Mar. 31, 2000. Copy supplied.

Simonds: Students Need Healthy Diet, The Emory Wheel, Mar. 10, 2000. Copy supplied.

Atlanta's Hungry Art Therapy, The Emory Wheel, Mar. 10, 2000. Copy supplied.

Foote: Challenges Offer New Perspective, The Emory Wheel, Feb. 29, 2000.
Copy supplied.

The Notorious BIGS: Emory BIGS Unites Students, Children as Friends, Mentors,
The Emory Wheel, Feb. 15, 2000. Copy supplied.

E-mail's Over-Dramatization Obscures Rape Issue with Lies, The Emory Wheel,
Feb. 11, 2000. Copy supplied.

Senior To Appear on 'Jeopardy' Today in 12th Annual College Tournament, The
Emory Wheel, Feb. 11, 2000. Copy supplied.

Parks: Diversity Exists Under the Surface, The Emory Wheel, Feb. 4, 2000.
Copy supplied.

Gender Bias: Hard Pill to Swallow? Male Contraceptive Sparks Debate, The
Emory Wheel, Feb. 1, 2000. Copy supplied.

Philanthropy Climbs High to Search for a CURE, The Emory Wheel, Jan. 25,
2000. Copy supplied.

Habitat Emory Builds New Houses, Renews Community Spirit in Taos, The
Emory Wheel, Jan. 25, 2000. Copy supplied.

Prospective Student Offers Fresh Look at Emory, The Emory Wheel, Dec. 7,
1999. Copy supplied.

*All Aboard Actor's Express: Dramatic Dialogue, Engaging, Witty Plot
Characterize Rescue*, The Emory Wheel, Nov. 23, 1999. Copy supplied.

Coleman: Arts Community Needs Work, The Emory Wheel, Nov. 23, 1999. Copy
supplied.

Self-Defense, The Emory Wheel, Nov. 19, 1999. Copy supplied.

Trash Serves as Artistic Inspiration in Celebration of Recycling Efforts, The
Emory Wheel, Nov. 12, 1999. Copy supplied.

Marking the Millennium, The Emory Wheel, Nov. 12, 1999. Copy supplied.

'There's No Place Like Home', The Emory Wheel, Nov. 9, 1999. Copy supplied.

Exploring Emory: Look Out Below, The Emory Wheel, Nov. 5, 1999. Copy
supplied.

Happy Birthday Dooley: 100 Years and Counting, The Emory Wheel, Oct. 29, 1999. Copy supplied.

Thirst for Silliness Offers 'Peep' into Falcon's Life, The Emory Wheel, Oct. 5, 1999. Copy supplied.

'Dateline' – Parents Watch Too Much TV, The Emory Wheel, Sept. 28, 1999. Copy supplied.

Fun-Loving Retired Neurosurgeon Operates on Behalf of Oxford Spirit, The Emory Wheel, Sept. 24, 1999. Copy supplied.

Soul of University Maintained through Beckham's Efforts, The Emory Wheel, Sept. 24, 1999. Copy supplied.

What Is the Emory Medal?, The Emory Wheel, Sept. 24, 1999. Copy supplied.

Fashion Magazines Distort Self-Perception, The Emory Wheel, Sept. 21, 1999. Copy supplied.

Creative Endeavors, The Emory Wheel, Sept. 17, 1999. Copy supplied.

Wrestle Mania, The Emory Wheel, Sept. 7, 1999. Copy supplied.

New Language Requirement Creates Global Air at Emory, The Emory Wheel, Sept. 7, 1999. Copy supplied.

Crossing the Velvet Rope: Atlanta's Clubbing Scene, The Emory Wheel, Aug. 20, 1999. Copy supplied.

Gender Bias, The Emory Wheel, Aug. 20, 1999. Copy supplied.

Civins Enforces Law of the Crack on Younger Tennis Teammates, The Emory Wheel, May 7, 1999. Copy supplied.

Civins Enforces Law of the Crack for Younger Teammates on Team, The Emory Wheel, Apr. 23, 1999. Copy supplied.

Sensitizing Library System Would Save Precious Time, The Emory Wheel, Apr. 23, 1999. Copy supplied.

My Own Private Idaho, The Emory Wheel, Apr. 20, 1999. Copy supplied.

McCarthy's Massive Rise to No. 2 Follows Family, The Emory Wheel, Apr. 16, 1999. Copy supplied.

Construction to Alumni House to Begin in May, The Emory Wheel, Apr. 13, 1999. Copy supplied.

Stripped Away, The Emory Wheel, Apr. 6, 1999. Copy supplied.

No Boys Policy Obscures Teacher's Goals, The Emory Wheel, Mar. 30, 1999. Copy supplied.

Ova from Tall, Intelligent Emory Women Apparently Falls Short of Couple's 'Elite' List, The Emory Wheel, Mar. 23, 1999. Copy supplied.

Fertility Doctors' God-Complex Creates Problem, Not Miracles, The Emory Wheel, Jan. 19, 1999. Copy supplied.

With James Strong, *Graduation Speakers Speak Out*, Boise High Lights, May 27, 1998. Copy supplied.

With James Strong, *Fame? Fabulous Wealth? Look at What the Future Holds for Some Seniors!*, Boise High Lights, May 27, 1998. Copy supplied.

Survey Showcases Boise High 'Fraidy Cats', Boise High Lights, May 1, 1998. Copy supplied.

With Cap Petschulat, *Think You're the Only One? Diagnose Yourself with this Handy Chart!*, Boise High Lights, May 1, 1998. Copy Supplied.

Stemming Tide of Teen-Age Drug Abuse Is Adult-Sized Job, The Idaho Statesman, Apr. 27, 1998.

With Lauren Hix, *They've Got Rhythm, They've Got Music*, Boise High Lights, Mar. 20, 1998. Copy supplied.

Rhode Island Takes Idaho By Storm, Boise High Lights, Mar. 20, 1998. Copy supplied.

Fusaine Shows That High School Bands Can Meet with Success, Boise High Lights, Mar. 20, 1998. Copy supplied.

String Quartet Proves Their Music Is Classic, Boise High Lights, Mar. 20, 1998. Copy supplied.

Don't Panic – These Toys Make Great Music, Boise High Lights, Mar. 20, 1998. Copy supplied.

New Band Wings It With Wild, Unique, Fun Style, Boise High Lights, Mar. 20, 1998. Copy supplied.

Head Wherever Head for the Hills is Playing, Boise High Lights, Mar. 20, 1998. Copy supplied.

Local Band Invades Boise Music Stores, Boise High Lights, Feb. 13, 1998. Copy supplied.

Assistant US Attorney Monte Stiles Discusses Drugs, Boise High Lights, Feb. 13, 1998. Copy supplied.

Boise High Clubs Promote Volunteering in the Community, Boise High Lights, Dec. 19, 1997. Copy supplied.

Rescue Mission Benefits from Trio of Students, Boise High Lights, Dec. 19, 1997. Copy supplied.

Alternative Holidays, Boise High Lights, Dec. 19, 1997. Copy supplied.

Merits Scholar Semi-Finalists Named, Boise High Lights, Nov. 6, 1997. Copy supplied.

Boise High Questions, Examines the Appropriateness of Boise Mascot, Boise High Lights, Nov. 6, 1997. Copy supplied.

With Dan Barker, *The Brave Should Go*, Boise High Lights, Nov. 6, 1997. Copy supplied.

Down with Nike: Free the Slaves!, Boise High Lights, Nov. 6, 1997. Copy supplied.

Jonas Experiences World Leadership Congress, Boise High Lights, Sept. 26, 1997. Copy supplied.

Games Put Obstacles into Daily Chores, The Idaho Statesman, June 22, 1997. Copy supplied.

7th-Grader Draws on Talents as an Artist, The Idaho Statesman, Apr. 28, 1997. Copy supplied.

Panelists' Poetry Expresses Emotions of Life, The Idaho Statesman, Apr. 28, 1997. Copy supplied.

Is Censorship Really Based on Common Good?, The Idaho Statesman, Apr. 28, 1997. Copy supplied.

The Roles of Men, Women Evolve as Society Changes, The Idaho Statesman, Apr. 28, 1997. Copy supplied.

Earth Day Events Spring Up Both Nationally and Locally, Boise High Lights, Apr. 25, 1997. Copy supplied.

Fifty Years of 'Who Dat' at Boise High, Boise High Lights, Apr. 25, 1997. Copy supplied.

Do Furry Felines Strike Your Fancy, Or Are You Crazy for Canines?, Boise High Lights, Mar. 21, 1997. Copy supplied.

With Susan Slavick, *TCI Cable Makes Poor Choice*, Boise High Lights, Feb. 14, 1997. Copy supplied.

With Peter Robinson, *'Sex, Lies and the Truth' Falls Short of Reaching Its Goals*, The Idaho Statesman, Nov. 29, 1996. Copy supplied.

Teens Acquire Taste for Pleasures of Coffee Drinking, The Idaho Statesman, Apr. 29, 1996. Copy supplied.

Schools Must Face Up to the Problem of Cheating, The Idaho Statesman, Apr. 29, 1996. Copy supplied.

With Michael Clements, *Special Student Showcase: Celebrating Talent at Boise High*, Boise High Lights, Apr. 1, 1996. Copy supplied.

He Said/She Said: Should Males Be Dominant in Our Society?, Boise High Lights, Feb. 6, 1996. Copy supplied.

Cheaters Can Win in Today's Classroom Environment, The Idaho Statesman, Jan. 30, 1996. Copy supplied.

Vegetarian Diet Is a Commitment, Not a Fad, The Idaho Statesman, Dec. 27, 1995. Copy supplied.

DECA Students Organize Drives for Coats and Christmas Toys, Boise High Lights, Dec. 19, 1995. Copy supplied.

Are You Making Your Time Count in High School? Take This Quiz Today to Find Out!, Boise High Lights, Dec. 19, 1995. Copy supplied.

Innocent Verdict Puts System in Shame, Boise High Lights, Oct. 31, 1995. Copy supplied.

Idaho College Fair, Boise High Lights, Oct. 31, 1995. Copy supplied.

With Dustin Schneider, *Haunted House Hysteria*, Boise High Lights, Oct. 31, 1995. Copy supplied.

Debate Students Continue Tradition of Excellence, Boise High Lights, Oct. 31, 1995. Copy supplied.

A Different and Unique Trip to Belize for TREE, Boise High Lights, Oct. 2, 1995. Copy supplied.

National Merit Semi-Finalists Named, Boise High Lights, Oct. 2, 1995. Copy supplied.

Nine Merit Scholar Finalists Named, Boise High Lights, Mar. 1, 1995. Copy supplied.

Just a Handful, 1994. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

To the best of my knowledge, I have not prepared or contributed in the preparation of any reports, memoranda, or policy statements on behalf of any bar association, committee, conference, or organization of which I was or am a member.

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

Not applicable.

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

I have done my best to identify records of all speeches or talks delivered by me, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from outlines, which I do not always retain. I have attached the notes and outlines I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

Summer Speakers Program for law clerks
U.S. District Court for the District of Columbia and U.S. Court of Appeals for the
District of Columbia Circuit (by videoconference)
Washington, DC
August 6, 2021
I have no notes, transcript, or recording.

Brownbag question-and-answer session with law clerks
Chambers of the Hon. Toby Crouse (by videoconference)
Topeka, KS
August 5, 2021
I have no notes, transcript, or recording

Speaker, Access to Justice Forum
Legal Services Corporation (by videoconference)
Washington, DC
July 20, 2021
A video of my remarks is available at:
<https://www.facebook.com/LegalServicesCorporation/videos/2119095491571796>

Keynote Address, New Appellate Judges Seminar
Institute for Judicial Administration (by videoconference)
New York, New York
July 19, 2021
Notes attached.

Question-and-answer session
Civil Appellate Section summer interns
Office of the Solicitor General Phillips Fellows
Department of Justice (by videoconference)
Washington, DC
July 1, 2021
I have no notes, transcript, or recording.

Brownbag question-and-answer session
Criminal Appellate Section
Department of Justice (by videoconference)
Washington, DC
June 24, 2021
I have no notes, transcript, or recording.

Guest Speaker, Georgetown Supreme Court Litigation class
Georgetown University Law Center (by videoconference)
Washington, DC
Apr. 1, 2021
I have no notes, transcript, or recording.

Panelist, “The Lasting Impact of Mentorship: A Clerk’s Perspective”
Cooley LLP (by videoconference)
Washington, DC
January 19, 2021
I have no notes, transcript, or recording.

Panelist, “Litigating the Issue of Price Impact”
Cooley LLP (by videoconference)
Washington, DC
December 16, 2021 (approximate)
I have no notes, transcript, or recording.

Panel Discussion
American Immigration Council (by videoconference)
Washington, DC
December 10, 2020
I have no notes, transcript, or recording.

Panelist, “Ruth Bader Ginsburg: As Her Clerks Knew Her”
Daily Journal (by videoconference)
Los Angeles, CA
December 9, 2020
I have no notes, transcript, or recording.

Panel Discussion for 2Ls
Cooley LLP (by videoconference)
Washington, DC
November 17, 2020
I have no notes, transcript, or recording.

Panelist, “Remembering a Legend: Former RBG Clerks Discuss Her Legacy”
National Association of Women Lawyers, Sixteenth General Counsel Institute (by videoconference)
Washington, DC
November 13, 2020
I have no notes, transcript, or recording.

Panelist, “The Life and Legacy of Justice Ruth Bader Ginsburg”
American Academy of Appellate Lawyers (by videoconference)
Washington, DC
November 12, 2020
Notes attached.

Panelist, “Trends on Domestic Corruption Enforcement”
American Bar Association’s Criminal Justice Section (by videoconference)
Washington, DC
October 30, 2020
A video of the panel discussion is available at:
<https://www.youtube.com/watch?v=nOMGcmMtPSY>.

Guest Speaker, White Collar Law Class
University of Idaho College of Law (by videoconference)
Boise, ID
October 29, 2020
Notes attached.

Panelist, “Health and Justice for All”
Emory University (by videoconference)
Atlanta, GA
October 25, 2020
I have no notes, transcript, or recording.

Panel Discussion
Harvard Law Review (by videoconference)
Cambridge, MA
October 22, 2020
I have no notes, transcript, or recording.

Panel Discussion
The Association of General Counsel (by videoconference)
Washington, DC
October 8, 2020
Notes attached.

Guest Speaker, 1L Section
Harvard Law School (by videoconference)
Cambridge, MA
September 10, 2020
I have no notes, transcript, or recording.

Panelist, “The Mueller Investigation One Year Later: Lessons Learned.”
Cooley LLP (by videoconference)
Washington, DC
July 29, 2020
Notes attached.

Panelist, “Partner Career Paths Through Government Service.”
Cooley LLP (by videoconference)
Washington, DC
July 28, 2020
I have no notes, transcript, or recording.

Guest Speaker, Supreme Court Institute
Street Law (by videoconference)
Washington, DC
June 23, 2020
A video of the webinar is available at:
<https://www.youtube.com/watch?v=XLvfLNZvpRU>.

Panelist, “Trans Justice Workshop”
Goldman Sachs LGBTQ+ Affinity Group (by videoconference)
Salt Lake City, UT
April 24, 2020
I have no notes, transcript, or recording.

Speaker, “Partner Chat”
Cooley LLP (by videoconference)
Washington, DC
April 23, 2020
I have no notes, transcript, or recording.

Guest Speaker, Georgetown Appellate Clinic
Georgetown University Law Center (by videoconference)
Washington, DC
April 8, 2020
I have no notes, transcript, or recording.

Panelist, “Supreme Court Midterm Webinar for State and Local Government.”
State and Local Legal Center (by telephone conference)
Washington, DC
March 26, 2020
A recording of the webinar is available at:
<https://www.naco.org/events/supreme-court-midterm-webinar-states-and-local-governments>.

Guest Speaker, Supreme Court Clinic
Harvard Law School
Bethesda, MD
January 23, 2020
I have no notes, transcript, or recording.

Guest Speaker, Law School class
Harvard Law School
Cambridge, MA
September 27, 2019
I have no notes, transcript, or recording.

Guest Speaker, Emory Scholars Washington D.C. Visit
Emory University
Washington, DC
September 25, 2019
I have no notes, transcript, or recording.

Guest Speaker, Annual Training
U.S. Attorney's Office for the District of Idaho
Boise, ID
September 20, 2019
Notes attached.

Guest Speaker, Annual Appellate Advocacy Training
Judge Advocate General's Corps
Joint Base Anacostia-Bolling
Washington, DC
September 12, 2019
Notes attached.

Guest Speaker, Law School class
Harvard Law School (by telephone conference)
Cambridge, MA
March 4, 2019
I have no notes, transcript, or recording.

Guest Speaker, Supreme Court Clinic
Harvard Law School
Bethesda, MD
January 17, 2019
I have no notes, transcript, or recording.

Panelist, Celebration 65
Harvard Law School
Cambridge, MA
September 15, 2018
I have no notes, transcript, or recording.

Keynote Speaker, Woodruff Scholars Senior Luncheon
Emory University
Atlanta, GA
May 12, 2018
A copy of my speech is attached.

Guest Speaker, Training Session
Federal Bureau of Investigation
Orlando, FL
April 23, 2018
I have no notes, transcript, or recording.

Guest Speaker, 1L Section
Harvard Law School
Cambridge, MA
November 15, 2017
I have no notes, transcript, or recording.

Panelist, “Supreme Court and Appellate Advocacy”
Harvard Law School
Cambridge, MA
November 14, 2017
A video of the panel discussion is available at:
https://www.youtube.com/watch?v=_GW5TQwScuw.
A copy of press coverage of the panel discussion is attached.

Moderator, “Appellate Advocacy: A Conversation with Judge Nina Pillard and Judge Thomas Hardiman”
The Harvard Law Review, the American Constitution Society, and the Federalist Society
Harvard Law School
Cambridge, MA
April 11, 2017
Notes attached.

Participant, Mock Trial, “Romeo & Juliet: Wrongful Deaths?”
Shakespeare Theater Company
Sidney Harmon Hall
Washington, DC
December 12, 2016
A video of the event is available at:
<https://www.c-span.org/video/?419930-1/federal-judges-discuss-romeo-juliet>.
Copies of press coverage of the event are attached.

Panelist, “How to Get Appellate Arguments”
Edward Coke Appellate Inn of Court
Washington, DC
November 1, 2016
I have no notes, transcript, or recording.

Panelist, Emory Scholars Washington D.C. Visit
Emory University
Washington, DC
September 21, 2016
I have no notes, transcript, or recording.

Panelist, Emory Scholars Washington D.C. Visit
Emory University
Washington, DC
October 26, 2015
I have no notes, transcript, or recording.

Guest Speaker, Supreme Court Clinic
Harvard Law School
Bethesda, MD
January 22, 2015
I have no notes, transcript, or recording.

Guest Speaker, Supreme Court Clinic
Harvard Law School
Bethesda, MD
Washington, DC
January 17, 2013
I have no notes, transcript, or recording.

To the best of my recollection, on many occasions between 2004 and 2005 I spoke to student groups at schools and at various events throughout Idaho in my capacity as Miss Idaho America. I have no record of the dates or events where I spoke. I have no notes, transcripts, or recording of these events.

To the best of my recollection, on occasion between 2000 and 2001 I spoke at various events in Idaho in my capacity as Miss Idaho USA. I have no record of the dates or events where I spoke. I have no notes, transcripts, or recording of these events.

To the best of my recollection, on occasion between 1998 and 1999 I spoke at various events in Idaho in my capacity as Miss Idaho Teen USA. I have no record of the dates or events where I spoke. I have no notes, transcripts, or recording of these events.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Ann Farmer, *Notoriously Ours*, American Bar Association, Perspectives, Feb. 17, 2021. Copy supplied.

Boston Globe Editorial Board, *The Rush of Pre-Inaugural Executions Must Stop*, The Boston Globe, Jan. 12, 2021. Copy supplied.

Cynthia L. Cooper, *Work-Life Imbalance: Pandemic Disruption Places New Stresses on Women Lawyers*, American Bar Association, Perspectives, Dec. 18, 2020. Copy supplied.

Impact Financial News, *Cooley Helps Achieve Landmark Victory for Transgender Prisoner*, Oct. 27, 2020. Copy supplied.

Stephanie Francis Ward, *Teaching Was One of Ginsburg's Many Strengths, Say Former Students and Clerks*, ABA Journal, Oct. 15, 2020. Copy supplied.

Hailey Fuchs, *Ginsburg Clerks Remember Her as a Mentor Who Treated Them Like Family*, The New York Times, Sept. 23, 2020. Copy supplied.

Kelsey L. Griffin, *'She Changed the World': Justice Ruth Bader Ginsburg, Landmark Jurist, Dies at 87*, The Crimson, Sept. 21, 2020. Copy supplied.

Interview about Justice Ginsburg with Bloomberg Markets: Americas, Sept. 21, 2020. I do not have a transcript or clip of this interview.

Interview about Justice Ginsburg on The Week With Joshua Johnson, MSNBC, Sept. 19, 2020. I do not have a transcript or clip of this interview.

Interview about Justice Ginsburg with BBC Radio 4, Sept. 19, 2020. I do not have a transcript or clip of this interview.

Marcia Coyle et al., *Former Ginsburg Clerks Remember a 'Friend and Role Model'*, The National Law Journal, Sept. 18, 2020. Copy supplied.

Interview about Justice Ginsburg on The 11th Hour With Brian Williams, MSNBC, Sept. 18, 2020. Transcript supplied.

Mary Ellen Egan, *Leading Questions: Cooley Appellate Litigator Elizabeth Prelogar*, Bloomberg Law, Sept. 11, 2020. Copy supplied.

Anthony Franze, *Cert Alert*, American Bar Association, Criminal Justice, Fall 2020. Copy supplied.

Andrew Satter, *When Your Boss Is Notorious: Clerking for R.B.G.*, Bloomberg Law, Aug. 26, 2020. Video available at: <https://news.bloomberglaw.com/us-law-week/when-your-boss-is-notorious-clerking-for-r-b-g-video>.

Natalie Rodriguez, *Why Can't Female Lawyers Make Headway At The High Court?*, Law360, July 14, 2020. Copy supplied.

Emory Alumni Association, *2019 Class of 40 Under Forty: Elizabeth Prelogar '02C*, Sept. 25, 2019. Copy supplied.

Harvard Law School, *All Rise—Reflections on the Ames Moot Court Competition*, Nov. 30, 2017. Video available at: <https://www.youtube.com/watch?v=es0hV-ijOU4>.

Colleen Walsh, *Shadowing the Supreme Court*, *The Harvard Gazette*, Feb. 14, 2014. Copy supplied.

Foundation Built on Intellect, USA TODAY, Mar. 22, 2006. Copy supplied.

Student Wins Award for Overseas Journalism, *Harvard Law Today*, Feb. 10, 2006. Copy supplied.

Roger Phillips, *Boise Family Ranks As Adventurous*, *The Idaho Statesman*, Jan. 21, 2006. Copy supplied.

Ruairi O’Kane, *Scots University Student in Final*, *Sunday Express*, Sept. 19, 2004. Copy supplied.

Eric Jorgensen, *BYU Student Crowned Miss Idaho Runner-Up*, *The Daily Universe*, June 9, 2004. Copy supplied.

Rhodes Scholarship Finalist Elizabeth M. Barchas '02C, *Emory Magazine*, Spring 2002. Copy supplied.

Michael Simanovsky, *Four Students Selected To Study Abroad As B. Jones Scholars*, *The Emory Wheel*, Feb. 15, 2002. Copy supplied.

Adam Sklar, *Barchas the Only Finalist for Rhodes Scholarship*, *The Emory Wheel*, Dec. 11, 2001. Copy supplied.

Adam Sklar, *Emory Produces Eight Rhodes Semi-Finalists*, *The Emory Wheel*, Dec. 4, 2001. Copy supplied.

Jonathan G. Katz, *Barchas Leaves Gary Sans Crown, Says Pageant Experience Worthwhile*, *The Emory Wheel*, Mar. 6, 2001. Copy supplied.

Mike Butts, *Pageants, Plunges Don’t Faze Miss Idaho: Boise High Grad In Miss USA Pageant Tonight*, *The Idaho Statesman*, Mar. 2, 2001. Copy supplied.

Andrew DeMillo, *Who Wants To Be a Millionaire? They Do!*, *The Atlanta Journal and Constitution*, Dec. 19, 2000. Copy supplied.

Brenden Sager, *Better To Be Safe Than Sorry*, *The Atlanta Journal and Constitution*, Oct. 5, 2000. Copy supplied.

Dana Oland, *Advice for the Class of '99*, The Idaho Statesman, May 22, 1999.
Copy supplied.

LaVelle Gardner, *Teen Gets Sneak Preview of College*, Focus, Spring 1993.
Copy supplied.

To the best of my recollection, on several occasions between 2004 and 2005 I was interviewed on radio and television in my capacity as Miss Idaho America. I have no record or recordings of those interviews.

13. Public Office, Political Activities and Affiliations:

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

I have not run for public office.

I have held the following appointed positions at the United States Department of Justice:

Senior Counselor, Office of Legal Counsel, August 2021-present, appointed by Attorney General Merrick B. Garland.

Principal Deputy Solicitor General, Office of the Solicitor General, January 2021-August 2021, appointed by then-Acting Attorney General John C. Demers. Pursuant to the operation of 5 U.S.C. § 3345(a)(1), I served as Acting Solicitor General until August 10, 2021.

- 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 not held a position or played a formal role in a political campaign. In 2020, I volunteered for the Biden/Harris campaign.

14. 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;

The Honorable Merrick B. Garland
U.S. Court of Appeals for the District of Columbia Circuit
2008 – 2009

The Honorable Ruth Bader Ginsburg
Supreme Court of the United States
2009 – 2010

The Honorable Elena Kagan
Supreme Court of the United States
2010 – 2011

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

I have not practiced law alone.

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

May 2008 – July 2008
Summer Associate
Akin Gump Strauss Hauer & Feld
1333 New Hampshire Avenue, NW
Washington, DC 20036

2012 – 2014
Associate
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, DC 20004

2014 – 2017
Assistant to the Solicitor General
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

2017 – 2019
Assistant Special Counsel
Special Counsel's Office
U.S. Department of Justice
Patriots Plaza I
395 E Street, SW
Washington, DC 20546

2019
Assistant to the Solicitor General
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

2020 – 2021
Partner
Cooley LLP
1299 Pennsylvania Avenue
Suite 700
Washington, DC 20004

Fall 2020
Lecturer on Law
Harvard Law School
1563 Massachusetts Avenue
Cambridge, MA 02138

2021
Acting Solicitor General and Principal Deputy Solicitor General
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

2021 – Present
Senior Counselor
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

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

I have not served as a mediator or arbitrator.

b. Describe:

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

After graduating from law school, I served as a law clerk to Judge Merrick B. Garland of the U.S. Court of Appeals for the District of Columbia Circuit, then as a law clerk to Justice Ruth Bader Ginsburg on the Supreme Court of the United States, and then as a law clerk to Elena Kagan during her inaugural Term on the Supreme Court of the United States.

In 2012, after completing these clerkships, I began working as an associate at Hogan Lovells US LLP, where I focused on appellate litigation. I assisted with various constitutional and commercial litigation matters and briefed and argued several cases in appellate courts.

In 2014, I joined the Solicitor General's Office at the Department of Justice and served as an Assistant to the Solicitor General. My responsibilities included arguing cases on behalf of the United States and federal agencies in the Supreme Court, preparing merits briefs and petition-stage filings, and helping to formulate the federal government's appellate strategy by making recommendations to the Solicitor General on whether to appeal adverse decisions in lower courts.

In 2017, I was detailed to the Special Counsel's Office as an Assistant Special Counsel. My responsibilities included analyzing legal issues facing the investigative and trial teams as they conducted the investigation into Russian interference in the 2016 election and obstruction-of-justice issues. I also assisted with preparation of the Special Counsel's Final Report.

In 2019, I returned to the Solicitor General's Office, where I again focused on Supreme Court litigation on behalf of the United States.

In 2020, I joined Cooley LLP as a partner. My practice focused on Supreme Court and appellate litigation and I handled a mix of commercial and constitutional issues. I also served as a Lecturer on Law at Harvard Law School, where I co-taught a seminar in fall 2020 titled the "Supreme Court and Appellate Advocacy Workshop."

In 2021, I returned to the Solicitor General's Office at the Department of Justice, where I served as Acting Solicitor General and Principal Deputy Solicitor General.

I am currently serving as a Senior Counselor in the Office of Legal Counsel at the Department of Justice.

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

At Hogan Lovells, where I worked from 2012 to 2014, my practice focused on appellate litigation. I handled cases for companies and individuals raising constitutional questions, statutory interpretation issues, white collar criminal matters, and regulatory issues. I also prioritized pro bono work, including on behalf of a prisoner who asserted claims seeking access to medical care.

At the Solicitor General’s Office, where I worked from 2014 to 2019 and again in 2021, I focused on Supreme Court litigation. I represented the United States and federal agencies in the Supreme Court across the range of civil and criminal cases in which the United States is involved.

At the Special Counsel’s Office, where I worked from 2017 to 2019, I represented the United States on issues related to the investigation of Russian interference in the 2016 presidential election and obstruction-of-justice issues.

At Cooley, where I was a partner from 2020 to 2021, my practice focused on issues and appeals work, including Supreme Court litigation. My typical clients included companies, individuals, and nonprofits. My practice spanned a range of issues, including constitutional, statutory, and regulatory issues and intellectual property litigation. I also prioritized pro bono work, including on behalf of individuals, 501(c)(3) organizations, and prisoners.

- 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.

Throughout my career, my practice has been almost exclusively in litigation and has specifically focused on Supreme Court and appellate litigation. During my time in the Solicitor General’s Office, I argued on average two cases each year in the Supreme Court. During my time at Hogan Lovells and at Cooley, I appeared occasionally in lower courts to argue appeals or district court motions, with the frequency of my court appearances generally increasing throughout my career.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 95%
- 2. state courts of record: 5%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 75%
- 2. criminal proceedings: 25%

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

I have never tried a case to verdict or judgment.

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

Not applicable; see above.

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have argued nine cases in the Supreme Court and have filed hundreds of briefs in the Supreme Court at the merits and certiorari stage. While I served as Acting Solicitor General, I was counsel of record for all cases in which the United States appeared as a party or an amicus in the Supreme Court, with the exception of cases in which I was recused. I have done my best to identify all briefs in which I appeared as counsel, including through a review of internal databases and through searches of publicly available electronic databases. Despite my searches, there may be other briefs that I have been unable to identify, find, or remember. As a matter of practice, the Solicitor General does not personally review all briefs in opposition, memorandums in opposition, and hold memorandums submitted by the United States.

As an Assistant to the Solicitor General from 2014 to 2019, in addition to the merits briefs and petition-stage briefs listed below, I regularly assisted with briefs in opposition to certiorari filed on behalf of the federal government. Those briefs are initially drafted by other attorneys, who sign their names to the briefs, and they are subsequently reviewed and revised by attorneys in the Solicitor General's Office, whose work is not credited.

Outside of government service, during my time as a partner at Cooley and as an associate at Hogan Lovells, I was part of teams that worked on several Supreme Court briefs. In addition, while I was a student in law school, I participated in Supreme Court litigation clinics and recall performing research, drafting, and other tasks to assist with clinic work. I also recall performing research, drafting, and other tasks to assist with Supreme Court litigation projects when I was a summer associate at Akin Gump, WilmerHale, and Gibson, Dunn & Crutcher.

I argued the following nine cases in the Supreme Court on behalf of the United States:

Americans for Prosperity Foundation v. Bonta and Thomas More Law Center v. Bonta, Nos. 19-251, 19-255 (2021)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/19/19-251/170618/20210301204917004_AFPF%20030121.7.pdf

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2020/19-251_h3ci.pdf

National Collegiate Athletic Ass'n v. Alston and American Athletic Conference v. Alston, Nos. 20-512, 20-520 (2021)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/20/20-512/171478/20210310124248942_20-512bsacUnitedStates.pdf

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2020/20-512_g314.pdf

Kahler v. Kansas, No. 18-6135 (2020)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/18/18-6135/111896/20190809165524657_18-6135bsacUnitedStates.pdf

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2019/18-6135_k536.pdf

City of Hays, Kansas v. Vogt, No. 16-1495 (2018)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/16/16-1495/21010/20171120195843784_16-1495UnitedStatestsac.pdf

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-1495_4814.pdf

Murr v. Wisconsin, No. 15-214 (2017)

Merits amicus brief available at:

https://www.justice.gov/sites/default/files/osg/briefs/2016/06/28/15-214_bsaunitedstates.pdf

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2016/15-214_l6hn.pdf

Bravo-Fernandez v. United States, No. 15-537 (2016)

Merits brief available at:

https://www.justice.gov/sites/default/files/osg/briefs/2016/08/30/15-537bsunitedstates_-_corrected.pdf

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2016/15-537_ljgm.pdf

United States v. Bryant, No. 15-420 (2016)

Merits brief available at:

https://www.justice.gov/sites/default/files/osg/briefs/2016/01/29/15-420_ts_united_states_v_bryant.pdf

Petition for a writ of certiorari available at:

https://www.justice.gov/sites/default/files/osg/briefs/2015/10/19/united_states_v_bryant_petition.pdf

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2015/15-420_3ea4.pdf

Tyson Foods, Inc. v. Bouaphakeo, No. 14-1146, 577 U.S. 442 (2016)

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2015/14-1146_4246.pdf

United States v. June, No. 13-1075, 575 U.S. 402 (2015)

Oral argument transcript available at:

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2014/13-1075_ap6c.pdf

The following is a list of additional cases in the Supreme Court in which I appeared on the brief on behalf of the United States, a federal agency, and/or other federal parties:

Unicolors, Inc. v. H&M Hennes & Mauritz, L.P., No. 20-915 (2021)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/20/20-915/187168/20210810191033054_20-915tsac%20United%20States.pdf

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Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-7900/187012/20210809141300115_20-7900%20Lozoya%20Opp.pdf

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Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-8257/187013/20210809141758551_20-8257%20Benitez%20Mem.pdf

Ahumada v. United States, No. 20-7968 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-7968/187032/20210809155103228_Ahumada%2020-7968%20opp%20FILE.pdf

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Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/21/21-5066/187014/20210809141924689_21-5066%20Moore%20mem%20opp%20-%20final.pdf

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Memorandum in opposition available at:

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Brief in opposition available at:

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Brief in opposition available at:

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Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-8213/186777/20210805103502359_20-8213%20Atwood%20Opp.pdf

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Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-8213/186777/20210805103502359_20-8213%20Atwood%20Opp.pdf

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Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/21/21-5028/186890/20210806112034300_21-5028%20Copes%20mem%20opp%20-%20final.pdf

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<https://www.justice.gov/sites/default/files/briefs/2021/07/27/20-480bsunitedstates.pdf>

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Merits brief available at:

https://www.supremecourt.gov/DocketPDF/20/20-828/185459/20210730194532883_20-828tsUnitedStates.pdf

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Brief in opposition available at:

https://www.justice.gov/sites/default/files/briefs/2021/08/08/palillero_20-1240_7.28_for_final.pdf

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Merits amicus brief available at:

<https://www.justice.gov/sites/default/files/briefs/2021/08/08/20-804tsacunitedstates.pdf>

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Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-1480/184829/20210723154625872_20-1480%20Naum.pdf

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Memorandum in opposition available at:
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Brief in opposition available at:
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Motion to dismiss or affirm available at:
https://www.supremecourt.gov/DocketPDF/20/20-1279/183942/20210714231308758_20-1279%20Castanon%20Motion%20to%20Dismiss%20or%20Affirm%20FINAL.pdf

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https://www.supremecourt.gov/DocketPDF/20/20-7790/184099/20210716121912946_20-7790%20Villarreal%20GVR%20Mem.pdf

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Brief for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-7497/184086/20210716111912922_20-7497%20Reid.pdf

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Brief in opposition available at:
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Merits amicus brief available at:
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Merits brief available at:
https://www.supremecourt.gov/DocketPDF/20/20-827/183172/20210702181407431_20-827tsUnited%20States.pdf
Petition-stage reply brief available at:
https://www.supremecourt.gov/DocketPDF/20/20-827/170953/20210304172617089_20-827%20US%20v%20Husayn%20Cert%20reply.pdf

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Petition for a writ of certiorari available at:
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Brief in opposition available at:
https://www.justice.gov/sites/default/files/briefs/2021/07/12/20-1369_-_jabateh_opp.pdf

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Brief in opposition available at:
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Brief in opposition available at:
https://www.justice.gov/sites/default/files/briefs/2021/07/12/20-1370_waked_hatum_opp_v.f.pdf

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Brief in opposition available at:
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Brief in opposition available at:
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https://www.supremecourt.gov/DocketPDF/20/20-138/181563/20210611214220535_20-138%20USA%20motion%20to%20vacate.pdf

Reply in support of motion to vacate and remand available at:

https://www.supremecourt.gov/DocketPDF/20/20-138/182326/20210622145811819_20-138%20USA%20reply%20iso%20mot%20to%20vacate.pdf

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Brief in opposition available at:

https://www.justice.gov/sites/default/files/briefs/2021/07/12/20-1468_dupuch-carron_opp.pdf

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Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-7792/182217/20210621161420755_Gambina%2020-7792%20mem%20opp%20-%20FINAL.pdf

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Brief in opposition available at:

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Brief in opposition available at:

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Brief in opposition available at:

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Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-7870/182627/20210625150246471_20-7870%20Tignor%20revised%20memo%20oppFINAL.pdf

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Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-7610/182626/20210625145922924_HernandezHold%20Memo%2020-7610.pdf

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Merits brief available at:
https://www.supremecourt.gov/DocketPDF/20/20-443/181690/20210614191854794_20-443tsUnitedStates.pdf

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Response in opposition to motion for leave to intervene available at:
https://www.supremecourt.gov/DocketPDF/19/19-1212/180712/20210601210757011_19-1212%20Innovation%20Law%20Lab%20-%20Intervention%20Opp%20-%20final.pdf
Suggestion of mootness and motion to vacate available at:
https://www.supremecourt.gov/DocketPDF/19/19-1212/180713/20210601211037408_Innovation%20Law%20Lab%20-%20Suggestion%20of%20Mootness%20-%20final.pdf
Reply in support of motion to vacate available at:
https://www.supremecourt.gov/DocketPDF/19/19-1212/181803/20210615154911362_19-1212%20United%20States%20reply%20in%20support%20of%20vacatur.pdf
Supplemental reply in support of motion to vacate available at:
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Memorandum in opposition available at:
<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-7742.html>

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https://www.supremecourt.gov/DocketPDF/20/20-303/181129/20210607194124315_20-303tsUnitedStates.pdf

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Petition for a writ of certiorari available at:

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Merits amicus brief available at:

<https://www.justice.gov/sites/default/files/briefs/2021/06/21/20-659tsacunitedstates.pdf>

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Response in opposition to emergency application available at:

https://www.supremecourt.gov/DocketPDF/20/20A169/181391/20210610160741010_20A169%20Alabama%20Realtors.pdf

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Petition for a writ of certiorari available at:

https://www.justice.gov/sites/default/files/briefs/2021/04/08/20-1312-empire_health_cert_petition.pdf

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https://www.supremecourt.gov/DocketPDF/20/20-1312/181216/20210608163053707_20-1312%20-%20Empire%20Health.pdf

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Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-7667/181104/20210607162109148_20-7667%20Kendrick%20FINAL.pdf

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Memorandum in opposition available at:

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-7686.html>

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<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-7678.html>

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Motion for leave to file a brief as amicus curiae and brief for the United States as amicus curiae respecting the application for a stay available at:

https://www.supremecourt.gov/DocketPDF/20/20A161/179450/20210517185359227_20A161%20Bosse%20amicus%20final.pdf

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Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-7474/180700/20210601172052243_20-7474%20Kelley.pdf

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Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-7604/180672/20210601155909654_20-7604%20Johnson%20mem.pdf

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https://www.supremecourt.gov/DocketPDF/20/20-7617/180671/20210601155636403_No.%2020-7617%20Lewis%20mem%20final.pdf

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https://www.supremecourt.gov/DocketPDF/22/22O152/180142/20210525193756160_22O152%20Montana%20v%20Washington%20FINAL.pdf

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Petition for a writ of certiorari available at:

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Petition for a writ of certiorari attached.

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Memorandum in opposition available at:
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Brief in opposition available at:
https://www.supremecourt.gov/DocketPDF/20/20-6336/169148/20210216194710030_20-6336%20Snell%20FINAL.pdf

Mitchell v. United States, No. 20-6622 (2021)
Memorandum in opposition available at:
https://www.supremecourt.gov/DocketPDF/20/20-6622/169151/20210216200932060_20-6622%20Mitchell%20Mem%20Opp.pdf

Clotaire v. United States, No. 20-5908 (2021)
Brief in opposition available at:
https://www.supremecourt.gov/DocketPDF/20/20-5908/169277/20210218133443185_20-5908%20Clotaire.pdf

St. Fleur v. United States, No. 20-6367 (2021)
Brief in opposition available at:
https://www.supremecourt.gov/DocketPDF/20/20-6367/169278/20210218133643561_St.%20Fleur%2020-6367%20final.pdf

Larsen v. United States, No. 20-6339 (2021)
Brief in opposition available at:
https://www.supremecourt.gov/DocketPDF/20/20-6339/169274/20210218132847341_20-6339%20Larsen.pdf

Dennis v. United States, No. 20-6356 (2021)
Memorandum in opposition available at:
https://www.supremecourt.gov/DocketPDF/20/20-6356/169275/20210218133042263_20-6356%20Dennis%20mem%20opp.pdf

Sanders v. United States, No. 20-6400 (2021)
Brief for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-6400/169276/20210218133253529_20-6400%20Sanders.pdf

TransUnion LLC v. Ramirez, No. 20-297 (2021)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/20/20-297/168481/20210208174216465_20-297%20TransUnion%20v.f.pdf

Standing Akimbo, LLC v. United States, No. 20-645 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-645/168952/20210212160211823_20-645%20Standing%20Akimbo%20a.pdf

Level the Playing Field v. Federal Election Commission, No. 20-649 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-649/168947/20210212154104226_LevelthePlayingField.Opp.pdf

Stacy v. United States, No. 20-6291 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6291/168484/20210208180143635_Stacy%20Hold%20Memo%20-%2020-6291.pdf

Cooper v. United States, No. 20-6305 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6305/168486/20210208185149520_Cooper%20Hold%20Memo%20-%2020-6305.pdf

Vandergroen v. United States, No. 20-6586 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-6586/168493/20210208184626040_Vandergroen%20Opp.pdf

Espinoza v. United States, No. 20-6583 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6583/168485/20210208180547990_20-6583%20Espinoza%20mem.pdf

Arreola-Mendoza v. United States, No. 20-6552 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6552/168487/20210208181351810_20-6552%20Arreola-Mendoza.pdf

Ward v. United States, No. 20-6582 (2021)

Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-6582/168435/20210208160008930_20-6582%20Ward%20Mem%20Opp.%20-%20final.pdf

Sifuentes v. United States, No. 20-6601 (2021)
Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-6601/168656/20210210154011924_20-6601%20Sifuentes%20Mem%20Hold.pdf

Sanabria-Robreno v. United States, No. 20-6610 (2021)
Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-6610/168654/20210210153845299_20-6610%20Sanabria-Robreno%20Mem%20Hold.pdf

Moore v. United States, No. 20-6027 (2021)
Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-6027/168653/20210210153712768_20-6027%20-%20Moore.pdf

Cochran v. Gresham and *Arkansas v. Gresham*, Nos. 20-37, 20-38 (2021)
Motion to vacate the judgments of the court of appeals and remand, to remove the cases from the March 2021 argument calendar, and to hold further briefing in abeyance available at:

https://www.supremecourt.gov/DocketPDF/20/20-37/169613/20210222173139580_20-37%20%2020-38%20-%20Gresham%20-Merits%20-%20Motion%20to%20Vacate.pdf

Reply in support of motion to vacate the judgments of the court of appeals and remand, to remove the cases from the March 2021 argument calendar, and to hold further briefing in abeyance available at:

https://www.supremecourt.gov/DocketPDF/20/20-37/169915/20210224173247978_Motion%20to%20Vacate%20Reply.pdf

Merits reply brief available at:

https://www.supremecourt.gov/DocketPDF/20/20-37/172588/20210322144746881_20-37rbUnitedStates.pdf

Mahanoy Area School District v. B.L., No. 20-255 (2021)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/20/20-255/170617/20210301204339393_20-255tsacUnitedStates.pdf

Goldman Sachs Group, Inc. v. Arkansas Teacher Retirement System, No. 20-222 (2021)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/20/20-222/167819/20210201153934592_20-222%20Goldman%20Sachs%20v%20ATRS%20US%20Amicus.pdf

Wilkinson v. Dai and Wilkinson v. Alcaarez-Enriquez, Nos. 19-1155, 19-1156 (2021)

Merits reply brief available at:

https://www.supremecourt.gov/DocketPDF/19/19-1155/168081/20210203202829740_19-1155rbUnitedStates.pdf

White v. United States, No. 20-587 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-587/168307/20210205152916738_20-587%20White%20opp.pdf

Davis v. United States, No. 20-6486 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6486/167820/20210201154128308_Davis%20Hold%20Memo%20-%2020-6486.pdf

James v. United States, No. 20-6492 (2021)

Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-6492/167825/20210201154300030_James%20Memo%20Opp%20-%2020-6492.pdf

Moore v. United States, No. 20-6781 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6781/168059/20210203161055006_Moore%20Hold%20Memo%20-%2020-6781.pdf

Williams v. United States, No. 20-6551 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6551/168058/20210203160908639_Williams%20Hold%20Memo%20-%2020-6551.pdf

Davalos v. United States, No. 20-5778 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-5778/168060/20210203161432246_20-5778%20Davalos%20Opp%20-%20FINAL.pdf

Frye v. United States, No. 20-6569 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6569/168295/20210205150616126_Frye%20Hold%20Memo%2020-6569.pdf

Legrier v. United States, No. 20-6572 (2021)
Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-6572/168314/20210205154854272_Legrier%20Hold%20Memo%20%2020-6572.pdf

Ornelas v. United States, No. 20-6811 (2021)
Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-6811/168315/20210205155900508_Ornelas%20Hold%20Memo%20%2020-6811.pdf

Pineda-Campuzano v. United States, No. 20-6541 (2021)
Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-6541/168301/20210205151408283_20-6541%20Pineda-Campuzano.pdf

Lopez-Rodriguez v. United States, No. 20-6539 (2021)
Memorandum for the United States available at:
https://www.supremecourt.gov/DocketPDF/20/20-6539/168303/20210205151850003_20-6539%20Lopez-Rodriguez.pdf

Hall v. United States, No. 20-5375 (2021)
Brief in opposition available at:
https://www.supremecourt.gov/DocketPDF/20/20-5375/168311/20210205154132459_20-5375%20Hall%20Br%20in%20Opp.pdf

Carr v. Saul and *Davis v. Saul*, Nos. 19-1442, 20-105 (2021)
Merits brief available at:
https://www.supremecourt.gov/DocketPDF/19/19-1442/167431/20210127200817033_19-1442bsUnitedStates.pdf

Commissioner of Social Security v. Ramsey, No. 20-1044 (2021)
Petition for a writ of certiorari available at:
https://www.justice.gov/sites/default/files/briefs/2021/02/24/20-1044_ramsey_cert_petition_-_final.pdf

Castro v. Wilkinson, No. 20-832 (2021)
Memorandum for the respondent attached.

Webb v. United States, No. 20-6200 (2021)
Brief in opposition available at:
https://www.supremecourt.gov/DocketPDF/20/20-6200/167430/20210127194537324_20-6200%20Webb%20opp%20%20final.pdf

Ray v. United States, No. 20-6414 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-6414/167422/20210127184206752_20-6414%20Ray%20vf.pdf

Garrett v. United States, No. 20-6459 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6459/167427/20210127195526757_Garrett%20Hold%2020-6459.pdf

Cernak v. United States, No. 20-6447 (2021)

Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-6447/167428/20210127195817212_20-6447%20Cernak%20Mem.pdf

Jackson v. United States, No. 20-6466 (2021)

Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-6466/167425/20210127184904767_20-6466%20Jackson%20mem%20opp%20-%20final.pdf

Meece v. United States, No. 20-6425 (2021)

Memorandum in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-6425/167429/20210127193539739_20-6425%20Meece%20Mem%20Opp%20%20final.pdf

Hollie v. United States, No. 20-6460 (2021)

Memorandum for the United States available at:

https://www.supremecourt.gov/DocketPDF/20/20-6460/167426/20210127185814208_Hollie%20Hold%20Memo%20%20No.%2020-6460.pdf

Longoria v. United States, No. 20-5715 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-5715/167669/20210129151220935_Longoria%2020-5715.pdf

United States v. Arthrex, Inc., Smith & Nephew, Inc. v. Arthrex, Inc., and Arthrex, Inc. v. Smith & Nephew, Inc., Nos. 19-1434, 19-1452, 19-1458 (2021)

Merits reply and response brief available at:

https://www.supremecourt.gov/DocketPDF/19/19-1434/167040/20210122163833833_19-1434rbUnitedStates.pdf

Bates v. United States, No. 20-535 (2021)

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/20/20-535/167035/20210122161136964_20-535%20Bates%20opp..pdf

GE Energy Power Conversion France SAS, Corp. v. Outokumpu Stainless USA, LLC, No. 18-1048 (2019)

Merits amicus brief available at:

https://www.supremecourt.gov/DocketPDF/18/18-1048/116891/20190924171705182_18-1048tsacUnitedStates.pdf

Carpenter v. United States, No. 16-402 (2018)

Merits brief available at:

<https://www.justice.gov/sites/default/files/briefs/2017/09/26/16-402bsunitedstates.pdf>

Impression Products, Inc. v. Lexmark Int’l, Inc., No. 15-1189 (2016 and 2017)

Merits amicus brief available at:

<https://www.justice.gov/sites/default/files/osg/briefs/2017/01/25/15-1189acnpunitedstates.pdf>

Petition-stage amicus brief available at:

https://www.justice.gov/sites/default/files/osg/briefs/2016/10/28/15-1189_impression_prods._inc._ac_pet.pdf

Bethune-Hill v. Virginia State Board of Elections, No. 15-680 (2016)

Merits amicus brief available at:

<https://www.justice.gov/sites/default/files/osg/briefs/2016/09/20/15-680npacunitedstates.pdf>

United States v. Lost Tree Village Corp, No. 15-1192 (2016)

Petition for a writ of certiorari attached.

Petition-stage reply available at:

https://www.justice.gov/sites/default/files/osg/briefs/2016/05/26/15-1192_lost_tree_cert_reply_brief_5.16.16_3.pdf

State Farm Fire and Casualty Co. v. Rigsby, No. 15-513 (2016)

Petition-stage amicus brief available at:

https://www.justice.gov/sites/default/files/osg/briefs/2016/04/21/15-513_state_farm_fire_cas._co._v._united_states_ex_rel._rigsby.pdf

Wittman v. Personhuballah, No. 14-1504 (2016)

Merits amicus brief available at:

https://www.justice.gov/sites/default/files/osg/briefs/2016/03/03/14-1504_bs_wittman_v._personhuballah.pdf

Harris v. Arizona Independent Redistricting Comm’n, No. 14-232 (2015)

Merits amicus brief available at:

<https://www.justice.gov/sites/default/files/osg/briefs/2015/11/05/14-232tsacunitedstates.pdf>

Horne v. United States Dep't of Agriculture, No. 14-275 (2015)

Merits brief available at:

<https://www.justice.gov/sites/default/files/osg/briefs/2015/04/02/14-275bsunitedstatesa.pdf>

City and County of San Francisco v. Sheehan, No. 13-1412 (2015)

Merits amicus brief available at:

<https://www.justice.gov/sites/default/files/osg/briefs/2015/01/28/13-1412acunitedstates.pdf>

I briefed the following additional cases in the Supreme Court on behalf of the listed parties:

FCC v. Prometheus Radio Project, Nos. 19-1231, 19-1241 (2020)

Merits amicus brief on behalf of Gray Television, Inc. available at:

https://www.supremecourt.gov/DocketPDF/19/19-1231/161608/20201123171009502_40306%20Anderson%20Br.pdf

Petition-stage amicus brief on behalf of Gray Television, Inc. available at:

https://www.supremecourt.gov/DocketPDF/19/19-1231/143930/20200520153611355_39832%20Anderson%20Brief.pdf

Johnson v. Chavez, No. 19-897 (2020)

Merits amicus brief on behalf of the American Immigration Council, the American Immigration Lawyers Association, the Asylum Defense Project, the Bronx Defenders, Brooklyn Defender Services, the Capital Area Immigrants' Rights Coalition, the Legal Aid Society, Refugee and Immigrant Center For Education And Legal Services, and the Rocky Mountain Immigrant Advocacy Network available at:

https://www.supremecourt.gov/DocketPDF/19/19-897/163830/20201215144310461_19-897%20Pham%20v%20Guzman%20Chavez%20Amicus%20Brief.pdf

Idaho Department of Correction v. Edmo, No. 19-1280 (2020)

Response to suggestion of mootness on behalf of respondent available at:

https://www.supremecourt.gov/DocketPDF/19/19-1280/153106/20200903151513251_40103%20Anderson%2009-03-20%20942%20am%202020.09.03%20-%20Edmo%20Resp.%20to%20Suggestion%20of%20Mootness.pdf

Brief in opposition available at:

https://www.supremecourt.gov/DocketPDF/19/19-1280/149829/20200810150055681_40035%20Anderson%2008-10-20%201155%20am%20Edmo%20-%20Final%20BIO%20PDF-A.pdf

Opposition to application for stay available at:

https://www.supremecourt.gov/DocketPDF/19/19-1280/143738/20200518153117531_19A1038%20Edmo%20SCOTUS%20stay%20Oppn.pdf

California v. Texas, Nos. 19-840, 19-2019 (2020)
Merits amicus brief on behalf of 47 Members of the United States Senate
available at:

https://www.supremecourt.gov/DocketPDF/19/19-840/143483/20200513162526681_19-840%20Amici%20Brief.pdf

Torres v. Madrid, No. 19-292 (2020)
Merits amicus brief on behalf of the National Association of Counties, National League of Cities, U.S. Conference of Mayors, International City/County Management Association, International Municipal Lawyers Association, and National Sheriffs' Association available at:

https://www.supremecourt.gov/DocketPDF/19/19-292/137524/20200309153450248_19-292%20Torres%20v%20Madrid%20Amicus%20Brief.pdf

Herbert v. Kitchen, No. 14-124 (2014)
Brief for Respondents attached.

Takeda Pharmaceutical Co. Ltd. v. Zydus Pharmaceuticals USA, Inc., No. 14-217 (2014)
Petition for a writ of certiorari attached.

AEP Energy Services v. Heartland Regional Medical Center, No. 14-1 (2014)
Petition for a writ of certiorari attached.

Oneok, Inc. v. Learjet, Inc., No. 13-271 (2013-2014)
Petition for a writ of certiorari attached.
Petition-stage reply brief attached.
Supplemental brief for petitioners attached.

DiCristina v. United States, No. 13-564 (2013-2014)
Petition for a writ of certiorari attached.
Petition-stage reply brief attached.

Law v. Siegel, No. 12-5196 (2013)
Brief for Respondent attached.

15. **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. *National Collegiate Athletic Ass'n v. Alston*
141 S. Ct. 2141 (2021)
Supreme Court of the United States
Before The Honorable Chief Justice Roberts and The Honorable Associate Justices
Thomas, Breyer, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, and Barrett
2021

I represented the United States as amicus curiae in this Supreme Court case concerning whether certain eligibility rules for student athletes maintained by the National Collegiate Athletic Association violate the Sherman Act. I served as counsel of record for the United States, reviewed and revised the federal government's brief, and presented oral argument in support of the student-athlete respondents, arguing that the court of appeals had not erred in concluding that various compensation rules violate federal antitrust law. The Supreme Court agreed with our position and affirmed the lower court's judgment.

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2. *Americans for Prosperity Foundation v. Bonta*
141 S. Ct. 2373 (2021)
Supreme Court of the United States
Before The Honorable Chief Justice Roberts and The Honorable Associate Justices
Thomas, Breyer, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, and Barrett
2021

I represented the United States as amicus curiae in this Supreme Court case concerning whether the constitutional freedom of association is violated by California's requirement that charitable organizations that fundraise in the State disclose to the state Attorney General's office the identities of their substantial contributors. I served as counsel of record for the United States, reviewed and revised the federal government's brief, and presented oral argument in support of vacatur and remand, arguing that the court of appeals had not erred in rejecting petitioners' facial challenge but that the court's analysis of the as-applied challenge was incomplete. The Supreme Court held that California's law was facially invalid.

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3. *United States v. Bryant*
136 S. Ct. 1954 (2016)
Supreme Court of the United States
Before The Honorable Chief Justice Roberts and The Honorable Associate Justices
Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, and Kagan
2014 – 2016

I represented the United States in this Supreme Court case concerning whether 18 U.S.C. 117(a), which criminalizes recidivist acts of domestic violence, violates the Constitution as applied to offenders who have valid, uncounseled tribal-court misdemeanor convictions. I provided recommendations to the Solicitor General on seeking appellate review and was the principal drafter of the federal government's petition-stage filings in the Supreme Court. I then served as the principal drafter of the federal government's briefs at the merits stage and presented oral argument, arguing that Section 117(a) is constitutional. The Supreme Court agreed with our position and reversed the decision below.

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4. *Tyson Foods, Inc. v. Bouaphakeo*
577 U.S. 442 (2016)
Supreme Court of the United States
Before The Honorable Chief Justice Roberts and The Honorable Associate Justices
Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, and Kagan
2016

I represented the United States as amicus curiae in this Supreme Court case concerning whether a suit seeking unpaid overtime on behalf of employees at a meat-processing plant was properly maintained as a class action under Federal Rule of Civil Procedure 23(b)(3)

and a collective action under the Fair Labor Standards Act. I presented oral argument in support of respondents, arguing that the suit had properly proceeded as a class action and collective action. The Supreme Court agreed with our position and affirmed the decision below.

Co-Counsel

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5. *Kahler v. Kansas*
140 S. Ct. 1021 (2020)
Supreme Court of the United States
Before The Honorable Chief Justice Roberts and The Honorable Associate Justices
Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan, Gorsuch, and Kavanaugh
2019

I represented the United States as amicus curiae in this Supreme Court case concerning whether the Constitution permits States to treat mental illness as an excuse for criminal conduct only when it creates reasonable doubt as to the defendant's criminal mens rea, or instead mandates an insanity test that focuses on whether the defendant appreciated the wrongfulness of his conduct. I served as the principal drafter of the federal government's brief and presented oral argument in support of respondent, arguing that Kansas permissibly treats mental illness as an excuse for criminal conduct only when it creates reasonable doubt as to the defendant's mens rea for the crime. The Supreme Court agreed with our position and affirmed the decision below.

Co-Counsel

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6. *Murr v. Wisconsin*
137 S. Ct. 1933 (2017)
Supreme Court of the United States
Before The Honorable Chief Justice Roberts and The Honorable Associate Justices
Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, and Kagan
2017

I represented the United States as amicus curiae in this Supreme Court case concerning whether two lots under common ownership were properly considered together as the “parcel as a whole” in adjudicating a claim that a local ordinance restricting development of certain property effected a regulatory taking. I served as the principal drafter of the federal government’s brief and presented oral argument in support of respondents, arguing that the lower court had properly considered the lots together in rejecting the regulatory-takings claim. The Supreme Court agreed with our position and affirmed the decision below.

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7. *Bravo-Fernandez v. United States*
137 S. Ct. 352 (2016)
Supreme Court of the United States
Before The Honorable Chief Justice Roberts and The Honorable Associate Justices
Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, and Kagan
2016

I represented the United States in this Supreme Court case concerning whether the Double Jeopardy Clause prevents the government from retrying a defendant after a jury returns an irreconcilably inconsistent verdict of convictions and acquittals and the convictions are later vacated based on an unrelated legal error. I served as the principal

drafter of the federal government's merits brief and presented oral argument, arguing that the Double Jeopardy Clause does not prevent a retrial in this circumstance. The Supreme Court agreed with our position and affirmed the decision below.

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8. *United States v. June*
575 U.S. 402 (2015)
Supreme Court of the United States
Before The Honorable Chief Justice Roberts and The Honorable Associate Justices
Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, and Kagan
2014 – 2015

I represented the United States in this Supreme Court case concerning whether the Federal Tort Claims Act's time limits are subject to equitable tolling. I presented oral argument, arguing that the time limit is a jurisdictional bar that is not subject to equitable tolling. The Supreme Court concluded that the time bar is subject to equitable tolling and affirmed the decision below.

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9. *Hecox v. Little*
No. 20-cv-184 (D. Idaho) (pending)
479 F. Supp. 3d 930 (D. Idaho 2020) (preliminary injunction decision)
The Honorable David C. Nye
Nos. 20-35813, 20-35815 (9th Cir. 2021)
The Honorable Andrew J. Kleinfeld, Kim McLane Wardlaw, and Ronald M. Gould
2020 – 2021

Along with co-counsel at Cooley LLP, the ACLU, the ACLU of Idaho, and Legal Voice, I represented Lindsay Hecox and Jane Doe in this suit challenging H.B. 500, an Idaho law that bans women and girls who are transgender from playing school sports at any level and subjects all women and girl athletes to the possibility of invasive examination procedures to verify their sex. The district court issued an 87-page opinion that denied in part defendants’ motion to dismiss and granted a preliminary injunction, concluding that we had established a likelihood of success on our claim that H.B. 500 violates equal protection and “the Constitution must always prevail.” Defendants appealed the district court’s preliminary injunction and the appeal was remanded by the Ninth Circuit for the district court to evaluate whether changed circumstances had mooted the case. I assisted with all aspects of the district court litigation and presented oral argument in support of the preliminary injunction and in opposition to the motion to dismiss. I also assisted with the Ninth Circuit briefs. I withdrew from the case while it was pending in the Ninth Circuit when I accepted an appointment as Principal Deputy Solicitor General.

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10. *Federal Capital Habeas Project v. Barr*
No. 20-cv-3742 (D.D.C.) (pending)
The Honorable Rudolph Contreras
2020

I led a team that filed this suit on behalf of the Federal Capital Habeas Project and five individuals to challenge a Final Rule that the Department of Justice finalized in

November 2020 governing the manner of federal executions. The lawsuit contended that various provisions of the Final Rule that were designed to grant the government greater flexibility amid the wave of executions carried out in 2020 violated the separation of powers, the Federal Death Penalty Act, and the Administrative Procedure Act. I assisted with all aspects of the commencement of the suit, including developing the legal arguments supporting our claims, drafting and filing the complaint, drafting and filing a motion for a preliminary injunction, and arguing the motion for a preliminary injunction. The district court entered an order providing limited injunctive relief pursuant to the All Writs Act. The case remains pending, but I withdrew from the case when I accepted an appointment as Principal Deputy Solicitor General.

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16. **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.)

Please see the answers to questions 14 and 15 above. I have never performed lobbying activities.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In fall 2020, I co-taught the Supreme Court and Appellate Advocacy Workshop at Harvard Law School. The course focused on Supreme Court and appellate advocacy through a classroom-workshop approach covering topics such as how to define the issues for appeal, the process of seeking discretionary review, how to draft persuasive briefs, and how to prepare for and deliver an effective appellate oral argument. The course syllabus is attached.

In addition, from time to time I have been asked to serve as a guest speaker at educational institutions on various topics. I have described those lectures in response to Question 12(d) above.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or

customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no arrangements in the future to be compensated for any financial or business interest. Cooley LLP withheld \$61,500 of my partnership income for 2020 as a tax retainer to pay state and foreign taxes on my behalf and attributable to my income earned in 2020 and 2021 while I was a partner at the firm. Any unused amounts will be returned to me following the firm's payment of its cumulative composite tax liability for the relevant years. This arrangement was approved by the Office of Government Ethics and the Department of Justice's Designated Ethics Official.

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

None.

20. **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).

Please see my SF-278 as provided by the Office of Government Ethics.

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

Please see attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts of interest. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's

designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **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 work load, 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Pro bono work has been an essential and incredibly meaningful part of my career. Most recently, during my year as a partner at Cooley, I devoted nearly 750 hours to pro bono projects in federal district court, the federal courts of appeals, and the Supreme Court. For example, as described in my response to Question 15 above, I was part of a team that challenged a discriminatory law in Idaho that barred all women and girls who are transgender from playing school sports in the State and subjected all women and girl athletes to the possibility of invasive examination procedures to verify their sex. I was also part of a team that represented a transgender woman prisoner in Idaho who needed access to medically necessary gender confirmation surgery. As another example, I represented the Federal Capital Habeas Project in a challenge to new manner-of-execution regulations that were finalized in the midst of an unprecedented wave of executions carried out in 2020, including during the presidential transition period. In addition, I represented 47 members of the United States Senate in submitting an amicus curiae brief in the Supreme Court in support of the Affordable Care Act. At several points throughout my career, I have represented indigent prisoners in pro bono cases. I have also supervised associates in the handling of pro bono matters. I have prioritized pro bono work in my practice and found those cases to be among the most rewarding that I have worked on.